Citizens' Alliance

Latin American Toxic-free Environment

STRATEGIC APPROACH TO INTERNATIONAL CHEMICALS MANAGEMENT (SAICM)

A regional overview of SAICM in Argentina, Brazil, and Uruguay

SUMMARY

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Participating Organizations

Taller Ecologista (Argentina) acts from a socio-environmental perspective in the defence and preservation of the environment in an integral way, combining social, political, and economic aspects with respect for human rights. It works to promote sustainable societies that assure current and future generations a dignified and harmonious life with the environment, towards an ecological culture of equality and equity.

Toxisphera Associação de Saúde Ambiental (Brazil) is a non-profit civil society organisation the mission of which is the defence, preservation and restoration of the ecologically balanced environment as well as the defence of living beings and ecosystems; the rational use of natural resources in the protection of health and the environment, the participatory elaboration of science-based legal instruments for the rational management of chemicals and waste, and the adoption of the participatory implementation of international treaties and agreements on health, environment and chemical safety for the achievement of a non-toxic circular economy.

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FICHA TÉCNICA

CIEDUR – Centro Interdisciplinario de Estudios sobre el Desarrollo (Uruguay) (Interdisciplinary Centre for Development Studies) is a non-profit civil society organization that articulates various disciplinary perspectives in the field of social sciences. The institution, founded in 1977 by an interdisciplinary core of professionals guided by the principles of independence, pluralism, and democracy, aims to contribute to the construction of alternatives for sustainable development of the country, promoting research in social sciences, the acquisition of knowledge, dissemination and education aimed at popular sectors, and the responsible and equal citizenship participation, an essential basis for strengthening democracy. The centre subscribes to a perspective concerned with sustainable development, which involves intra and inter-generational commitments in three fundamental areas: ecological, social, and economic. Areas of action of the Development and Environment Area are: River Conventions, Climate Change, Forests, Agroecology, Capacity Building and Technical Assistance and Habitat - Housing – City.

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INTRODUCTION

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INTRODUCTION

This report is a compilation of the rapid research work carried out by collaborators from three non-governmental organisations in the areas of environment, sustainable development and human rights in Argentina, Brazil, and Uruguay.

It presents overviews of Argentina's, Brazil's and Uruguay's existing institutional and legal arrangements, and the conditions and challenges for improving governance and other relevant aspects related to the sound management of chemicals and waste that meet the scope of the non-legally binding multilateral process (regime) established in 2006: the Strategic Approach to International Chemicals Management (SAICM), an "international policy to promote global chemical safety", reflecting the Johannesburg Plan of Implementation (2002) and Agenda 21 (1992). The focus is on the ongoing SAICM Intersessional Process, which aims to update SAICM until 2030.

This is a synthesis of the most relevant elements and information on political scenarios and challenges, common or specific, of a regional nature, which were found in rapid research in these countries. Although this Regional Report is based on the national reports of the surveys conducted in each of these countries, reading these individually may provide more detailed information on the facts and regulations that characterise the chemicals and waste management within the scope of SAICM in these three nations.

The surveys carried out independently in each of the countries were based on a common Terms of Reference. The surveys were conducted in the first quarter of 2021, considering access to existing and publicly available data, interviews and consultations with experts, officers and technicians of government agencies and civil and private sector institutions.

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INTRODUCTION

As these were rapid surveys, not all the issues involved were exhausted, nor were more in-depth details obtained regarding the technical control aspects of chemical safety for the environment and human health. Due to the pandemic and the time and financial limitations of the research, the authors sought to obtain information, data, and analyses only from publicly accessible sources, either from government agencies, academia, and social organizations.

The studies were supposed to focus only on national-level instances, although some countries have sub-national instances.

The themes of the line of research and the national reports followed the Terms of Reference as follows:

1. Regional overview of production, trade and use of chemicals and wastes, notably those that are object of SAICM.

2. Institutional and legal overview of the SAICM implementation process, if any, since 2006 and beyond 2020 (the Intersessional Process ongoing since 2015) in the three countries.

3. Management: Information on opportunities, barriers, and initiatives to engage civil society in SAICM implementation.

This synthesis of national reports seeks to assist civil society awareness raising, mobilisation and advocacy initiatives in building regulation and safe management of chemicals in these countries.

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SAICM PROCESS

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SAICM PROCESS

The safe management of chemicals and waste from the environmental and public health points of view, especially those classified as hazardous, is the subject of some international agreements. It is reflected in national policies and initiatives by the governmental, private, and civil society sectors, in a differentiated manner in the three countries covered by this study (Argentina, Brazil, and Uruguay).

Sage management of chemicals and waste was also addressed in voluntary "agreements" over the past decades, appearing, for example, in Agenda 21 (from Rio-92); in the Johannesburg Plan of Implementation (UN Summit on Sustainable Development, 2002) for the implementation of the commitments adopted at the Rio-92 Conference; in the UN Declaration (Rio+20) "The Future We Want", among others, and in the UN "2030 Agenda" and its 17 Sustainable Development Goals.

It is striking that most of the chemicals that are produced and traded in the world are not regulated globally by legally binding treaties, except for those regulated by the Minamata, Rotterdam, Stockholm, and Montreal conventions, which leaves out of the regulation at global level most of the toxic substances currently on the international market.

In addition, thousands of new chemicals are launched on the market every year without sufficient knowledge of their effects on health and the environment.

At a recent workshop,[1] in Gothenburg, Sweden, Thomas Backhaus, Professor of Ecotoxicology and Environmental Sciences at the University of Gothenburg, said that there are more than 350,000 chemicals currently being marketed globally and 40 new chemicals are being discovered every hour.

[1] https://unitar.org/technical-expert-workshop-criteria-substances-international-concern-beyond-2020. Access March 3, 2021

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SAICM PROCESS

According to Dr Backhaus, national governments need to regulate the production, trade, imports, and exports of these chemicals.
However, even though there may be effective regulation by national states, the chemical conventions in force around the world do not regulate transboundary distribution in international supply chains of substances, products and wastes, and do not capture transgenerational effects and "cocktail" effects.

Recognising this reality, the international community decided to adopt a common, albeit voluntary, commitment to implement global control of chemicals not covered by other existing treaties and agreements, resulting in 2006 in the creation of the Strategic Approach to International Chemicals Management (SAICM),[2] an "international policy to promote chemical safety worldwide", mirroring the Johannesburg Plan of Implementation, with the expectation of effectively implementing it by 2020.
SAICM was then adopted by the International Conference on Chemicals Management (ICCM), SAICM's governing body, to meet the target set out in the Johannesburg Plan of Implementation, agreed at the World Summit on Sustainable Development, Rio+10, which determined that, by 2020, "chemicals should be used and produced in ways that significantly minimise adverse effects on human health and the environment." This is a platform of voluntary commitments that would be fulfilled by the dedicated engagement of governments, industry, research institutions and civil society organisations from the environmental, public health and labour sectors.

The SAICM Global Action Plan for the period 2006-2020 covers five axes of actions: (i) risk reduction; (ii) knowledge and information; (iii) governance: (iv) institutions, legislation, and policies; capacity building and technical cooperation; (v) illicit trafficking of chemicals and hazardous waste.

[2] SAICM. UNEP. https://www.saicm.org/ Access February 25, 2021

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SAICM PROCESS

The Strategy initially identified emerging policy issues for public international and national policies: (a) lead in paint; (b) hazardous chemicals in goods and miscellaneous items of general marketing; (c) nanotechnology; (d) hazardous substances in electro-electronic equipment throughout their life cycle. Subsequently, new emerging policy issues were identified, namely, highly hazardous pesticides, endocrine disruptors, environmentally persistent pharmaceutical pollutants and per- and polyfluoroalkyl substances (PFAS).

Noting that the goals set to be achieved by 2020 would not be met, the ICCM decided in 2015 to initiate a process to review the SAICM goals and its governance and mechanisms to support implementation for the period 2020-2030, the so-called SAICM Intersessional Process/Post 2020. It was envisioned that the fifth meeting of the International Conference on Chemicals Management (ICCM) would be held in 2020 to evaluate the results of the Intersessional Process and to adopt the new strategy, commitments, and actions to be implemented after 2020.

It was also suggested that the issue of waste would be included in the SAICM Intersessional Process, as well as a strengthened emphasis on gender & chemicals.

Due to the constraints of the Covid19 pandemic, the fifth meeting of the ICCM, rescheduled for 2021, as well as the fourth meeting of the intersessional process (IP4), had to be postponed. However, consultations and debates on the Strategy for the next decade continued to take place virtually with the participation of civil society organisations (CSO), especially those that work in defence of collective interests in the areas of health and environment.

On the one hand, holding virtual meetings and consultations in international negotiation processes in theory enabled the participation of many civil society organisations, but

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on the other hand, it became evident that difficulties in accessing appropriate equipment, technologies and connectivity for many became an obstacle to be able to participate in informed and meaningful way.

An immediate challenge, therefore, is for civil organisations involved in policy issues and the environmentally safe management of chemicals and wastes to have access to participation in the process of redefining the Strategy beyond 2020.

