



## **Ratifying Global Toxics Treaties: The U.S. Must Provide Leadership**

By Kristin S. Schafer, Pesticide Action Network-North America (PANNA)

The international community has, at long last, recognized that there are some toxic chemicals that are just too dangerous to produce, use, and store—put simply, too dangerous to have on the planet. The global treaty resulting from this recognition is an important and welcome international policy milestone that is long-overdue.

The chemicals in question are persistent organic pollutants—“POPs”—substances that are toxic, persist in the environment, accumulate in the body fat of humans and animals, concentrate up the food chain, and can be transported across the globe. At very low levels of exposure, POPs can cause reproductive and developmental disorders, damage to the immune and nervous systems, and a range of cancers. Exposure during key phases of

fetal development can be particularly damaging.

Infants around the world are born with an array of POPs already in their blood. Many POPs pervade the environment, even in remote regions such as the Arctic and Antarctic; several have been found at high levels in the blood and breast milk of Inuit women living thousands of miles from the nearest possible source of pollution. POPs are found in today's U.S. food supply, even though many of the chemicals in question have been banned in the U.S. for decades.

The global nature of these pollutants led the UN

Environment Program (UNEP) to sponsor several years of negotiations that recently culminated in an international treaty. The treaty, now known as the Stockholm Convention on Persistent Organic Pollutants, was signed into formal legal existence in Sweden on May 23, 2001 by 91 countries and the European Community.

The treaty identifies an initial list of 12 POPs slated for elimination. Nine of the 12 (aldrin, endrin, dieldrin, chlordane, DDT, heptachlor, hexachlorobenzene, mirex, and toxaphene) are pesticides, all of which have been targeted for elimination by nongovernmental organizations (NGOs) around the world since the early 1980s as part of Pesticide Action Network (PAN) International's Dirty Dozen campaign. The other chemicals on the convention's initial list are PCBs, dioxins,

and furans. PCBs and all of the nine listed pesticides have been banned in the U.S., some—like DDT—for decades. The U.S. continues to produce dioxins and furans, however, as byproducts of chlorine-based industries and waste incineration.

The Stockholm Convention establishes various timetables for elimination of the intentionally produced POPs, which include all the listed pesticides and PCBs. Provisions specific to DDT call for its ultimate elimination but allow interim use of the pesticide for vector control and call for aggressive efforts to develop and implement safe and effective alternatives to combat malaria. The byproduct POPs are also slated for ultimate elimination, with an emphasis on alternative, cleaner production processes rather than end-of-the-pipe controls.

The Rotterdam Convention is a complementary treaty providing important controls on international trade of highly toxic chemicals. This convention, signed by 73 nations in 1998, is the formalization of a voluntary Prior Informed Consent (PIC) procedure, administered jointly by UNEP and the Food and Agriculture Organization (FAO) since 1989. The PIC procedure requires that any country importing pesticides and certain other hazardous chemicals must be informed of bans or severe restrictions on that chemical in other countries.

The volume of hazardous pesticides crossing international borders is tremendous—an estimated 2.4 billion pounds per year in 1990. Developing countries often lack the capacity to adequately evaluate and regulate highly toxic chemicals imported from their Northern neighbors. The PIC procedure is the international community's response to this inequity, and it continues to be implemented on a voluntary basis, while the treaty accumulates the needed 50 ratifications to come into force. Although the convention could be strengthened, it represents an important tool for the international community to monitor and control the world's massive trade in dangerous substances.

Many NGOs, including PAN International and the International POPs Elimination Network (IPEN), are calling for 50 countries to ratify these important conventions by September 2002, when the World Summit on Sustainable Development (Rio +10) takes place in Johannesburg, South Africa. To date, Canada and Fiji have ratified the Stockholm Convention, and 14 countries have ratified the Rotterdam Convention. The U.S. has not yet ratified either.

### Key Points

- A new global treaty, the Stockholm Convention, aims to eliminate a class of chemicals that the international community has agreed is extremely dangerous to human health and the environment.
- A complementary treaty, the Rotterdam Convention, offers important controls on the international trade of highly toxic chemicals.
- A broad international network of civil society organizations is calling for 50 nations to ratify both treaties by late 2002.

# Problems with Current U.S. Policy

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President Bush announced just prior to Earth Day 2001 that he intended to sign the POPs treaty in Stockholm and move quickly toward ratification. He pointed toward the bipartisan nature of this commitment, as it was finalizing a process overseen by his Democratic predecessor. Many U.S. NGOs welcomed the Bush administration's commitment to the treaty, and they are now challenging the State Department and the Senate to follow through with ratification of the Stockholm Convention and the companion Rotterdam Convention before the end of 2001.

This rapid schedule of ratification is both justifiable and unprecedented. International treaties have been known to languish for many years in the U.S. Senate and/or State Department—or somewhere in the policy netherland between. Yet, in the case of the Stockholm Convention, the treaty has widespread support from the NGO community, industry, and governments around the world, and it regulates a set of chemicals that have been known for decades to be extremely dangerous.

