

Written Consultation Submission: International Council on Mining and Metals (ICMM)

UNEP's Call for Written Inputs on Issues of Concern: Priorities for further work and potential further international action

Introduction

UNEP is undertaking a consultation on priorities for further work and potential further international action on 19 Issues of concern. This call for written inputs is being conducted to gather relevant information from stakeholders and views about the next steps that should be taken on issues of concern.

The call for inputs will address 19 issues of concern and you may wish to only provide answers for issues of concern that are of relevance to your organization/ country. At the start of each section, you will be asked whether you would like to provide responses on each specific issue. If you choose "No" on the introduction page of each issue you may proceed to the next issue of concern.

Please be aware that the submitted responses will be made available on the UNEP website indicating the stakeholder affiliation/ government. The names and contact details of the respondents will not be published on the UNEP website. Further information on UNEPs consultation process can be [found here](#).

We highly recommend coordinating responses within your stakeholder affiliation/ government. Please complete this form for collecting written inputs by **15/08/2023** COB Central European time (CET).

For those using this MS word version, kindly return the completed word version of the call for written inputs. Please remember to save your work often, due to the addition of ActiveX controls below (such as option buttons and checkboxes), the autosave feature is not available on this form.

Please enter your email details.

Personal Information:

Institution/Organization: International Council on Mining and Metals (ICMM)

Country: United Kingdom

Type of Institution: Civil society organisation

If relevant, please describe the membership coverage, geographical coverage and area of interest of your institution:

The International Council on Mining and Metals (ICMM) is a leadership organisation that is working with its members and stakeholders across the world for a safe, just, and sustainable world, enabled by responsibly produced minerals and metals. We represent the commitment to sustainable development of 25 of the world's largest mining and metals companies, together accounting for one-third of the global industry across 650 sites in 50 countries. We also count as association members, 40 national or commodity associations – each of whom independently manage their engagement and policies.

The bedrock of ICMM's vision is our ten Mining Principles and related Performance Expectations, which define the good practice environmental, social and governance requirements of our company members. Implementation of the Mining Principles is a condition of membership and supports progress towards the global targets of the UN Sustainable Development Goals and the Paris Agreement on Climate Change. Incorporating robust site-level validation of performance expectations and credible assurance of corporate sustainability reports, ICMM's Mining Principles seek to maximise the industry's benefits to host communities, while minimising negative impacts to effectively manage issues of concern to society.

Please answer the questions below that are relevant to your organization/ country/ region:

Overall comments:

ICMM welcomes the opportunity to comment on the findings of the UNEP Assessment Report on Issues of Concern and the potential follow-up steps to be considered by UNEA 6.

We have reviewed the information provided and would like to offer the following comments:

We agree that the follow up actions should better reflect and consider the latest developments and the progress made across the chemicals and waste space since the report was first released in 2020, as indicated by many stakeholders during the face-to-face consultation in July 2023 in Geneva.

We believe consideration of the significant efforts made to strengthen existing international frameworks as essential to this process. Key developments for consideration include the Beyond 2020 instrument and the related activities undertaken by the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) supporting the 5th International Conference on Chemical Management (ICCM 5). The Beyond 2020 framework has the added benefit of focussing on specific sectors where the main uses of some of the chemicals of concern are being discussed.

Further activities for consideration include the ILO efforts to improve health and safety management. This shows great promise as the implementation of existing Conventions by all their member countries will establish the standards required to address many of the issues arising from the use of hazardous chemicals and related wastes.

Focus should also be given to support the adoption of UNECE's Pollutant Register and Transfer Register (PRTR) and GHS frameworks in more countries.

Finally, the new Science Policy Panel addressing chemicals, waste and pollution will provide a scientific process to inform further priorities building on the existing committees that are [already working](#) to address chemical risks. This consultation exercise may serve in informing some of the issues that the Science Policy Panel could address.

Inclusion of developments since 2020 will ensure the follow up actions and recommendations to UNEA6 are reflective of the current chemicals and waste regulatory landscape. In terms of the report itself, below is some further input:

Considering industry pollution regulatory and other controls

It appears that the overall focus of the report is to identify measures addressing the uses of the different substances of concern. We noted more limited references to the existing controls in terms of industrial air emissions and releases to water and soil. However, many of the sectors of industry identified as producers or users of chemicals of concern operate sites that are typically highly regulated.

When it comes to industrial controls, pollution is typically tackled by industry in a holistic manner. To get a better understanding of the established regulatory landscape regarding pollution control and exposure, we believe it would be helpful to carry out a gap analysis to understand whether the scope of existing frameworks - such as PRTR, environmental permitting, environmental impact assessment, water related legislation, air emission controls - offer effective levels of controls to address the industrial sources cited in the report.

New frameworks and regulations since 2020

In addition to the key initiatives we have highlighted in the introduction, additional activities are underway that will help address the issues and chemicals of concern under scrutiny, and should have a positive impact as their implementation progresses. Some examples are outlined below:

- In terms of e-waste and plastics, amendments to the Basel Convention introduce new requirements for plastics and e-waste traceability for ensuring better controls when it comes to waste as potential sources of pollution. Technical guidelines related to the disposal of e-wastes and lead acid batteries are being developed and revised and the Partnership for Action on Computing Equipment ([PACE](#)) mandate was renewed earlier this year as PACE II.
- A new plastics instrument is under negotiation, as agreed at UNEA 5.
- The One Health quadripartite approach is facilitating collaboration across different UN bodies when it comes to managing secondary exposure, including through food and water consumption.
- With respect to other activities undertaken in response to UNEA 5 resolutions, WHO work to update the State of the Science report on endocrine disrupting chemicals is underway.
- The additional work that was recently assigned to the WHO by the World Health Assembly in resolution [A76.17 on the impact of chemicals, waste and pollution on human health](#).

Recommendations on which industry sectors to engage with

Should further activities be undertaken in relation to specific chemicals or issues of concern, it is important for UNEP to ensure that all the sectors of industry identified in the report as being involved in the production, supply, use and waste and water treatment management of these compounds, are engaged early on in this process. The same should apply for the specific product types, highlighted as issues of concern.

Addressing chemicals of concern

Fundamentally, we believe that having more individual substance specific frameworks would be ineffective from a cost and resource perspective for authorities, industry, and civil society, as it could create duplication and possibly confusion with diverging obligations and requirements when compared to existing frameworks.

As the range of applications where chemicals are used vary greatly, focussing on the establishment and implementation of overarching and holistic principles for the sound chemical and waste management is more effective, as those remain fundamentally the same, regardless of where in the supply chain a chemical is used or disposed of.

Addressing issues of concern

The shortlisted issues, as long-standing priorities, are already the focus of regulatory controls and other initiatives, including the Beyond 2020 framework currently under negotiation. Activities related to addressing issues of concern in specific supply chains should also address chemicals of concern, where relevant.

More broadly speaking, the initiative related to chemicals in products should serve to address the issue of specific applications as part of a broader effort in improving chemical management practices.

Metals and metalloids

When it comes to address mining and metal production sectorial aspects, the follow-up actions related to UNEA resolution 5/12 on the management of the environmental aspects of minerals and metals, currently debated as part of a parallel consultation exercise, may help address some of the aspects relating to mining and metals production, especially in terms of the emissions and releases management during mining extraction processes the report refers to.

It is also worth noting that, aside from the Heavy Metals Protocol noted in the report, mining and metals production are typically subject to robust regulatory scrutiny when it comes to their operations, including pollution regulations that encompass addressing emissions and releases in a holistic manner (e.g. Pollutant Release and Transfer Register (PRTR) and environmental permitting) as well as occupational health and safety regulations.

Arsenic

Having reviewed the information provided, exposure through contaminated water and food is clearly a major concern, though the main source of contamination remains unclear. Arsenic is a naturally occurring substance, meaning it will be present in natural water sources at different concentrations depending on the location. Therefore, its mere presence isn't an indication of pollution, and it is not clear whether mitigating industrial pollution sources alone will be sufficient in addressing arsenic exposure globally.

Based on the information provided in the fact sheet, our understanding is that production and use of arsenic and its compounds seem to be mainly undertaken in industrial settings and by typically highly regulated industry sectors. As such, regulatory controls should already be in place or requirements that are relatively simple to implement should help address potential industrial sources of contamination.

Regarding the recommendations on drinking water, controls should be in place to ensure that drinking water is made available to local people regardless of the presence of industries facilities in the vicinity of a community. Work carried out to address access to water and sanitation may help identify opportunities for improvement.

Cadmium

We agree that the sound management of cadmium during and after mining and processing of zinc is crucial, in order to minimise releases into air, water and soil and to reduce occupational exposures, and robust management procedures are long established in the zinc mining and production sector to that effect.

As highlighted during the presentations made in July 2023, recommended activities should also consider work already underway through other initiatives such as the international plastics instrument.

Lead

We note that the main application identified for lead is lead acid batteries. Addressing the risk of pollution and exposure from the waste stream through effective recovery of spent batteries is a big priority for industry. This is further supported by industry via the on-going work to update technical guidelines developed in the context of the Basel Convention.