

**U.S. Comments on Preliminary Draft Ministerial Outcome Document (UNEA-3)  
Released September 21, 2017**

In response to UNEA President Dr. Edgar Gutierrez-Espeleta's Preliminary Draft of a Ministerial Outcome Document of the 2017 UN Environment Assembly "Towards a Pollution-Free Planet," the United States reiterates its opposition to negotiating a Ministerial Declaration at UNEA-3 on the basis that such a format necessitates time-consuming negotiations, adds little value over a non-negotiated format such as a Chairs Summary, and because we continue to have concerns that the protracted process would detract from the other important substantive work of UNEA-3 including negotiating resolutions. While we do not support a Ministerial Declaration, we do support a high-level outcome. Specifically, we continue to endorse a non-negotiated Chair's Summary as a vehicle to encapsulate the full range of views expressed at the Assembly. Such a summary could factually capture areas of convergence and divergence among Ministers; identify emerging issues, experiences, and other contributions.

Without prejudice to this position, we offer the following general comments on the Preliminary Draft Document:

- We appreciate the attachment providing sources for the statistics used in the document, and the enhanced focus on data generation and evidence-based policymaking in this version of the text. Some technical problems remain, however, including a reference to US\$ 8.7 billion as the annual cost of IQ loss from exposure to mercury by-products. That number comes from a study of children in the United States; it is not a global number. Additionally, the US \$5 trillion number relates to the economic welfare cost of premature mortality, rather than the cost of health care associated with air pollution morbidity. The statement implying all chemicals should be tested, labeled and tracked is overreaching; a more appropriate formulation would be "properly managed."
- It is important to promote environmental policies at all levels. Effective enforcement of environmental laws is another critical element in achieving pollution-related goals, and we suggest a final outcome document ought to contain a reference to enforcement.
- The United States is also concerned that some Member States, during consultations, have proposed including highly controversial issues that have proven intractable in previous UNEAs and other fora. These items include common but differentiated responsibilities and technology transfer. Inclusion of such controversial issues would not improve the chances of a successful outcome.
- We do not support creating new platforms for action on pollution, such as the global coalition referred to in this Preliminary Draft, and the implied need for new mechanisms

in paragraph 9(b). Rather, we believe this work should be carried out through existing organizations and mechanisms.

- We reiterate our belief that any outcome document should not purport to establish or recognize new rights under international law or suggest consensus where none currently exists. We recognize that environmental protection is critical for sustainable development, human health, and the enjoyment of human rights. However, as we have noted in other fora, we do not support placing environmental concerns in a human rights context. Rather than referring to principles that do not reflect international consensus, it is more accurate to state that a clean environment supports the enjoyment of human rights.

These comments are intended to highlight general areas of concern and are not intended to be a detailed or exhaustive response. We continue to emphasize our commitment to concrete, achievable outcomes and cooperation among stakeholders and partners to effectively address these critical issues.

We thank the UNEA President and his team for their constructive efforts and look forward to continued cooperation and a productive Assembly.