Positions taken by the U.S. during treaty negotiations make rapid ratification even more urgent. In Stockholm, the U.S. successfully blocked a European proposal that would have initiated an interim process of reviewing new chemicals proposed for addition under the convention instead of waiting for ratification. The European plan would have established an international scientific review committee immediately, and the committee would then have made recommendations to the Conference of the Parties once the treaty comes into force. This model parallels the Interim Chemical Review Committee established upon signature of the Rotterdam Convention in 1998. The absence of such an interim process could delay for years the addition of new chemicals under the Stockholm Convention, and this makes the treaty's ratification all the more urgent.

Some of the chemicals likely to be considered for addition, such as the pesticides lindane and endosulfan, are still in widespread use in both industrialized and developing nations despite clear evidence of toxicity, persistence, and bioaccumulation. Elimination of these additional chemicals is likely to be much more controversial in the U.S. than an agreement to eliminate chemicals that have already been banned domestically for decades.

In the Rose Garden statement announcing his intent to sign and ratify the POPs treaty, President Bush noted that "these chemicals respect no boundaries and can harm Americans even when released abroad." This statement, while true, does not reflect the other side of the equation—the fact that continued use and release of persistent chemicals in the U.S. can and does harm citizens in other countries around the world.

The process of adding new chemicals under the Stockholm Convention will be informed by the precautionary principle, a concept that appears in several places in treaty text and is strongly supported by NGOs around the world. The principle of precaution recognizes that when there is evidence that a chemical threat-

ens "serious or irreversible damage," action should be taken even in the absence of full scientific certainty. This principle recognizes the tremendous complexity of scientific research on the environmental and health impacts of synthetic chemicals, and it directs the international community to take protective action based on available knowledge.

Most European countries are well ahead of the U.S. in embracing the precautionary principle in both domestic and international policies. In negotiating the Stockholm Convention, the U.S. strenuously opposed precautionary language, while Europe strongly promoted it. This proved, along with the issue of financing, to be one of the most contentious issues in the final hours of treaty negotiations. On the domestic European front, Sweden recently adopted a comprehensive set of concrete national environmental quality objectives, many specifically based on the precautionary principle. In Germany, producers of new chemicals must go through a precautionary process of "alternatives assessment" to prove that other products less harmful to the environment could not serve the purpose of the product they are proposing to introduce.

During negotiation of the Rotterdam Convention, the U.S. clearly recognized the potential impact of the more precautionary and protective policies in Europe. Under the voluntary PIC procedure, a pesticide qualifies for the PIC list if it has been banned or severely restricted in any country. The alternative proposal, supported by the U.S. and eventually incorporated into the final Rotterdam Convention, stipulates that a pesticide must be banned in two countries in two separate regions to trigger the PIC procedure. The regional boundaries used for the treaty lump the U.S. and Canada in one region and the 43 countries of Europe in another. The U.S. position on this issue stemmed from concerns that bans in Europe, based on more precautionary policies, would lead the PIC process to potentially undermine markets for U.S.-based pesticide manufacturers.

Despite U.S. reluctance, the international community is moving toward precautionary approaches that will provide real protection for both human health and the environment. Swedish Prime Minister Goran Persson closed the Stockholm Convention signing ceremony by highlighting the critical importance of the precautionary principle: "Dangerous substances must be replaced by harmless ones step by step. If there is the least suspicion that new chemicals have dangerous characteristics, it is better to reject them."

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## Key Problems

- The U.S. has a history of slow ratification of international agreements.
  - In Stockholm, the U.S. blocked the establishment of a scientific review committee, designed to begin reviewing additional chemicals to be eliminated under the Stockholm Convention.
  - U.S. policies do not adequately reflect the precautionary principle, an approach to chemical policies prevalent in Europe and substantially more protective of human health and the environment than U.S. procedures.
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# Toward a New Foreign Policy

Rapid U.S. ratification of the Stockholm and Rotterdam conventions will spur other nations to join in meeting the goal of ratification by 50 countries before September 2002. The U.S. played a key role in initiating the international discussions that ultimately led to the Stockholm Convention, and it would be fitting for Washington to play a leadership role in ensuring that the toxics treaty is ratified.

## Key Recommendations

- The U.S. Senate should ratify both the Stockholm and Rotterdam conventions by December 2001.
- The U.S. should develop a national implementation plan under the Stockholm Convention, focusing particularly on the elimination of dioxin emissions.
- The U.S. should gradually phase out domestic production and use of additional persistent chemicals that qualify as POPs under the Stockholm Convention's criteria. Washington should provide leadership by proposing the addition of these chemicals under the convention.