Other medium-term challenges include (i) expanding access to and dissemination of information on chemicals and waste management challenges; (ii) expanding CSO capacity to advocate for fundamental rights (health, environment, democratic participation, etc.) associated with or threatened by a lack of responsible chemicals and waste management; (iii) articulating perspectives and initiatives in South America in dialogue with CSOs in other regions to strengthen citizen participation and the governance of SAICM, notably in the current Intersessional Process.

These challenges and issues of safe management of chemicals, besides being relevant from the perspective of human rights and socio-environmental sustainability, are also part of a complex global agenda of commitments, measures and policies adopted by countries and international bodies, such as the Agenda 2030/SDGs - Sustainable Development Goals, addressing the causes and consequences of, among other things, climate change, the gender issue and equity, the recovery of biodiversity integrity and conservation. In view of the above, it is important to understand the status of the South American countries on the issue of safe management of chemicals and wastes in the scope of the SAICM Intersessional Process. It is hoped that this report will contribute to addressing the challenges of participatory governance in this process, by exposing gaps and suggest ways forward.

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REGIONAL OVERVIEW: HIGHLIGHTS

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REGIONAL OVERVIEW: HIGHLIGHTS

3.1 - REGIONAL OVERVIEW OF PRODUCTION, TRADE AND USE OF CHEMICALS AND WASTES, NOTABLY THOSE COVERED BY THE SCOPE OF SAICM

Knowing the volume of the production, trade and use of chemical substances, and the adequate management of waste, especially hazardous waste, is a prerequisite for the establishment of rational policies, so that government agencies and other sectors of society can develop objectives and appropriate instruments for their management.

The rapid research sought access to available data and information on trade and uses of chemicals in each of the countries. However, such access was asymmetric because it depended on the legislation and policies in force for data transparency, on the one hand, and the timing of the study, on the other. Often, access to data has been limited by arguments of confidentiality and protection of economic interests.

In conducting the research, we noted difficulties in finding official information organised according to SAICM's focus on emerging themes for public policies (lead in paints; endocrine disruptors; chemicals in products; nanotechnology; hazardous substances in electro-electronic equipment, highly hazardous pesticides, pharmaceuticals in the environment and polyfluoroalkyl PFAS), possibly due to the fact that data organised in that way does not exist. If non-existent, evaluation of the progress of SAICM implementation for emerging policy issues and other issues of concern in the studied countries is complicated.

In the National Report for Argentina, open data from 2020 on the import and export of highly hazardous pesticides such as glyphosate, atrazine, mancozeb, lead-containing products and Bisphenol A and phthalates could be accessed from the Foreign Trade website.[3]

[3] https://comex.indec.gov.ar/.

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REGIONAL OVERVIEW: HIGHLIGHTS

It was difficult to access much relevant information in this way, as it was necessary to know the customs tariff code of each chemical according to the Mercosur Common Nomenclature, data that is not always available.

In that country, the research indicated that many of the pesticides widely used are included in the list of Highly Hazardous Pesticides (HHAPs)[4] compiled by the Pesticide Action Network (PAN) since 2016. These include, for example:

- Herbicides: glyphosate, atrazine, acetochlor, paraquat.
- Insecticides: chlorpyrifos, cypermethrin, thiamethoxame, lambdacyhalothrin, lufenuron, profenofos, chlorantraniliprole, imidacloprid, fipronil, aluminium phosphate.
- Fungicides: epoxiconazole, zineb, mancozeb.

The above-mentioned pesticides accounted for 30% of Argentina's overall pesticide imports in 2018.[5]

In 2019, still based on the Pesticide Action Network list, 126 highly hazardous pesticides were marketed in the country, 3 of them used in industrial activities and the rest in intensive and extensive agricultural activities. The report reveals the following uses: 51 are insecticides or acaricides, 10 are used only as acaricides, 27 used only as herbicides, 20 as fungicides, 5 as biocides, 2 as plant growth regulators, 2 as nematicides, 3 as rodenticides, 3 for seed treatment.

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[4] http://pan-international.org/pan-international-consolidated-list-of-banned-pesticides/
[5] Own analyses on data obtained from: https://www.ciafa.org.ar/info-fitosanitario-mercado (imports of fungicides 2018)

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REGIONAL OVERVIEW: HIGHLIGHTS

In Brazil, the main official source of data on imports and exports of chemical substances is the Alice-Web platform of the Ministry of Industry and Trade for public consultation on imports and exports, replaced by the ComexStat[6] platform in 2018. A quick consultation of ComexStat, typing the MCN code of the substance triclosan, for example, shows that Brazil imported 1,325 kilograms from China in 2019, and in 2020, 10,450 kilograms. Triclosan is a known endocrine disruptor banned in several countries. The platform is quite useful, however, the search is time-consuming if the intention is to search for many substances, as it is only possible to consult them individually. The researcher must use the codes of each chemical substance in turn to obtain the annual quantities one by one. As this report is based on rapid research, it was not possible to conduct a comprehensive search on the platform.

Brazil does not have a consolidated public register of chemical substances that contains not only data on imports and exports, but also on production, trade, risk assessment and substance intrinsic hazard profile.

When it comes to pesticides, ANVISA is the public agency that publishes the regulations[7] and is responsible for authorising the release of products onto the market and issuing assessments for the environmental and agricultural areas. With the relaxation of the rules for releasing pesticides since 2019, 475 new pesticides were authorized in 2020, and in 2021, 150 had already been authorized until the date of completion of the research on this specific topic.[8]

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[6] BRAZIL. Ministry of Economy. Comex Stat - Exportação e Importação Geral (mdic.gov.br http://comexstat.mdic.gov.br/pt/geral Access Feb 25, 2021

[7] https://www.gov.br/anvisa/pt-br/assuntos/regulamentacao/legislacao/bibliotecas-tematicas/arquivos/agrotoxicos.pdf

[8] https://reporterbrasil.org.br/2020/05/96-agrotoxicos-sao-aprovados-durante-a-pandemia-liberacao-e-servico-essencial/

REGIONAL OVERVIEW: HIGHLIGHTS

Brazil also does not have a system equivalent to the PRTR (Pollutant Release Transfer Register), although there was an official PRTR website (www.retp.gov.br) some years ago, but it no longer exists. The PRTR is a key tool for governments to provide the public with data on the identity and amount of chemicals in use and pollutants released into the air, water, and soil, and treated or disposed.[9] The PRTR meets Principle 10 of the Rio+20 Declaration, on the right to access to information, participation, and justice in environmental matters, as well as supports monitoring the chemicals regulated by the Stockholm and Minamata Conventions. The PRTR should be one of the priorities of the Ministry of the Environment and Ministry of Health, but unfortunately on their websites there are no publications or information notes that could indicate any action or intention. This shows that up to the closing date of this report there was no public policy in place to implement PRTRs in Brazil, with no technical data available.[10]

Given limited government sources of data on production, trade, imports, and exports of chemical substances, the ABIQUIM (Brazilian Chemical Industry Association) website was consulted.[11] ABIQUIM estimated that a record import (in quantity of products) would be registered in 2020: approximately 50.4 million tons, against an export of 14.3 million tons. Such quantities represent, notwithstanding the atypical year of the Covid-19 pandemic, increases of 5.8% and 2.8% in imported and exported quantities, when compared to the respective 2019 totals.

In November 2020, the president of the industries association said that the worst effect of the decline in economic activities by the pandemic had already been overcome, but that the year 2021 would present challenges for recovery in the sector.[12]

[9] https://www.oecd.org/chemicalsafety/pollutant release-transfer-register/
[10] https://www.gov.br/mma/pt br/@@search?SearchableText=RETP
[11] https://abiquim.org.br/comunicacao/noticia/9254
[12] https://abiquim.org.br/comunicacao/noticia/9254

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REGIONAL OVERVIEW: HIGHLIGHTS

According to the department of Economics and Statistics of ABIQUIM "*there is still a general inventory replenishment in several chains, besides a conjunctural increase of the demand for chemicals not only in Brazil, but also in the international market*".

Regarding the management of hazardous waste, Brazil has created the National Implementation Plan for Persistent Organic Pollutants (POPs) to meet the requirements of the Stockholm Convention on POPs and has published the "National Inventory of Stocks and Wastes of POPs used as Pesticides and Other Related Uses". Apparently, the Plan has not been implemented indicating that there are no government actions currently in place to control POPs chemicals.

As for the Minamata Convention on Mercury, the government has not published the outcomes of the mercury inventory project (MIA), started in 2017, preventing the public from accessing the report.

In Uruguay, the production of chemical substances in general, and of substances classified as POPs (Persistent Organic Pollutants), is insignificant. Most substances consumed in the country are of foreign origin. In some cases, the substances are used in industrial processes, or eventually distributed for sale in the domestic market. When it comes to regulation of the domestic market, apart from some specific exceptions such as explosives, restricted use medicines, narcotics, and drug precursors (Law No. 14.294, Law No. 16.034, Decree No. 761/987), the access, purchase and use of hazardous substances are not widely restricted or controlled.

