

# NGO<sup>1</sup> Position Paper on SAICM Beyond 2020 process

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## Vision and recommendations

### Introduction

By signing The Strategic Approach to International Chemicals Management (SAICM) in 2006, more than 100 governments committed to minimize harm to human health and the environment from manufacturing and using chemicals by 2020.

SAICM is a unique global strategy focused on creating a world where chemicals are no longer produced or used in ways that harm human health and the environment.

However, as confirmed in the second edition of the [Global Chemical Outlook II](#), SAICM 2020 goal has not been achieved, and pollution increases and adversely affects both human and non-human life. The recent [publication in Environmental Science & Technology](#) emphasizes that annual production and releases of novel entities, including chemicals, “are increasing at a pace that outstrips the global capacity for assessment and monitoring. “

Chemical pollution and waste caused by unsustainable production, consumption and management are among the key environmental crises identified by UNEP, including climate disaster, rapid biodiversity loss and irreversible damage to ecosystems. Together, they put the survival of humanity on the brink and threaten the existence of future generations.

To address these challenges, the new global strategy on chemicals and waste beyond 2020 should inherit the most advanced features of SAICM. These features include a multistakeholder and multisectoral nature and inclusive character. In addition, to reduce and eliminate risk from toxic chemicals and waste, the new instrument for the sound management of chemicals and waste should primarily focus on the implementation of Agenda 2030 and the achievement of SDG targets by prioritizing both voluntary approaches and binding measures as necessary.

Furthermore, the new instrument should include strong support for human rights, particularly the right to a healthy environment adopted by the [UN General Assembly](#) in July 2022. References to fundamental rights at work should be made, including the ILO Conventions, the ILO guidelines on just transition, human rights/due diligence and related agreed texts, such as the UN Guiding Principles on Business and Human Rights, OECD Guidelines on Multinational Enterprises, ILO Declaration on Principles regarding Multinational Enterprises and Social Policy, and international health regulations.

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<sup>1</sup> The Alianza Ciudadana/Alianza Ciudad/Citizens' Alliance, Armenian Women for Health and Healthy Environment, BAN Toxics Philippines, BUND (Friends of the Earth Germany), Centre for Environment Justice and Development (CEJAD), CEPHEP Nepal, Chemical Safety Agency (CSA), CIEDUR, Eco-Justice Ethiopia, European Environmental Bureau (EEB), German NGO Forum on Environment and Development, groundWork South Africa, Health and Environment Justice Support (HEJSupport), Journalists for Human Rights, Naturvernsforbundet, PAN Germany, PAN Africa, PAN UK, PAN Asia Pacific, PAN International, PAN North America, RAPAL Uruguay, ALHem, Swedish Society for Nature Conservation (SSNC), Taller Ecologista, Toxisphera Environmental Health Association, Toxics Link, Women Engage for a Common Future (WECEF), ZERO – Association for the Sustainability of the Earth System

Moreover, the new instrument should include the precautionary and the right to know principles, and include the following key priorities:

- Immediately restrict and eventually eliminate the production and use of harmful chemicals, such as those that are persistent, bioaccumulative and toxic; very persistent and very bioaccumulative; carcinogens or mutagens or that adversely affect, among other factors, the reproductive, endocrine, immune or nervous systems; as well as other chemicals of concern, regardless of whether they are biomass or fossil fuel-derived;
- Use scientific data to avoid regrettable substitution to hazardous chemicals; ensure that data is verified by an independent multistakeholder assessment committee;
- Use and develop safe and non-chemical (ecological) alternatives to hazardous chemicals and apply green chemistry;
- Eliminate the production and use of highly hazardous pesticides (HHPs) and replace them with agroecology;
- Reduce the overall use of materials and overall production of chemicals and waste to limits that do not surpass planetary boundaries;
- Implement waste minimization and sound management with the focus on non-toxic circular economy;
- Ensure that chemicals banned or restricted in developed countries are not produced for trade/export to developing countries and countries in transition;
- Protect vulnerable groups, including workers, Indigenous People, farmers and peasants, people living near the contaminated sites, women, pregnant women, children, and other marginalized groups;
- Eliminate environmental injustice caused by toxic chemicals and waste exposure<sup>2</sup>;
- Mainstream the notion that mismanagement of chemicals and waste is a crime, with links to several aspects of human rights;
- Strengthen coordination among UN agencies, governments and other stakeholders in preventing the illegal trade in chemicals and waste;
- Mainstream gender equality and gender considerations into each step of sound chemicals and waste management decisions at all levels;
- Implement all existing SAICM issues of concern and identify new issues as they emerge;
- Implement novel approaches to financing with the focus on polluter-pays principle in relation to cost-internalizations.

