

U.S. Comments on Zero Draft Ministerial Outcome Document

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In response to UNEA President Dr. Edgar Gutierrez-Espeleta's Zero Draft of the 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. We continue to endorse a Chair's Summary as a vehicle to encapsulate the full range of views expressed at the Assembly. Such a summary could describe specific areas in which consensus was reached while allowing the Assembly to focus on productive endeavors, including negotiating substantive resolutions.

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

- We caution against language which sets unachievable objectives and believe it is preferable to express goals in attainable terms. For example: working toward reduced pollution and health impacts, rather than ending pollution; exploring and implementing solutions, rather than exploring and implementing every possible solution.
- Similarly, any outcome document should not purport to establish new rights under international law or suggest consensus where none currently exists. We recognize that environmental protection is critical for sustainable development, human well-being 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 a right to a clean environment, a principle that does not reflect international consensus and has not been codified in any universal agreement, it is more accurate to state that a clean environment supports the enjoyment of human rights.
- We suggest verifying narrative that includes statistics and referencing appropriate citations. Several of the introductory statements either misinterpret existing evidence or are inaccurate, and should be edited to improve the credibility of the document. Inaccurate statements include references to World Bank and WHO studies on the health and economic impacts of air pollution; a reference to the economic costs of lead in paint that should refer to lead generally; a reference to the number of chemicals for which safety data is unavailable; and a reference to global mortality from environmental causes (not just pollution). We would be happy to provide more information on these inaccuracies.

- On a similar note, we suggest deleting vague language such as “consumer choice” and “responsible lifestyles.”
- We believe any outcome document should focus on the most effective and practical solutions -- improved implementation of existing agreements, collection of data on agreed indicators, increased cooperation among stakeholders such as the health care and environmental communities -- rather than on new agreements or new indicators. In a similar vein, prioritizing chemical and waste management is a more realistic and critical component of pollution control than proposing to ban products for which we currently have no reasonable substitute.
- We agree that ministers should promote efficient data collection and wider data availability to empower action and public participation now, and to better position us to effectively address pollution as our scientific understanding evolves. Therefore, we believe the emphasis on informed decision making and addressing data needs is well placed.
- We must take care to accurately frame our actions. Any outcome document must avoid language reserved for legally binding agreements such as “shall” or “agree.” Moreover, any outcome document must accurately reflect the legal status of existing documents; for example, the 2030 Agenda on Sustainable Development is not an “international agreement.”

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 achievable outcomes and cooperation among stakeholders and partners to effectively address these critical issues. The Zero Draft Document raises a number of issues on which the U.S. administration has not yet defined its policies in detail, and we expect the draft document will change in response to other comments; therefore we reserve the right to offer additional comments in the future.

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

Approved: OES/E: Bart Putney

Drafted: OES/EQT: Beth Fernald x71126

Clearance: OES/EQT: J Thompson ok
OES/ECW: S Aktipis info
OES/EQT: J Matuszak info
OES/EQT: C Volk ok
OES/EQT: K Weber ok
OES/EGC: K Bacher info
OES/PPO: S Cleary info
OES/IHB: O Ogunseitan/JGlasser ok
OES/OPA: Van Reidhead ok
IO/STA: W Sumner ok
L/OES: J Landsidle ok
EB/IPE: C Randolph info
EPA: B Bresch ok
NOAA: E Nunez ok