At the retail level, the purchase of hazardous substances is relatively straightforward as no authorisation, specific training or technical recommendation is required, with little or no requirement for manufacturers or suppliers for providing hazard information to downstream users. Thus, the marketing of substances at both

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retail and wholesale (bulk) levels is an aspect of the life cycle and management of chemicals that still needs to be regulated and developed. The regulation of waste management, in particular hazardous waste, is still in its infancy (2006, Uruguay National Implementation Plan, Stockholm Convention on Persistent Organic Pollutants).

Chemical and pharmaceutical products ranked fifth and sixth in imports in 2018, with values of US$279 million and US$271 million respectively (out of a total of US$7,635 million, representing 7.2% of the total).

In recent years, different initiatives have been developed to improve the management of various waste streams, among them the management of solid hospital waste, lead acid batteries and the regulation of industrial waste and agro-industrial services. The major limitation is the lack of adequate infrastructure for the treatment and disposal of hazardous waste.

According to the report "Los Plaguicidas Altamente Peligrosos (PAP) en Uruguay" by the Red de Acción en Plaguicidas y sus Alternativas para América Latina (RAPAL) (2020)[13], pesticide consumption in Uruguay increased from 1,762 tons to 3,650 tons between 1990 and 2000. In 2014, consumption reached 25,845 tons. Imports of glufosinate ammonium to eliminate glyphosate-resistant weeds also increased during the period. According to data obtained from the above-mentioned report, 81 highly dangerous substances or active ingredients are found in Uruguay, and form part of the list of HHPs drawn up by the Pesticide Action Network (PAN - Pesticide Action Network).[14] The list considers "the criteria of acute toxicity, long-term effects, environmental toxicity", and "whether the active ingredient is included in any international environmental convention".

[13] Rapal– Uruguay (2021). Salud y Ambiente Plaguicidas Altamente Peligrosos y Convenio de Estocolmo. Presentación por Mascaró, M. en el Seminário *Diálogos Ambientales. 2021*, Cultura Ambiental de Uruguay, Montevideo, Uruguay

[14] https://pan-international.org/wp-content/uploads/PAN_HHP_List-es.pdf

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widely used for vegetables, agricultural crops, fruit and by the forestry industry, the study says.

On the use of sulfluramid

The sulfluramid-based ant killer degrades in the environment into PFOS (perfluorooctane sulfonate), a toxic, persistent and bioaccumulative pollutant, subject to regulation and restriction at the global level by the Stockholm Convention on Persistent Organic Pollutants (POPs).

According to data obtained from the Ministry of Livestock, Agriculture and Fisheries (MGAP), in Uruguay there are 4 registrations of sulfluramid-based ant killer authorizing the free sale of the product.

The concern of civil society organizations is the danger this substance represents to human health and the environment.
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3.2. INSTITUTIONAL AND LEGAL OVERVIEW: SAICM IMPLEMENTATION PROCESS SINCE 2006 AND THE BEYOND 2020 PROCESS (THE INTERSESSIONAL PROCESS) IN THE THREE COUNTRIES

3.2.1 – INSTITUTIONAL OVERVIEW

In the three countries studied, there are government environmental agencies with responsibility for environmental quality and other various responsibilities for managing programs and policies associated with multilateral conventions and the safe management of chemicals and waste. Often, agencies from other areas (agriculture, health, trade) also intervene in such measures or participate in management bodies and systems under multilateral agreements and programmes (such as SAICM).

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However, based on the information collected and the analyses made by the technicians involved in this research, we concluded the political commitment and attention needed to address the seriousness of the environmental, health and economic implications resulting from the lack of proper management of hazardous chemicals and waste is insufficient.

ARGENTINA

In Argentina, implementation and follow up the SAICM issues of concern is the responsibility of the National Board of Chemicals and Products, linked to the Secretariat of Environmental Monitoring. The Board and the Secretariat belong to the Ministry of Environment and Sustainable Development of the Nation.

This National Board of Chemicals and Products is primarily responsible for proposing and implementing actions and tools on hazardous chemicals management throughout their life cycle, to minimise their adverse effects on health and the environment. This Board is also responsible for the effective implementation of commitments made within the framework of multilateral environmental agreements on chemicals and waste and in other international forums, such as the Strategic Approach to International Chemicals Management (SAICM), the Forum of Environment Ministers of Latin America and the Caribbean, and MERCOSUR's Working Group 06 (SGT N°6) on this agenda.

The main challenge for this Board is to increase the benefits of chemicals while preventing, minimising or even eliminating the negative impacts of hazardous chemicals and their waste. In 2019, the Interministerial Roundtable on Chemicals and Chemical Products[15] was created with the aim of articulating and coordinating policies in this area.

[15] https://www.argentina.gob.ar/ambiente/control/mesa-interministerial

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REGIONAL OVERVIEW: HIGHLIGHTS

There is a certain degree of coordination between the different agencies of the Argentine State involved in the issue of chemicals through the regular meetings of the Interministerial Roundtable on Chemicals.

Regarding effective participation in the intersessional negotiation process for the SAICM beyond 2020, with a view of overcoming regulatory and programmatic gaps, and promoting better management of chemicals, the Ministry of Foreign Affairs responded our consultation in February 2021 on its role in SAICM as follows: "*During 2020 and due to the restrictions imposed by the COVID-19 pandemic, the Board of Environmental Affairs (DIGMA) of the Ministry of Foreign Affairs, International Trade and Worship of Argentina (MRECIC), participated in the different virtual meetings convened by the SAICM Bureau (June 17, September 9, October 28), representing the Group of Latin American and Caribbean Countries (GRULAC).*"

Argentina was a member of the GRULAC in the SAICM Bureau, coordinating the regional position, although in 2021 the transfer of the position of the previous member was in process.

According to the February 2021 reply by the Ministry of Environment and Sustainable Development on its participation in SAICM, the Ministry's National Board for Chemicals serves as the focal point together with the Board of Environmental Affairs of the Ministry of Foreign Affairs, and they participated in the four virtual Working Groups created to advance the post-2020 strategic agenda for chemicals and waste management, and stated that "*all official documentation submitted by participants to the virtual working groups, including the list of participants, can be consulted on the Internet.*"[16]

It was also said that each group presented contributions to what was negotiated at the last conference (IP3),

[16]. http://saicm.org/Implementation/FocalPoints/tabid/5461/language/en-US/Default.aspx

and that Argentina and the region called for a formal consultation process to validate the results achieved by each of the groups. It was also stressed that the working groups have no decision-making powers, and, thus, policy decisions can only be deliberated at the face-to-face meeting of IP-4 or ICCM-5.

In addition, three countries of the region are also part of a subgroup created at the request of ICCM Bureau, working on a high-level declaration[17] to support the new SAICM approach by all countries. One of the objectives of this subgroup is to draft a declaration similar to the Dubai declaration and that incorporates fulfilment of the Sustainable Development Goals, the 2030 Agenda for Sustainable Development, among other international agreements.

BRAZIL

In Brazil, until 2019, key ministries, agencies and public institutions involved in SAICM issues were also members of the National Chemical Safety Commission (CONASQ): Ministry of Environment; Ministry of Health; Ministry of Industry and Foreign Trade; Ministry of Foreign Affairs; Ministry of Agriculture, Livestock and Supply, Ministry of Labour, Ministry of Mines and Energy, Ministry of National Integration - National Board of Civil Defence; Ministry of Transport; Ministry of Science and Technology, Brazilian Institute of Environment and Renewable Natural Resources (IBAMA), National Surveillance Agency (ANVISA), National Petroleum Agency (ANP), FUNDACENTRO (foundation linked to the now extinct Ministry of Labour), and FIOCRUZ (foundation linked to the Ministry of Health). Two public universities were also participating, University of Brasilia and Federal and University of Rio de Janeiro, one representative of the workers' unions, one representative of civil society and one representative of chemical industry. The Ministry of Environment is the technical focal point to coordinate the implementation of multilateral agreements on chemicals and

[17] http://www.saicm.org/Beyond2020/IntersessionalProcess/HighLevelDeclarationInformalDraftingGroup/tabid/8620/language/en-US/Default.aspx

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environmental quality. According to the national legislation and attributions foreseen for the bodies of SISNAMA - National Environmental System, collegial bodies (such as CONAMA - National Environmental Council) and environmental agencies of the states and municipalities have, potentially, additional obligations of regulation and surveillance.

Since the beginning of President Bolsonaro's administration in January 2019, there has been a regrettable gradual dismantling of federal agencies, drastic reduction of spaces for the participation of civil society and elimination of collegial bodies; budgetary strangulation; harassment of civil servants, including in the areas of environmental inspection and control; relaxation of sanction procedures for violations against the environment; criminalization (false accusation) of activists and environmental organizations. In addition, the MMA servers that should provide technical assistance to diplomats have been prevented from providing technical guidance to the Ministry of Foreign Affairs that heads the Brazilian delegations in international meetings, according to information obtained at the end of 2019. It is important to mention that the National Environment Council - CONAMA has been reduced (2019) in number of members, CSOs have lost many seats and the right to appoint their representatives by election, rather are now chosen by lottery by the government. Most environmentalist CSOs qualified for CONAMA have been refused to participate under these conditions. The Council already suffered serious imbalance in the distribution of seats among different sectors under previous Governments, but after 2019 it completely lost its already small capacity to take decisions in a minimally democratic way.