## **Vision**

For the new instrument to be effective, the following vision should be considered:

Healthy and just lives of current and future generations and a sustainable and healthy planet by eliminating the sources of toxic exposure, prioritizing safer alternatives, including non-chemical, eco-friendly alternatives to industrial and agricultural chemicals, achieving a toxic-free circular economy, and minimizing waste generation and disposal.

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<sup>2</sup> Environmental injustice caused by toxic chemicals and waste exposure inter alia includes lack of access to proper information of the presence of chemicals and their hazards, no information and equipment for risk reduction measures, no participatory decision-making, no pre-informed consent procedure, etc.

## **Scope**

The Beyond 2020 instrument should become central to the UN policies and programmes wherever it involves chemicals and waste. The new instrument should recognize the cross-cutting character of chemicals and waste and their link to biodiversity loss, the climate crisis, and resource depletion. It should become an umbrella for all existing and future chemical and waste agreements, both voluntary and legally binding and have the potential to address pressing issues not covered by other chemical and waste agreements. Sound management of chemicals and waste should reflect the most vulnerable groups such as children, women, pregnant women, Indigenous Peoples, peasants, farmers, workers and marginalized groups, as standards to evaluate the negative impact of hazardous chemicals and waste and based on this develop and implement adequate measurements for its elimination.

## **Strategic objectives and targets**

To meet the Strategic Objectives of the Beyond 2020 instrument, the agreed targets should measure “impact” rather than placing too much emphasis on “process,” a problem that was identified in the [Independent Evaluation of SAICM from 2006 to 2015](#): “The third SAICM outcome – monitoring progress through the 20 indicators - had a number of weaknesses. The 20 indicators are outputs-based, without a complementary set of indicators that assesses outcome and impact”.

Specific outcome-based and time-bound targets, indicators, and milestones are significant for the work with the issues of concern (IoC) and should be developed before the fifth session of the International Conference on Chemicals Management (ICCM5), so that they can be negotiated and adopted then. Any new issues of concern added by ICCM6 or successive ICCMs should be accompanied by a work plan that includes specific outcome-based and time-bound targets, indicators, and milestones.

## **Mechanisms to support implementation**

### **National implementation plans**

Governments, in cooperation with other stakeholders, shall develop and implement a national action plan (NAP) that should cover all 11 core elements of the 2008 *SAICM* Overall Guidance and Orientation document and Issues of Concern and address the Strategic Objectives and targets of the Beyond 2020 instrument. A report on progress made should be publicly available and provided to the International Conference on Chemicals Management.

Each country should periodically report back to the Secretariat on its steps to meet the targets and indicators for the Strategic Objectives and IoCs. This report is submitted to the Secretariat and is open to all.

A multi-stakeholder periodic review group (panel) should be set up to, in cooperation with the Secretariat, prepare an outcome report that summarizes the discussion of progress in fulfilling the National Implementation Plan, including responses from the country under review along with recommendations for implementation.

Every third year, each state is evaluated by a multi-stakeholder periodic review group for its progress in fulfilling the National Implementation Plan. Recommendations are formulated for the next three-year cycle of work.

For better implementation and evaluation of the effectiveness of the adopted measures, it is crucial to develop precise reporting and evaluation mechanisms. Defined activities and objectives should be

specific, measurable, accountable, relevant, time-bound (SMART) and impact-oriented. The evaluation should also take into consideration independent reports, such as peer reviews and “shadow reports” from civil society.

### **Stakeholder engagement**

The involvement and commitment of all relevant sectors and all relevant stakeholders – including social, health and environmental non-governmental organizations, women, youth, farmers, workers, and indigenous groups – at the local, national, regional and international levels is important for the sound management of chemicals throughout their lifecycle and waste.

The multistakeholder involvement in SAICM has always been based on equal participation in all related activities, including decision-making. This principle should be moved to the Beyond 2020 instrument to preserve the inclusive character of the new strategy.

The role of social, health and environmental organizations and other stakeholder groups should not be limited to target E1 (Target E1: All countries and non-governmental stakeholders organizations at the high[est] level recognize the importance of and demonstrate their commitment to the sound management of chemicals [and waste] as a contribution to sustainable development [and the 2030 Agenda]).

Full transparency and participation of the public and stakeholders in decision-making within the Beyond 2020 instrument is necessary for effective sound management of chemicals and waste.

Specific attention should be made to engaging vulnerable populations and their unjust exposure to hazardous chemicals and waste. They should be part of decision-making related to sound chemicals and waste management at all stages of the chemical lifecycle, including the assessment of pollution sources, safety at the workplace, switching to alternatives and implementation of new initiatives.

### **Gender and vulnerable group aspects**

Advancing knowledge on the linkages between chemicals and gender, including the differences in gender susceptibility to exposure to chemicals due to socio-cultural and biological factors, is key to improving the understanding of the impacts of chemicals on human health and nature.

Gender mainstreaming into each step of sound chemicals and waste management decisions at the national and international levels is crucial for achieving effective and inclusive processes.

Gender considerations should be part of project planning, design, implementation, monitoring, and evaluation, which will help avoid inequality between women, men and non-binary persons and better address ways to minimize chemical exposures and enhance a vision of a toxic-free future for all. Gender and Chemicals should be established as a new issue of concern under the Beyond 2020 instrument to contribute to this.

The Beyond 2020 instrument should acknowledge that vulnerable populations unjustifiably suffer more from exposure to toxic chemicals and waste. It should ensure that vulnerable groups, including peasants, farmers, workers, Indigenous Peoples, people living near contaminated sites, women, pregnant women,

children, the elderly, people with disabilities, are protected from toxic chemicals, waste, and regrettable substitutions and are part of related decision-making processes.

### **Issues of concern**

The recognition of the issues of concern (IoCs) has been an integral part of the SAICM process from the beginning. The work on IoCs identified during SAICM (2006-2020) should continue as part of the Beyond 2020 instrument. Governments must recognize the link of these issues to the 2030 Sustainable Development Goals, and take strong action to implement them.

Moreover, there remains a need to follow the trends in the design, production, use and release of chemicals and the generation and management of waste as well as trends in the health and environmental impacts of chemicals and waste to identify other issues of concern and to catalyze sound management policies and actions.

It is important to recognize an urgent need to see substantial progress in the work with IoCs, which requires stepping up the IoC work considerably through a higher ambition level. To achieve this, both voluntary actions and elevated obligations within and outside the Beyond 2020 instrument should be implemented.

This idea was first highlighted by a group of NGOs and presented in detail in several information documents submitted to the SAICM Secretariat during the Intersessional Process. The core document describes a [new mechanism of action](#) based on evaluation criteria for IoCs that could trigger the IoCs, or specific aspects of them, for consideration of elevated obligations within and outside the frames of the SAICM successor.

Each IoC needs a clear work plan with targets, milestones, and indicators and an implementing mechanism. A formalized periodic review system of reporting on progress should be set up and could form the basis of the effectiveness evaluation of the new beyond 2020 instrument along with an assessment of financial and capacity-building needs. An expert panel should be set up to review the reports and propose recommendations.

The idea to elevate obligations for the work on IoCs was further developed in the [UNEP assessment report on SAICM IoCs](#). The report gives support for the suggested new mechanism of action, as it identified that voluntary actions might be insufficient. The UNEP assessment is based on a review of evidence published within the past decade and presents the current status of the eight IoCs. The assessment identified an urgent need to step up the work with the existing IoCs, and suggested candidates, including through binding instruments. It pointed out that progress in the IoC work has been uneven between countries and that policy inconsistencies across countries hamper progress.

### **Information transparency**

Chemicals in Products is one of eight SAICM IoCs, supported by the Programme (CiP Programme). The necessity to significantly strengthen the CiP Programme and international collaboration around transparency is a foundation for informed decisions on bans, regulations, and proper substitution of hazardous chemicals in materials and products.

Transparency regarding the chemical contents of materials and products is also a prerequisite for a non-toxic circular economy that is safe for human health and the environment and substantially reduces the use of primary raw materials, thus contributing to consumption patterns within planetary boundaries. Noting that the sound management of chemicals and materials are inseparable, transparency for chemical contents in materials ensures that hazardous and persistent chemicals, including those banned or restricted, are not recirculated in new products.

Nevertheless, companies have been reluctant to join the voluntary UNEP Chemicals in Products Programme, which has its aspirational goal of full ingredient disclosure for materials. The Beyond 2020 instrument should stress the responsibility of the industry to make data and information on the health and environmental effects of chemicals throughout their life cycle available to stakeholders, to honor §22 of the Dubai Declaration. Information on chemicals relating to the health and safety of humans and the environment should not be regarded as confidential to fully implement the right to know. Furthermore, knowing what hazardous chemicals are in products or materials should not be linked to the feedstock and how these chemicals are produced. [Toxic chemicals can still be dangerous to human health and the environment, whether derived using biomass or fossil fuel.](#)

A more tangible way of handling transparency for chemical contents in materials than leaving it up to companies themselves to decide on what to disclose has been proposed by NGOs, in the form of a [Global Minimum Transparency Standard \(GMTS\)](#) that would also support the implementation of the Beyond 2020 strategy and the existing chemicals and waste agreements.

Based on the GMTS idea, a global cross-sectorial transparency standard for hazardous chemicals in materials and products should be established to ensure harmonized and mandatory sharing of information on the presence of toxic chemicals, to facilitate informed decisions for all life stages of materials and products and put in place the basic condition for a non-toxic circular economy safe to human health and the environment.

GMTS should be included in Beyond 2020 Strategic Objective B targets on data generation and availability. Examples of such targets include:

- New Target B3: By 2026, a global minimum cross-sectorial transparency standard for chemicals of global concern in products is in place and used to support the work on Chemicals in Products internationally and in national implementation plans, as well as the transition to non-toxic materials flows, e.g. via circular economy.
- New Target B4: By 2030, a publicly available global database administered by IOMC for chemicals of global concern in products is in place to support informed decision-making, and it will expand over time as needed when increasingly more countries report to it.
- New Target B.5: By 2030, stakeholders in the value chain ensure that reliable information on chemicals in [materials and] articles is available throughout their life cycle [including at the waste stage], to enable informed decisions and safe management of chemicals in a clean circular economy.

### **Capacity building**

Capacity-building activities, including GHS implementation, have always constituted the core of international chemical agreements, including SAICM. [The Compilation of Recommendations regarding the Strategic Approach and the sound management of chemicals and waste beyond 2020](#) includes key capacity-building principles for consideration by SAICM stakeholders:

- collaboration with existing initiatives on chemicals and waste management;
- recognition and sharing of knowledge and expertise within and among regions;
- recognition of the need to promote coordination of and access to information for the sound management of chemicals and waste;
- ensuring the full use of national, subregional and regional information and knowledge to inform global decision making;
- recognition of the need for gender equity in all relevant aspects of its work.

These principles do not include any completely new ideas. Nevertheless, they should be incorporated into the Beyond 2020 instrument because the success of this global strategy requires all relevant stakeholders to contribute. For countries, especially developing countries and countries with economies in transition and civil society, to do this effectively, they need to be capacitated. However, implementing these principles requires a lot of technical support, including capacity-building tools, that will help countries address existing and new challenges on chemicals and waste.

Commitment and prioritization of such tools as [GHS](#), [PRTR](#), [GMTS](#), [Guidelines on Highly Hazardous Pesticides](#), [Guidelines for Sustainable Soil Management](#) in the Beyond 2020 instrument is important as they can help countries identify gaps in their regulatory systems that slow down their efforts in achieving sound chemicals and waste management. It is essential to continue supporting countries in GHS, PRTR, and GMTS implementation, including making these tools legally binding and mandatory for performance by all relevant sectors.

In addition, transfer of know-how and safe technologies to countries in need, skill-sharing of suitable policy instruments and experiences of operating them, increased sharing of data on toxic chemicals and pesticides health and environmental effects and their presence inside and outside the supply chain of products throughout the product lifecycle, harmonization of standards, in particular for chemicals of global concern, must increase substantially.

To reduce and eliminate inequality in the capacity level between developing and developed countries, the Beyond 2020 instrument must focus on identifying and meeting capacity-building needs in countries and among stakeholders, including but not limited to:

- the management of precursor substances, endocrine disrupting chemicals, e-waste, and chemical accident management;
- FAO Code of Conduct on pesticide management, and alternatives to pesticides, including agroecology;
- innovation for clean production processes and technology;
- tools for testing and adequate risk assessments.

## **Financing**

The Beyond 2020 instrument should put sustainable financing to support its implementation in place. It should not just build on the Integrated Approach to long-term funding of the Chemicals and Waste Agenda but also incorporate novel approaches to financing. The principle of polluter-pays in relation to cost-internalizations should guide the construction of financing mechanisms.

[The Centre for International Environmental Law \(CIEL\) and IPEN's report](#) outlines a policy mechanism building on the polluter pays principle. This mechanism, in effect, is a “global” tax leveraged from the

chemical industry for basic chemicals. The tax would replace the Responsible Care Programme, through which industry now largely controls what they fund. Thus, it may create situations where commercial interests primarily dictate the allocation of the funds. There are similar initiatives to the one suggested by the report, for example, the International Oil Pollution Compensation Funds.

Therefore, the NGOs behind this submission support the proposal for a global tax to be levied on producers of basic chemicals. These funds could be used to build the necessary infrastructure for sound chemicals and waste management in the Global South.

Noting that after the Quick Start Program was closed, no other global financial mechanism was available to allow the civil society organizations involved in SAICM implementation to apply independently from their governments. The Beyond 2020 instrument should ensure that the new funding mechanism will apply to all stakeholders, including civil society organizations, working on sound chemicals and waste management.

## Annex 1

**Below is the list of the targets for the Strategic Objectives of the Beyond 2020 instrument suggested by NGOs and included into Annex I of the VWG co-facilitators report on targets, indicators and milestones.<sup>3</sup>**

**Strategic Objective A: [Measures are identified, implemented and enforced in order to prevent or, where not feasible, minimize harm from chemicals throughout their life cycle [and waste];]**

- New Target A3 By 2030, 100 countries have prohibited single-use plastic.
- New Target A4 By 2030, 100 countries have prohibited the import of hazardous waste.
- New Target A5 By 2030, all countries have prohibited the export of substances that they have prohibited nationally.
- New Target A6 By 2030, all chemicals, or groups of chemicals, of global concern, are phased out or effectively restricted at the national, regional and global level, throughout the entire life cycle, including in products and waste, so that exposure of humans and the environment is prevented or restricted.
- New Target A7 By 2030, the use of Highly Hazardous Pesticides is eliminated from agriculture.
- New Target A8 By 2030, all vulnerable groups are protected from the adverse impacts of chemicals and waste.

**Strategic Objective B: Comprehensive and sufficient knowledge, data and information are generated, available and accessible to all to enable informed decisions and actions.**

- New Target B1 By 2030, ICCA and CropLife have provided a living, publicly accessible inventory of comprehensive health and safety data for all substances produced by member companies.
- New Target B2 By 2030, 50 countries have established publicly accessible pollutant release and transfer registries.

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[http://saicm.org/Portals/12/documents/meetings/IP4/2022/SAICM\\_IP.4\\_2\\_Rev.1\\_Add.1\\_Outcome%20of%20VWG1%20on%20targets,%20indicators%20and%20milestones.docx](http://saicm.org/Portals/12/documents/meetings/IP4/2022/SAICM_IP.4_2_Rev.1_Add.1_Outcome%20of%20VWG1%20on%20targets,%20indicators%20and%20milestones.docx)



- New Target B2 By 20xx, industry openly shares comprehensive data on the chemicals in their articles on the global market.
- New Target B2 By 2030, full GHS is adopted by all countries, and updated as new versions are published, and the information on chemical classification and labelling is freely accessible to all.
- New Target B3 By 2026, a global minimum cross-sectoral transparency standard for chemicals of global concern is in place and used to support the work on Chemicals in Products internationally and in national implementation plans, as well as the transition to non-toxic materials flows, e.g. via circular economy.
- New Target B3 By 2030, OECD establishes a living, online, publicly available global inventory of nanomaterials on the market.
- New Target B4 By 2030, ICCA and CropLife have provided a living, publicly accessible, inventory of the chemical content in products for substances produced by member companies.
- Target B.4 By 2030, a publicly available global database administered by UNEP for chemicals of global concern is in place to support informed decision-making, and it will expand over time as needed, when increasingly more countries report to it.
- Target B.5 By 2025, information on HHPs produced, imported, exported, and used is available to all stakeholders.
- New Target B5: By 2030, 50 countries have adopted occupational health and safety laws or binding agreements with the assistance of ILO that include the right to know about chemical identity and use, and right to refuse work in the face of serious potential harm.
- Target B.6 By 2030, information on nonchemical alternatives to HHPs and especially agroecological approaches is made available to farmers.
- New Target B8 By 2025, gender-responsive educational, training and public awareness programmes on chemical safety, sustainability and safer alternatives have been developed and implemented.

**Strategic Objective C: Issues of concern [that warrant [global][and][joint] action] are identified, prioritized and addressed.**

- New Target C1 Phase-out of the manufacture, trade and sale of paints containing lead until 2030.
- New Target C2 By 2025, 70 countries have prohibited and phased-out at least ten more highly hazardous pesticides and by 2030, highly hazardous pesticides are removed from agriculture.
- Strategic Objective D: Benefits to human health and the environment are maximized and risks are prevented or, where not feasible, minimized through safer alternatives, innovative and sustainable solutions and forward thinking. Further discussion is needed in regards to the use of the term “safe[r]”.
- New Target D1 By 2025, all ICCA and CropLife member associations issue annual public reports describing hazard reduction actions, phase-outs and safer alternatives implemented by member companies.
- New Target D2 By 2030, 50 cities containing more than 1 million inhabitants have implemented segregation of waste at source for reuse, non-toxic recycling and composting.
- New Target to merge D1 & D2 By 2030, governments and companies have adopted, implemented and kept up to date policies and practices including chemicals-free alternatives and green and sustainable chemistry to achieve safe materials and products, non-toxic material cycles, circular economy and resource efficiency.
- New Target D3 By 2030, 100 countries have poison control centers.
- New Target D4 By 2030, all countries have implemented agroecology training programs and publicly provide percentages of food and fibre produced using agroecological techniques

- New Target D5 By 2030, 70 countries document chemical impacts on biodiversity with the assistance of UNEP and FAO and reduce pollution so that there are no detrimental effects on ecosystem function and biodiversity.

Strategic Objective E: [The importance of the sound management of chemicals and waste as an essential element to achieving sustainable development is recognized by all[; adequate, predictable and sustainable financial and non-financial resources are [identified and] mobilized; actions are accelerated; and necessary [transparent and accountable] partnerships are established to foster cooperation among stakeholders].]

- New Target E1 By 2030, an independent evaluation demonstrates that gaps between developed and developing countries are narrowed in terms of the implementation of sound management of chemicals and waste.
- New Target E2 By 2030, an independent needs assessment determines that adequate, predictable, and sustainable financing is available for national implementation of the Beyond 2020 agreement.
- New Target E3 By 2030, at least 50% of financing for the sound management of chemicals and waste comes from a coordinated tax or fee on the business sector which contributes to a global fund.
- New Target E4 By 2025, partnership agreements with the business sector are publicly available and consistent with the UN Guiding Principles on Business and Human Rights.
- New Target E5 By 2025, all countries have ended fossil-fuel subsidies

## NGOs supporting the position paper

<p>The Alianza Ciudadana/Alianza Cidada/Citizens' Alliance</p>	<p>Cecilia Bianco <a href="mailto:ceciiasandrbianco@gmail.com">ceciiasandrbianco@gmail.com</a></p>	 <p><b>Latin American Toxic-free Environment</b> Citizens' Alliance</p>
<p>Armenian Women for Health and Healthy Environment</p>	<p>Elena Manvelian, Gohar Khojayan <a href="mailto:office@awhhe.am">office@awhhe.am</a></p>	 <p><b>AWHHE</b> