Physicians for Social Responsibility * World Wildlife Fund * Oceana
Center for International Environmental Law * U.S. Public Interest Research Group

Principles for U.S. Action On Additional POPs Under the Stockholm Convention

(1) The Stockholm Convention is dynamic, precautionary, and preventive in scope. It is designed to take into account emerging scientific knowledge about chemicals beyond the initial 12 and to facilitate global action before irreversible damage to public health and the environment occurs.

(2) The fundamental purpose of implementing legislation is to ensure that the United States is able to fulfill its obligations under the Stockholm Convention. Global action against POPs will require corresponding actions by each Party (see, e.g., Convention Art. 3.2).

(3) In signing the Stockholm Convention, the United States agreed to participate in collective global action, recognizing that additional chemicals may necessitate COP listing and action as a result of (a) global impacts (even if their domestic impacts are secondary or non-existent), and/or (b) an assessment of impacts that may not be perfectly quantifiable.

(4) Chemicals proposed for inclusion in the Stockholm Convention will be subjected to a thorough and scientifically rigorous evaluation and review process before the Conference of the Parties (COP) can decide to add them to the Convention. We anticipate that the United States will actively participate in this international POPs review process.

(5) The United States is home to many of the best-trained scientists and most well funded scientific institutions in the world. This fact poses an opportunity as well as an obligation for the United States to ensure that the international process has before it the best available science.

(6) Implementing legislation should create a domestic process that parallels the international decision-making process and informs the U.S. position at appropriate points. It should provide the EPA Administrator with a clear mandate to publish and obtain information at key stages of the international process, and to solicit public comments on proposed international actions and their possible implications for domestic policy.

(7) The domestic process should promote timely decisions by the United States on new chemicals that are added to the Convention. The legislation should seek to avoid redundancy and unnecessary delays whenever possible. It should facilitate, through the rulemaking process, the development of a U.S. position on these chemicals that is in sync with the scope and timing of the Article 8 international process. This will avoid

the necessity of a de novo domestic review and scientific determination after the COP decides to add a chemical.

(8) The COP listing process and decision should provide the default option for domestic action, unless the Administrator finds that the COP has erred and the chemical in question is not likely, as a result of its long-range environmental transport, to lead to significant adverse human health and/or environmental effects such that global action is warranted.

(9) Each Party to the Stockholm Convention has the right, championed by the United States during treaty negotiations, to choose to explicitly "opt-in" to future amendments adding chemicals. The United States has indicated in previous government statements that it will declare the opt-in right at the time it ratifies the Convention. In that case the United States cannot be bound by a new chemical amendment with which it does not agree.

(10) The domestic implementing legislation should establish the additions process in a "stand-alone" provision of TSCA (outside of section 6) that tracks the obligations of the Stockholm Convention.[1] At the same time, a provision should clarify that this new legislation does not prevent EPA from regulating substances under existing statutory authorities.

[1] While this document was prepared in the context of the TSCA bill, it is likely that a parallel principle would apply for FIFRA.