In this context, the management of chemical safety issues disappeared from the MMA's new structure. In fact, as of 2020, with Decree No. 10,455/2020, the

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REGIONAL OVERVIEW: HIGHLIGHTS

MMA's administrative structure in relation to chemical safety management was drastically dismantled. Currently there is an Environmental Quality Administration, organized into three departments: waste and soil quality management; air and water quality management; environmental land management, with almost no delivery of results to Brazilian society, as verified on the ministry's own website. The topic "chemical safety" has explicitly disappeared from the structure, although it remains a legal remit of the MMA. The MMA website, redesigned in December 2020, did in February 2021, not present the topic as an area of work of the Ministry of Environment, even less did it present records of the actions and initiatives performed before the Bolsonaro government.

A very serious fact was the termination of the National Commission on Chemical Safety - CONASQ, created by Ministerial Ordinance no. 319/2000, which had among its competencies to follow-up the negotiation, ratification, and implementation of international chemical treaties in Brazil. CONASQ was coordinated by the MMA, while the Ministry of Health acted as vice-coordinator. It was composed of 22 public sector institutions, with one seat for the private sector, one for environmentalist CSOs, one for workers and one for academia. Although there was no balance of representation among the sectors in its composition and it needed regulatory improvement, CONASQ was the only existing multi-institutional and multi-sectoral coordination mechanism in Brazil for this important agenda.

CONASQ's functions have made it an interesting political and creative space for dialogue and transparency between the different actors interested in the relationship between chemical treaties and public policies.

The Commission was a reasonable mechanism of multisectoral articulation for the promotion of the adequate

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management of chemicals, in the sense that it sought the strengthening, dissemination and development of intersectoral actions related to chemical safety. The Commission created several working groups that produced some positive results, until its termination in 2019.

Although the Ministry of Environment (MMA) informed on its website[18] that Brazil would have a National Chemical Safety Policy by 2021, there are no actions or information about any national policy.

Still within the scope of CONASQ, it is important to mention that years before its extinction, its members had conducted intense processes of intersectoral dialogue and consultations to formulate a legislative proposal for the creation of a National System for the Control of Chemical Substances. This process of formulating the Bill lasted a few years and culminated in consensus support from all representatives of the federal government, chemical industry (ABIQUIM), workers (CUT) and environmentalists (FBOMS). Unfortunately, the higher instances of the federal government, at the time and after 2019, did not support the proposal, which was never sent for consideration by the National Congress.

In this context of radical change in the administrative structure of the MMA, and interruption of dialogue with representatives of civil society and workers, the current policy of the federal government has been to cancel definitively the processes of participatory formulation of public policies for the implementation of international treaties and agreements.

[18] "*The Ministry of Environment (MMA) has the important role of drafting and implementing the National Chemical Safety Policy, expected to be delivered by 2021. This will ensure that chemicals are produced and used responsibly, minimising adverse effects on the environment and human health. Pollution prevention and control are among the priorities of the Ministry of Environment.*" https://antigo.mma.gov.br/seguranca-quimica.html Access Feb 2, 2021

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URUGUAY

In Uruguay, the Ministry of the Environment is responsible for the execution of the national environmental policy, environmental management, sustainable development and conservation and use of natural resources.

As for the SAICM implementation and monitoring process, there is currently no clear mandate. No updated information is available on the focal points for the four conventions. These focal points are the head of the former Ministry of Land Management and Environment (now the Ministry of Environment), together with representatives from the Ministry of Health, who were the representatives in previous meetings of SAICM.

In the scope of the Third Meeting of the Open-Ended Working Group on the Strategic Approach to International Chemicals Management (OEWG3-SAICM), held in Montevideo in 2019, Uruguay proposed to merge the international conventions on chemicals to strengthen the efforts against pollution.

At the meeting, the Minister of Public Health pointed out that the World Health Organization's roadmap contains aspects that indicate "*the close relationship between the chemical industry and the health sector, since chemicals constitute a significant part of avoidable environmental impacts and are responsible for more than 25% of global disease occurrence*." Therefore, he considered necessary for the health sector to address a large part of the consequences of unsafe and irrational use of chemicals, since this sector is responsible for the care of exposed peoples and communities, workers, and families. The health sector encompasses prevention and management of exposure to chemicals and should carry out monitoring of pregnant women and protection of foetuses from exposure to harmful substances, management of chemical emergencies, care of other vulnerable groups and of exposed workers.

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According to him, generating knowledge about the risks to human health is also part of the responsibility of the industry. In these cases, the aim would be to optimise the production and use of chemicals by 2020 to minimise adverse impacts on human health and the environment.

3.2.2 – LEGAL FRAMEWORK OVERVIEW

The specific reports of Argentina, Brazil, and Uruguay present information on the main domestic regulations of each country for the compliance with the commitments of global and binding multilateral regimes relevant to chemical substances and wastes.

3.2.2.1 – LEGALLY BINDING MULTILATERAL REGIMES

Argentina, Brazil, and Uruguay are Parties to the main multilateral regimes that deal, with distinct focuses, with chemical substances and/or waste, with emphasis on:

- The Minamata Convention on Mercury, negotiated between 2009 and 2013, now in force.
- The Rotterdam Convention on the Prior Informed Consent Procedure (PIC) Applied to Certain Hazardous Chemicals and Pesticides in International Trade, adopted in 1998 and in force since 2004.
- The Stockholm Convention on Persistent Organic Pollutants (POPs), adopted in 2001, in force since 2004.
- The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, drawn up in the second half of the 1980s and in force since the early 1990s. As of the date of completion of this report, Brazil had not yet ratified the Amendment to the Convention adopted in 1995, in force since 2019.
- The Vienna Convention and Montreal Protocol, both from the 1980s.

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3.2.2.2 - MOST RELEVANT NATIONAL LEGISLATIONS ON SAICM

ARGENTINA

In Argentina, laws and other regulations exist for the issues and challenges of control and management of various substances, corresponding to the global multilateral agreements to which the country is a party. For example, the Basel Convention had an impact on the rapid enactment of the National Law on Hazardous Waste No. 24051, its Regulatory Decree No. 831/93, and Decree No. 181/92, which facilitated the rational ordering, circulation, control, and management of hazardous waste, and prohibited its entry into the country.

There are other specific laws on PCB issues, toxic metals and contaminated areas with reference to SAICM elements, listed in the National Report on Argentina. There is a programme for the Integral Management of Contaminated Areas (PROSICO), created by Resolution 515/06 of the Secretary of Environment and Sustainable Development (Argentina), but to date no published reports of achievements, if any, have been found.

It can be observed that there is a promotion of nanotechnology development, yet no assessment of its impacts. Argentina participated in ICCM (International Conference on Chemicals Management) meetings that also dealt with nanotechnology issues. But looking at the outcomes of the meetings, the SAICM recommendations and ICCM decisions were not followed in practice by the Argentine government. The Argentine government notes that the country stands out in Latin America for its research and development in this area and has guidelines for the development of nanotechnology. However, there is a lack of public participation in nanotechnology policies, as well as a lack of support for studies on the risks to health and the environment, and few regulations.

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Regarding bisphenol A, phthalates, chlorinated pesticides, dioxins and furans, PCBs, endocrine disrupting substances or groups of substances, there is no national programme for identifying them and promoting their management and elimination. Legislation restricting or banning the use of some of them can be found, but only in specific products, or in response to international campaigns, such as the case of bisphenol A.

On the preparation, registration, trade, and control of phytosanitary/pesticides products used for crop protection, growth, and development, there is a draft Bill that in its Chapter II, Article 06, Subparagraph "d" states that:

> *"The classification process for phytosanitary/pesticides products under evaluation for approval or revalidation should assume as a minimum standard the criteria for 'Highly Hazardous Pesticides' agreed by the WHO/FAO Committee on Hazardous Chemicals."*

What could be identified is the Resolution No. 456/09, issued by the Ministry of Health of Argentina in 2009, article 05 of which prohibits the import, production, marketing, and use of the active ingredient chlorpyrifos in household sanitary products formulations, except in baits with child-resistant packaging.

Also, the National Health and Agri-Food Quality Service (Senasa) issued Resolution No. 263/2018[19] prohibiting the manufacture, import and fractionation of the active substances carbofuran, carbosulfan, diazinon, aldicarb and dicofol (currently listed as a POP) and their formulated products, which are used for soil seeds. The formulation of 10% carbofuran granules is exempted from this ban.

[19] https://www.argentina.gob.ar/noticias/el-senasa-prohibio-la-utilizacion-de-cinco-sustancias-activas

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REGIONAL OVERVIEW: HIGHLIGHTS

BRAZIL

Regarding the SAICM emerging policies issues on lead in paints, chemicals in products, nanomaterials, hazardous substances in electronics, endocrine disruptors, highly hazardous pesticides, pharmaceuticals in the environment, PFAS, there is very little to report:

- Lead in Paints: In Brazil the 2008 Law establishes a maximum allowed limit of 600ppm in decorative paints and paints for children. The limit is very high, considering that the safety reference is 90 ppm. The law was published with several flaws that required a regulatory decree to make it enforceable, but the federal government did nothing. Two years later, in 2010, Toxisphera and APROMAC (CSOs), continuously and for several years thereafter, requested the Federal Public Prosecutor's Office (MPF) to demand a regulatory decree from the federal government to determine which authority would be competent to execute the requirements of the law, and to clarify the details of enforcement. Finally, after contesting two attempts by the MPF to dismiss the CSOs' request, only in 2017 the MPF filed a lawsuit against the Federal Government. That same year, the coordination of the National Commission on Chemical Safety (CONASQ) created a working group to collaborate with the lawsuit, prepare a draft decree to regulate the current law and, also propose a new law with more restrictive limits. Although Decree 9315 was published in March 2018, in response to the lawsuit, so far there are no enforcement actions by the designated competent body, INMETRO (National Institute of Metrology, Quality and Technology). The last official market research on the paints was conducted in 2016 in Brazil. No action has been taken by the Brazilian government to update the law.

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- Electrical and electronic products: The management of chemicals in electrical and electronic products was the subject of a draft resolution prepared for CONAMA (National Environment Council) by a working group formed by the National Commission on Chemical Safety (CONASQ) in 2018, therefore, just before its termination in 2019. The aim of the draft resolution was to implement the RoHS Platform in Brazil, banning toxic substances in these products, avoiding the generation of hazardous waste and the human and environmental contamination throughout the product life cycles. Regrettably, the proposal was never sent to CONAMA by the Ministry of Environment, although all interested sectors of industry, civil society, workers, and government had reached consensus.

- Nanotechnology: There are no public policies that address the assessment of risks and impacts on the environment and health in relation to nanomaterials and their waste, as well as no specific legislation.[20]

- Pesticides, endocrine disruptors, pharmaceuticals in the environment, PFAS: There is no comprehensive legislation, except for the regulation of pesticides. Environmental and health protection is in danger of being extinguished, as the House of Representatives recently approved a bill that, among other changes, eliminates the participation of ANVISA and the Ministry of Environment in the analysis and perspectives of public health and environment integrity, respectively, for pesticides registration process. It will be up to the Federal Senate to make the final decision on the approval or rejection of this bill.

[20] https://www.researchgate.net/publication/314304373_O_SISTEMA_JURIDICO_BRASILEIRO_E_O_DESCARTE_DE_NANOMATERIAIS

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- Hazardous chemicals in articles: few substances in articles are regulated in Brazil, and only those that the law requires to be regulated.

When it comes to waste, the National Solid Waste Policy Law (Law No. 12305/2010) regulates the management of some hazardous waste. And the Brazilian Standard NBR 10004 (non-binding rule) classifies waste into three categories (classes): I- hazardous; II - non-hazardous, being II-A non-inert and II - B inert. The Class I considers factors such as flammability, corrosivity, reactivity, toxicity, and pathogenicity. The few existing public policies, prior to the Bolsonaro government (2019), were not progressed in the last years.[21-22]

It is worth mentioning that in 2010, as a result of the Brazilian legislation (Decree No. 7.404/10, art. 71), the National System of Information on Solid Waste Management (SINIR) was established, under the coordination of the Ministry of Environment. Among other functions, it should (i) "periodically make available to public the report of the solid waste situation in the country, through the National Inventory of Solid Waste; and (ii) aggregate the information under the competence of the Union, States, Federal District and Municipalities." SINIR is one of the instruments of the National Solid Waste Policy (PNRS), but there is little activity at present on the official website.

There are also several other laws, resolutions and standards that address the topic of hazardous waste. However, as already mentioned, since 2019 there is no national government coordination focused on the Brazil's obligations regarding international treaties (Stockholm Convention on POPs, Minamata Convention, SAICM and others). It is worth noting that even before 2019 the chemical safety coordination was receiving little support within the ministry of environment.

[21] https://www.otempo.com.br/politica/entidades-protestam-contra-edital-que-incentivaria-incineracao-de-lixo-em-mg-1.2516036
[22] https://oglobo.globo.com/um-so-planeta/energia-partir-do-lixo-brasil-tera-cronograma-de-leiloes-partir-de-setembro-25040152

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REGIONAL OVERVIEW: HIGHLIGHTS

Life cycle management of substances mentioned in the SAICM emerging policy issues (lead in paints, endocrine disruptors, pharmaceuticals, nanomaterials, pesticides and others) need to regulated, but has not received much attention in the past (with the exceptions mentioned), and currently virtually gets no attention at all at the federal level.

As an example, the CONAMA Resolution Number 313 of 2002, which provides for the National Inventory of Solid Industrial Waste, states in its first article that "*The waste existing or generated by industrial activities shall be subject to specific control, as an integral part of the environmental licensing process.*" This Resolution also defines that companies that operate in the sectors of leather preparation and manufacture of leather artifacts, travel goods and footwear; coke production, petroleum refining, nuclear fuels production, and alcohol production; chemical products manufacture; basic metallurgy; manufacture of metal products, excluding machinery and equipment, among other segments, are obliged to present an inventory of residues. There are many flaws in its implementation.

CONAMA Resolution No. 313/2002, article 3, also determines that "*the electric power concessionaires and companies that have materials and equipment containing Polychlorinated Biphenyls - PCBs must present to the state environmental agency the inventory of these stocks, in the form and term to be defined by the Brazilian Institute of Environment and Renewable Natural Resources – IBAMA.*" Although inventories should be conducted and updated every two years, no platform containing open data was located, indicating that such inventories most likely do not exist.

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Another example stems from Federal Decree No. 97634 of 1989 and IBAMA Normative Instruction 8/ 2015, which regulates basic elements of the production, importation, and domestic trade of metallic mercury, and requires prior registration of these producers, importers, and traders with IBAMA. No information was found on the IBAMA website on authorisations granted or in progress, quantities imported and commercialised and purposes of use, leading to the conclusion that these activities are not being monitored or inspected.

At the time of this research, data on the flow and quantity of solid waste per municipality is published by the federal government only up to 2017. There is information on take back schemes already implemented for some categories of hazardous waste, but the information and data available do not allow inferring the details of the waste management situation. There are several individualised pages for hazardous waste on the website, but discrepancies: some have no collection and treatment data, while others are more advanced. Information in general for these kinds of wastes has not been updated since 2020.

Finally, the normative and institutional framework applicable to the prevention of risks and impacts that should give support to the management of chemicals and waste is politically disarticulated and has significant gaps with respect to the complexity of the federative structure of the country and the common competence for environmental protection and pollution control by the governments of the Union, the States, the Federal District and the municipalities.

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URUGUAY

Although Uruguay's environmental legislation on the management of POPs and chemicals in general has developed in recent years, there are still many gaps that need to be filled for the effective implementation of SAICM. The following regulations in force stand out: Decree No. 434/2011 that prohibits the entry of endosulfan into Uruguay, as well as its agricultural, industrial, sanitary, domestic and other uses; Decree No. 68/2011 that does the same with chlordecone, alpha hexachlorocyclohexane and beta hexachlorocyclohexane; Decrees No. No. 427/007 and No. 37/015 approving the MERCOSUR Technical Regulation prohibiting the use of lindane in personal and household hygiene products; Decree No. 260/007 "Use of non-returnable containers"; Decree No. No. 182/013 "Regulation for the environmentally correct management of solid industrial and similar waste"; Decree No. 152/013 "Regulation for the environmentally correct management of waste derived from the use of chemical or biological products in agricultural, horticultural and forestry activities"; Decree No. 307/009 and its amendments establishing the minimum requirements for the protection of the health and safety of workers who may be exposed to chemical agents, among others.

3.2.2.3 - GLOBAL HARMONISED SYSTEM, POLLUTANT REGISTER, AND OTHER STANDARDS

The Globally Harmonised System of Classification and Labelling of Chemicals (GHS), according to its website,[23] "applies to *all chemicals, except those regulated by their own laws or regulations, i.e., pharmaceuticals, food additives, cosmetic articles, and pesticide residues in food. The system is concerned with and addresses those who consume or are exposed to chemicals, the workers who produce, transport and market them and those in emergency."*[24]

[23] http://ghs-sga.com/?lang=pt-br Access May 3, 2021
[24] GHS. http://ghs-sga.com/?lang=pt-br Access May 3, 2021

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The GHS has its origins, in part, in Agenda 21, the plan of action to facilitate and accelerate the transition to sustainable development before the start of the 21st Century, signed at the United Nations Conference on Environment and Development (Rio 92). Its Chapter 19 is about the global management of chemicals. It was only in 2003 that the first these wastes has not been updated since 2020.

Finally, the normative and institutional framework applicable to the prevention of risks and impacts that should give support to the management of chemicals and waste is complex, disjointed and has significant gaps, in view of the federative structure of the country and the common competence for environmental protection and pollution control by the governments of the Union, the States, the Federal District and the municipalities edition of the GHS guidance, known as the Purple Book, was published.

In Argentina, the implementation of the GHS is currently mandatory in workplaces. All companies and institutions where hazardous chemicals are handled must comply with Resolution No. 801/2015 of the Superintendence of Occupational Risks (SRT).

In Brazil, according to the Federal Decree No. 2657/1998 that enacts Convention No. 170 of 1990 of the International Labour Organisation (ILO), concerning Safety in the Use of Chemicals at Work, it has been compulsory to classify and label all chemicals since 1998. This Decree was replaced by the Federal Decree No. 10.088 /2019, which seeks to consolidate, in the form of its annexes, "*the normative acts issued by the Federal Executive Power that provide for the promulgation of conventions and recommendations of the International Labour Organization.*"

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In 2011, the Ministry of Labour and Employment (now terminated) published through Ordinance No. 299, the amendment of Regulatory Standard 26 (NR-26), making it mandatory that:[25]

- All chemicals used in workplaces shall be classified.
- The packages shall be properly labelled.
- The chemicals shall have the respective MSDS (Material Safety Data Sheet, FISPQ in Portuguese) in accordance with the criteria and procedures defined by the Globally Harmonised System of Classification and Labelling of Chemicals (GHS).
- The aspects related to classification, labelling and MSDS shall meet the provisions of the official technical standard in force.
- Despite this, many Brazilian companies still do not meet the requirements of this Regulatory Standard.

In Uruguay, during the period of the rapid research carried out based on secondary sources of information, a consolidated set of standards for mandatory compliance with the Global Harmonised System was not identified.

Regarding a Public Pollutant Register, in Argentina there is a list of existing, restricted, and prohibited substances in the country, based on the year 2019, according to Resolution No. 192/2019. The first version was developed through an initial survey conducted by the Directorate of Chemical Substances and Products of the Secretariat of Environmental Control and Monitoring, with input from national government agencies.

[25] https://www.chemicalrisk.com.br/ghs-no-brasil/ Access June 2, 2021

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3.2.2.4 EXAMPLES OF COURT DECISIONS

The research in Argentina showed that the Supreme Court of Justice of the Nation, in its leading case "MENDOZA BEATRIZ y OTROS c/ ESTADO NACIONAL y OTROS - DAÑOS Y PERJUICIOS", included the issue of pollution from industrial waste. Within the original jurisdictive scope of the case was the clean-up of the Matanza Riachuelo water basin. The Court ordered a survey of industries, identifying the polluters and ordering them to present effluent treatment plans. There have been two recent developments:

- The first, in January 2021, was a decision by Judge Acosta of the city of Rosario, Province of Santa Fe, in favour of reopening a criminal case against a petrochemical company and its representatives, mentioning the Basel Convention.

- The other case was dated 26 February 2021, pending before the Federal Court N. 01 of San Nicolás, province of Buenos Aires, in the case "ASOCIACION CIVIL PROTECCION AMBIENTAL DEL RIO PARANA CONTROL CONTAMINACION Y RESTAURACION DEL HABITAT y OTRO c/ CARBOQUIMICA DEL PARANA y OTROS - AMPARO", where CARBOQUIMICA was ordered, among others, to adapt the structure and procedures for the treatment of its industrial waste including liquid and gaseous effluents.

3.3 GOVERNANCE

In this Regional Report, relevant elements and syntheses extracted from the National Reports were pointed out with respect to the institutional and legislative contexts of each country studied. The researchers also considered, notably from dialogues in several joint meetings, the analyses and

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information based on the experience and work, previous or ongoing, of their respective organizations in relation to the implementation of national and regional public policies, as well as multilateral agreements. These dialogues considered the challenges of environmental management with a focus on national and international SAICM processes.
Two international agreement processes, among several existing ones, in addition to SAICM, are especially relevant for Latin American countries to address the challenges of providing and having democratic governance, that is, effective participation of stakeholders from different sectors of society, transparency of decision-making processes and access to information on chemicals and waste management, notably those of interest to SAICM:

a. A voluntary process (soft law): the 2030 Agenda, notably through the SDGs - Sustainable Development Goals 16 and 12, with national implementation and regional follow-up through the annual Latin American and Caribbean Forums for monitoring the progress of the Agenda's goals. In this regional intergovernmental space there is possibility of different groups from civil society, academic institutions, labour unions to participate.

b. A regional, legally binding regime, the Escazú Agreement, is the Latin American and Caribbean Regional Agreement on Access to Information, Participation and Justice in Environmental Matters. Based on Principle 10 of the Rio de Janeiro Declaration and negotiated between 2012 and 2018, the Agreement entered into force on 22 April 2021 for the countries that

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ratified it, including Argentina and Uruguay. Although Brazil has signed this treaty, its ratification face resistance from its government.

Regional political fora, for example, GRULAC - Group of Latin American and Caribbean Countries, are spaces that should provide the joint construction of common positions by facilitating the dialogue among stakeholders in international processes such as SAICM; and strengthen the synergy between the national and regional initiatives to advance regional chemical safety policies.

The three countries studied in this report (Argentina, Brazil, and Uruguay) are members of regional governmental forums such as the GRULAC, PARLASUR and MERCOSUR. However, as these are spaces for intergovernmental positions, the opportunities for civil society to participate are limited. In addition, national interlocutor mechanisms that provide space for direct dialogue between citizen groups and their own governments are also scarce or non-existent.

An example of advocacy and governance opportunities is the efforts to advance regional environmental norms and standards within Mercosur. Some civil society groups, especially labour unions (e.g., CUT – Unified Workers' Central / Brazil) have been following the activities of Mercosur's Working Group 6 on Environment since the mid-1990s.

In April 2006, the Mercosur Action Plan for Chemical Substances and Products was approved within the scope of Working Subgroup 6 - Environment - of the Southern Common Market (MERCOSUR).[26] This Action Plan is based on the Global Action Plan of the Strategic Approach to International Chemicals Management (SAICM) and includes ten Work Areas/Substances:

[26] Osvaldo Daniel Pórfido. Los plaguicidas en la República Argentina / Osvaldo Daniel Pórfido; con colaboración de Eduardo Butler ... [et. al.]. - 1a ed. - Buenos Aires: Ministerio de Salud de la Nación, 2013.

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REGIONAL OVERVIEW: HIGHLIGHTS

1. Metals: Mercury; Lead, others;
2. Persistent, Bioaccumulative and Toxic Substances (PBTs);
3. Persistent Organic Pollutants (POPs);
4. Pesticides;
5. Module - Chemical Substances/Products in the Environmental Information System (EIS); Pesticides; and;
6. Contaminated sites;
7. GHS- Global Harmonised System of Classification and Labelling of Chemicals;
8. Illicit Trafficking;
9. Pollutant Release and Transfer Register (PRTR);
10. and Wastes.

The above-mentioned Regional Action Plan was revised and reprogrammed in June 2008, maintaining the priorities identified in due course:

a. GHS,
b. Pesticides,
c. Mercury and
d. Contaminated sites management.

In Argentina, in relation to Mercosur, there is the Action Plan reprogrammed in 2008. The plan's activities were to be carried out between 2010 and 2011, but there is no information on whether this was achieved.[27]

[27] https://ambiente.mercosur.int/#p_68.t_40/Sustancias-y--Productos-Qu%C3%ADmicos.html

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Opportunities and challenges, including for civil society, are also, in theory, associated with the scenarios and negotiations between the Mercosur countries and the European Union, in view of the controversies over the possibilities of increasing the strictness or relaxing standards for the supposed promotion of economic and trade "cooperation" among countries of the two blocks, without the proper evaluation of the regulatory impacts on the environment, health and human rights.

It should be recalled that some data sets or plans of transboundary scope in the Latin American region are examples of articulations by civil society groups aimed at preventing environmental pollution and preserving ecosystem goods and services, especially the prevention of chemical pollution and the maintenance of the environmental integrity of the Paraná-Paraguay basin. Such civil society initiatives, although not directly linked to the dynamics of binding multilateral chemical conventions, can benefit from the efficient implementation of international agreements on chemicals regarding the integrated management of ongoing economic activities. The existence of joint actions between civil society groups from different countries in the region proves the seriousness of the risks of environmental contamination in the Uruguay River by the installation of an industrial plant in the border area between Uruguay and Argentina, or those arising from the implementation plan of the Paraná-Paraguay waterway project.

Nevertheless, in order to improve democratic governance at the national level in each of the countries, it is necessary to consider various factors, including the degree of awareness and interest of civil society entities on chemical safety issues, with SAICM as an important milestone; and the "political will" of governments and the Legislative Power to formulate, adapt, improve and implement regulations, as well as implementing systems of transparency and facilitated access to information and

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information and public participation in chemicals and waste management policies, the subject of SAICM and legally binding agreements.

In Argentina, although there are CSOs interested in participating in SAICM implementation actions in the country, the Argentine government has not set up a permanent multi-stakeholder national coordination mechanism in which all stakeholders could easily participate in building the necessary actions to implement the chemical conventions and agreements. In Argentina, as an example, the civil society organisation Association of Doctors for the Environment (AAMMA) has followed up the national, regional and international SAICM process.

In Brazil, as mentioned above, the termination of CONASQ, mentioned above, and the limitation of the participation of civil society representatives in CONAMA, greatly reduced the possibilities for democratic participation with legitimacy of citizen and scientific groups. The government's insufficient actions to ensure compliance with sectoral legislation and operate various information systems (SINIMA) on environment, on water resources, on waste, etc. with transparency are challenges that have persisted for some years and worsened under the current Bolsonaro government's administration.

It is worth mentioning that in Brazil, since the end of the 1980s and the beginning of the 1990s, either due to the re-democratisation of the country with the 1988 Constitution or the Rio-92 Conference, among other factors, civil society alliances (networks, consortia, working groups) and joint initiatives (campaigns, research and advocacy projects) have emerged, been strengthened and expanded in several areas related to development and human rights policies, including socio-environmental issues concerning, for example, vulnerable groups and indigenous peoples.

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Even before this period there were already efforts on the part of some civil society organisations and academia to confront the impacts caused by chemical contamination, for example, the lack of control of the indiscriminate use of pesticides, and at the same time to encourage support for organic family farming. Several NGOs and social movements questioned the environmental pollution caused by petrochemical plants, fertilisers units and other polluting plants, and the inaction of the State to control it. The serious chemical pollution in the regions of the Baixada Santista and Paulínia, State of São Paulo, in the 1970s and 1980s led to strong mobilization by public to demand measures to protect human health and the environment in the regions affected by these industries, including through legal action. Many of these initiatives involved environmental groups, health defence groups and labour unions.

Some of the alliances that emerged in the context of the environmental agreements associated with Rio-92 and subsequently remain active and are dedicated to monitoring the implementation processes of multilateral regimes and respective national policies, for example on climate change, biodiversity and desertification. Few CSOs are dedicated to the systematic engagement of multilateral regimes directly associated with chemical safety, health, and environment, such as the Stockholm, Rotterdam, Minamata and Basel Conventions. In addition to the Environmental Health Association Toxisphera, ACPO - Association for the Fight against Pollutants, APROMAC - Association for the Protection of the Environment of Cianorte and CUT – Unified Workers' Central stand out. The civil society organisations mentioned above were active in CONASQ on behalf of citizen networks (for example TOXISPHERA, APROMAC and ACPO on behalf of the Brazilian Forum of NGOs and Social Movements for the Environment and Sustainable Development (FBOMS).

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REGIONAL OVERVIEW: HIGHLIGHTS

In Uruguay, SAICM (and its importance as a strategy for the international management of chemicals) was recognized by the government in 2019.

About Uruguay's commitment in the National Implementation Plan for POPs, the last update of the annexes was in 2017. No progress has been reported in the implementation of this Plan.

The other conventions have had some programme or project implemented at the regional level in the past, mainly through the Basel Convention Regional Centre in Uruguay (BCCC), but no regional programme in place was found. At the time of this research in Uruguay, it was identified that the national project GCP/URU/031/GFF - *Capacity building for the environmental sound management of pesticides in Uruguay* is carried out by the Ministry of Housing, Land Use Planning and Environment, together with the Ministry of Livestock, Agriculture and Fisheries, the Ministry of Health, and FAO.

The Ministry of Environment has the responsibility to monitor all conventions and SAICM, while the Ministry of Health is the designated authority to monitor the Rotterdam Convention, along with the Ministry of Livestock. The Uruguayan government has not created a permanent coordination mechanism with citizen and other sector participation to address the implementation of SAICM and other chemical conventions in the country. According to the representative of the recently appointed Ministry of Environment of Uruguay, who was assigned to the four conventions and to SAICM, the participation of the private sector in SAICM took place, until the time of the consultation in early 2021, through the Chamber of Industry. The representative stated that SAICM, since it is not legally binding, on the one hand, and considering that decisions are taken by consensus, on the other, facilitates the participation of the sectors. She also said that, regarding management of chemicals and the decisions that are taken on this issue, there is a need for greater exchange at local and

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national level.

The representative of the Uruguayan Ministry of Environment also acknowledged that there are barriers to participation at the convention and SAICM levels. In this regard, she indicated budgetary difficulties, as SAICM in the country does not have an allocated budget, and there are other managerial difficulties that have worsened in the pandemic context: "it is difficult to hold a meeting where decisions are made in this context, it is not possible to guarantee access to internet connection for everyone, the quality of participation decreases because there are many changes of people over the years." She also mentioned that the language barrier is key, as SAICM meetings are usually only in English.

Civil society in Uruguay is working to strengthen its capacity on environmental issues, both at national and subnational level. In this regard, there is the Escazú Agreement, a regional agreement ratified by Uruguay, about to enter into force, which establishes minimum standards for the exercise of the rights of access to information, participation, environmental justice, and management of natural resources, and contribute to the exercise of fundamental human rights, such as the right to life, integrity, and health. The challenges in terms of thematic issues have to do with the capacities generated, funding and political will. As to public education and training, there is a need to establish strategies accompanied by the generation of materials for the progressive creation of a culture of risk recognition and the promotion of good practices in the chemicals management.

In Uruguay, we find organizations such as REDES Amigos de la Tierra - Uruguay and RAPAL Uruguay working on some of the issues of the chemical conventions.

Likewise, the Environmental Thematic Network (RETEMA) of the University of the Republic (UDELAR), Northern Region of Uruguay, works on the prevention of the use of pesticides and their impact on health.

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NATIONAL OVERVIEWS

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NATIONAL OVERVIEWS

To know in more detail the situation in each of the countries studied by the members of this Citizens' Alliance for a Latin America Toxic-free Environment, the desired scenario for an effective, transparent, and participatory governance of national policies and SAICM processes and other multilateral regimes, we recommend the reading of the National Reports that present the overview in Argentina, Brazil, and Uruguay, in 2021.
These country reports are available either in attached documents or online.

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RECOMMENDATIONS AND CONCLUSIONS

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RECOMMENDATIONS AND CONCLUSIONS

Throughout the work of gathering information, analyses, and positions, particularly those of national governments in relation to SAICM, the organisations participating in this initiative have maintained their assumptions that governmental and intergovernmental transparency and probity, as well as the free participation of stakeholders from the civil society sector, are key elements for the most effective, rapid, and fair transformation of current production and consumption patterns.

Effectiveness is critical to prevent human and environmental contamination today and for future generations.

The approach must be equitable to ensure priority to precautionary and preventive care for vulnerable groups and communities exposed to risks and impacts. Workers who produce, store, transport, market or use chemical substances and handle waste, especially hazardous waste, are key decision-makers in this strategy.

It requires speed, as the almost always invisible contamination from chemicals and wastes grows rapidly across the globe, in contrast to government responses that have been slow, where they exist.

In fact, almost three decades have passed since the United Nations Conference on Environment and Development (UNCED), also known as Rio-92, established the text of Agenda 21, a multilateral commitment to promote, before the 21st century, a broad and multisectoral set of actions for the transition to sustainability, with emphasis on its Chapter 19 (which was the basis for SAICM).

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In that chapter, it was stated that two problems stood out for the environmentally safe management of chemicals and waste, especially in developing countries: *"(a) the lack of scientific data to assess the risks inherent in the use of numerous chemicals; and (b) the lack of resources to assess chemicals for which we already have data."* Such a pact of actions (Agenda 21) also warned of "*large-scale contamination by chemicals, with their serious damage to human health, genetic structures, reproduction and the environment*" and that "*the world is only beginning to understand the long-term effects of pollution affecting the fundamental chemical and physical processes*[28] *of the Earth's atmosphere and climate and to recognise the importance of these phenomena."* [29]

Six action programmes were then agreed upon;[30]

"(a) Expanding and accelerating international chemical risk assessment; (b) Harmonizing the classification and labelling of chemicals; (c) Exchanging information on toxic chemicals and chemical hazards; (d) Implementing risk reduction programmes; (e) Strengthening national capacities and potentials for chemicals management; and (f) Preventing the illegal international trafficking of toxic and hazardous products."

In the scope of the *Programme for strengthening of national capabilities and capacities for management of chemicals*, Agenda 21 indicated the elements necessary for the sound management of chemicals, strongly related to the challenges that SAICM aims to address: "*a) adequate legislation; b) collection and dissemination of information; c) capacity to assess and interpret risks; d) establishment of a risk management policy; e) capacity to implement and enforce this policy;*

[28] United Nations (1992). Agenda 21, Chapter 19, par. 19.1
[29] United Nations (1992). Agenda 21, Chapter 19, par. 19.2.
[30] United Nations (1992). Agenda 21, Chapter 19, par. 19.4.

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e) capacity to implement and enforce this policy; f) the capacity to rehabilitate contaminated places and attend to intoxicated persons; g) effective education programmes; h) capacity to react in case of emergencies." [31] It was further agreed, in 1992, that "*since the management of chemicals is carried out in various sectors under different national ministries, experience indicates that a co-ordination mechanism is indispensable,"*[32] and that "*by the year 2000, national systems for the environmentally sound management of chemicals, including legislation and provisions for implementation and enforcement, should exist in all countries to the extent possible."*[33]

Twenty years later, at the United Nations Conference on Sustainable Development, known as Rio+20, signatory countries of the Declaration "The Future We Want" extended deadlines for fulfilment of such commitments, by reaffirming "*the goal of achieving, by 2020, the sound management of chemicals throughout their life cycle and of their hazardous wastes in ways that lead to the minimization of significant adverse effects on human health and the environment, as set out in the Johannesburg Plan of Implementation."*[34] This Declaration, in its paragraph 214, was an important step towards the establishment of SAICM.

In view of this, we cannot hide our indignation, as citizens and organizations involved in building sustainable societies, at the enormous lethargy and political inertia of the international systems and of the country parties to enforce sovereignly agreed commitments on this and other issues of equal importance.

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[31] United Nations (1992), Agenda 21, Chapter 19, par. 19. 56.
[32] United Nations (1992), Agenda 21, Chapter 19, par. 19.57.
[33] United Nations (1992), Agenda 21, Chapter 19, par. 19.58.
[34] United Nations (2012). Report of the United Nations Conference on Sustainable Development. Annex - from A/66/L.56. The Future We Want. Par. 213.

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The environmental and climate crises, on the one hand, and the serious consequences associated with social and economic inequalities and vulnerabilities, on the other, are detrimental effects of this weak diplomatic and political commitment.

This indignation, based on our concern to ensure the observance of both fundamental rights and the planet's ecological limits, was one of the reasons for us to carry out this work. As said, the effort was to access the available information and institutional arrangements that should exist and verify if they were already presenting effectiveness to the commitments signed by the countries many years ago. This effort sought to understand if governments were honouring Principle 10 of the Rio Declaration on Environment and Development, which indicated that access to information, participation and justice in environmental matters is the best way to advance the sustainability and environmental justice of our societies. What we have seen is that almost nothing, or very little, has been done since Rio 92.

Even though the Escazú Agreement (2018), which came into force in March 2021, elevated such access rights in Latin America and the Caribbean to the level of legally binding obligation for the Parties,[35] Principle 10 should have already been strictly observed.

[35] At the time this research was completed, twelve countries, including Argentina and Uruguay, had ratified the Agreement, which entered into force internationally on 22 April 2021. Brazil had not yet ratified it.

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RECOMMENDATIONS AND CONCLUSIONS

The Escazú Agreement and SAICM are two important avenues among other processes that link commitments, binding or voluntary, to ensure the healthiness of the environment. They are processes that deal with the conditions and instruments for the good and participatory facing of human challenges. Besides the challenge of ecological integrity, there is also the anthropocentric challenge of protecting human rights and promoting justice, of "rescuing" humanism in the present and for future generations, and consolidating the Ethics of Life, as expressed in the Earth Charter.

Summary of collected information and analyses

Three countries were the target of information gathering and analysis on the actions/inactions of governments and various stakeholders in national and international SAICM processes. The teams responsible for preparing the country reports and the regional synthesis highlighted the following elements in their analysis:
1 - Insufficient, or no government commitment to the chemical safety agenda and compliance with related chemicals treaties, which is evidenced, to varying degrees in the countries studied, through:

A. Inexistence or inadequacy of integrated policies for the structure of government agencies and for encouraging the participation of sectors of society in decisions regarding the implementation of internationally adopted obligations for the environmentally sound management of chemical substances and waste;

B. Insufficient clarity or absence of information on actions, programmes, policies, responsible public officers and official positioning regarding the negotiation and implementation of SAICM;

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C. Deficient implementation or non-existence of chemical registries and/or public information systems on chemicals and waste called for by several international treaties;

D. Non-existence or termination (as in the case of Brazil) of a national multisectoral body to coordinate national policies on chemical safety management, and absence of mechanisms for public access to information on national chemical safety management and the implementation of relevant international agreements.

2- Insufficient (limited) access to participation of civil society groups, notably active in the defence of health, environment, consumer and worker rights, to the official chemical safety and health agenda related to international agreements, as well as in processes of development and implementation of public policies for management of chemicals and waste, evidenced by:

A. Insufficient number of civil society organisations working on environmental, consumer and worker rights, and public and occupational health issues in SAICM-related public policies;

B. Difficulties in accessing information and lack of engagement of experts in diverse and complex issues to ensure qualified participation in SAICM-related technical meetings and debates.

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RECOMMENDATIONS AND CONCLUSIONS

Recommendations

Based on the analysis of national reports and data, and on meetings held with the teams that carried out this work, while acknowledging the limitations arising from rapid research to characterize institutional and legal overviews, we recommend the following as examples of the necessary basic steps to improve SAICM implementation in our countries and at the regional and global level.

When it comes to environmentally integrated and safe management that minimises risks to public health through chemicals and waste policies and programmes:

1.1 at national and/or sub-national level

1.1.1 To create and/or strengthen instances and mechanisms for the elaboration and management of policies and programmes, especially for the implementation of SAICM, with the democratic and inclusive participation of all stakeholders, observing the principles of the Escazú Agreement and other relevant principles for the development and adaptation of local legislation;

1.1.2 To fully and effectively implement a Chemical Substances Control System, the Pollutant Release and Transfer Register, as well as the Globally Harmonised System, progressively and rapidly ensuring citizen participation in decision-making processes and compliance with regulatory frameworks that guarantee the quality and transparency of information;

1.1.3 Strengthen and ensure the participation of independent technical and scientific institutions that can contribute to the assessment of risks and impacts of chemical substances and waste, especially those related to SAICM and other multilateral agreements, and to the development of regulatory frameworks and public policies for banning, controlling and establishing conditions for their rational management.

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RECOMMENDATIONS AND CONCLUSIONS

1.2 at regional and global level

1.2.1 Promote technical cooperation between governmental, scientific and civil society institutions in Latin America in the development of transparent and safe chemicals and waste management policies in the region;

1.2.2 Disseminate initiatives and opportunities for coordinated action by formal and informal instances, such as GRULAC and MERCOSUR, to strengthen and harmoniously integrate and promote the sound management of chemicals and waste in the scope of SAICM and the legally binding agreements;

1.2.3 Expand, in regional and global processes of chemicals and waste management, opportunities for participation by various sectors of society, including consumers, workers, environmental and public health organisations, as well as exposed communities and vulnerable groups and peoples;

1.2.4 That sulfluramide and chlorpyrifos be included in Annex B of the Stockholm Convention on Persistent Organic Pollutants (POPs), setting deadlines for ending production, sale, and use.

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2 Regarding the engagement of civil society in SAICM implementation:

2.1 Prioritise support for initiatives, including funding and capacity building for environmental, health, consumer and worker advocacy groups, among others, to address the challenges and promote their participation in chemicals and waste management policies, and in national, regional and global implementation of a non-toxic circular economy;

2.2 Elaborate and disseminate appropriate studies and materials to raise the awareness of the public and activist groups (environment, workers, consumers, etc.) regarding the risks and safe ways of managing chemicals and waste;

2.3 Articulate civil society organisations, particularly those that work in defence of the environment, health, workers, consumers, exposed communities and vulnerable groups, to form alliances (networks) or similar joint initiatives that will enable them to play a more qualified role in SAICM and other chemical agreements implementation processes at the regional and global level;

2.4 Expand collaboration for the dissemination to the public of knowledge, experiences, and initiatives on SAICM and the environmentally sound management of chemicals and waste, taking into account the challenges relevant to the postulates and commitments, drawing on instruments and opportunities of the Sustainable Development Goals (SDGs) of the 2030 Agenda and other treaties and agreements.

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LIST OF ACRONYMS

ABNT – Brazilian Technical Standards Association
CONAMA - National Environment Council
CONASQ - National Commission for Chemical Safety
CSO – Civil Society Organisation
DIGMA - Dirección de Asuntos Ambientales (Argentina)
FAO – Foods and Agriculture Organisation of the United Nations
GHS – Globally Harmonised System
GRULAC - Group of Latin American and Caribbean Countries
HHP – Highly Hazardous Pesticides
ICCM – International Conference on Chemicals Management
MERCOSUR – Southern Common Market
MMA – Ministry of Environment / Brazil
MME – Ministry of Mines and Energy / Brazil
MRE – Ministry of Foreign Affairs / Brazil
MRECIC – Ministry of Foreign Affairs International Trade and Worship of Argentina
NR - Regulatory Standard
PARLASUR – MERCOSUR Parliament
SAICM - Strategic Approach to International Chemicals Management
SDG – Sustainable Development Goals
SENASA - Servicio Nacional de Sanidad y Calidad Agroalimentaria
SISNAMA – National Environment System / Brazil

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