If the treaties are to successfully traverse the required U.S. legislative procedures by the end of this year, the Bush administration and the Senate leadership must make a serious and immediate commitment to ratifying both conventions. President Bush and the State Department made a public commitment in April to move forward rapidly with ratification of the Stockholm Convention; several Senate offices have indicated interest in rapidly ratifying the treaty as well, and they are open to inclusion of the Rotterdam Convention in the ratification process. The NGO community will be tracking progress toward

ratification with great interest and cautious optimism.

The first step to be taken by national governments under the Stockholm Convention will be the development of national implementation plans outlining how each country will meet the treaty objectives. Many countries are initiating national implementation plans even before the convention comes into force; in developing countries, these early efforts are supported by interim funding for convention implementation through the Global Environment Facility. In order to demonstrate a commitment to treaty implementation and to move forward with the treaty objectives, the U.S. should immediately initiate development of a national implementation plan.

The primary focus of a U.S. national implementation plan should involve moving toward the elimination of POPs byproducts. Dioxins and furans pose a tremendous health risk, and strategies that support their elimination are strongly opposed by representatives of the chlorine and incineration industries. The U.S. Environmental Protection Agency (EPA) is expected to release a dioxin reassessment in the coming months, and this document could potentially form the cornerstone of the U.S. national implementation plan. The report, however, has been plagued by years of controversy and delay.

Public interest groups tracking the EPA's work reviewing dioxins assert that the agency's analysis is based on methods inferior to new analytical tools developed in Europe for long-term monitoring of dioxins. The EPA's recommendations are expected to focus on end-of-the-pipe controls and minimization rather than the materials-substitution policies mandated by the Stockholm Convention. In addition, the EPA is not likely to recommend a phaseout of incineration, a major source of dioxin contaminants in the United States. An effective U.S. national implementation plan must overcome these shortcomings and develop an aggressive strategy to reduce and eliminate U.S. dioxin emissions.

The EPA's recommendations regarding dioxins will also influence the national implementation plans of Canada and Mexico. Joint efforts to manage chemicals under the environmental side-agreement to the North America Free Trade Agreement have already resulted in regional action plans regulating DDT, PCBs, and chlordane, and discussions are now shifting to dioxins and furans. These efforts are likely to be directly incorporated into national implementation plans for the three countries and should reflect the progressive approach to dioxin elimination stipulated by the Stockholm Convention.

The other critical component of a U.S. national implementation plan is a strategy for evaluating use and gradual elimination of persistent chemicals not yet listed under the Stockholm Convention. A number of states such as Washington, California, and states in the Great Lakes region are pursuing efforts to address the problem of ongoing use of persistent bioaccumulative toxins. Progress underway through these state-level initiatives can help the U.S. move toward national evaluation, reduction, and eventual elimination of persistent pollutants.

In his Earth Day-linked announcement of support for the Stockholm Convention, President Bush reminded the country that "the risks are great, and the need for action is clear." In this spirit, the Bush administration must move forward rapidly and in good faith to include under the convention persistent chemicals that are still in use domestically. If such action is not taken, Washington will earn the unfortunate reputation on the international stage of supporting (with great fanfare) global treaties that require relatively little of the U.S. but spurning agreements—like the Kyoto Protocol—that require more substantive domestic action.

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Website: <http://www.worldwildlife.org/toxics/>  
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## Publications

Center for Health and Environmental Justice, *The American People's Dioxin Report* (Falls Church, VA: CHEJ, 2000).

Carol Dansereau, et al., *Visualizing Zero: Eliminating Persistent Pollution in Washington State* (Seattle: Washington Toxics Coalition, 2000).

Peter Hough, "Prior Informed Consent—A Long Haul to Gain Accountability," *Pesticide News*, no. 42, 1998. Available at <http://www.pan-uk.org/pestnews/pn42/pn42p10.htm>.

International POPs Elimination Network, *IPEN Stockholm Declaration* (Stockholm: IPEN, 2001).

Ronald Macfarlane, "PIC Your Poison," in Anil Agarwal, et al., eds., *Global Environmental Negotiations—2* (New Delhi: Centre for Science and the Environment, 2001).

Peter Orris, Lin Kaatz Chary, Karen Perry, and Joe Asbury, *Persistent Organic Pollutants and Human Health* (World Federation of Public Health Associations, USA, 2000).

Kristin S. Schafer, Susan E. Kegley, and Sharyle Patton, *Nowhere to Hide: Persistent Toxic Chemicals in the U.S. Food Supply* (San Francisco: Pesticide Action Network North America, and Bolinas, CA: Commonweal, 2001).

World Wildlife Fund, *Advancing International Controls on Toxic Chemicals* (Washington: World Wildlife Fund Global Toxic Chemicals Initiative, 2001).

## Websites

**The Stockholm Convention on Persistent Organic Pollutants**  
<http://irptc.unep.ch/pops/>

**The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade**  
<http://www.pic.int/>

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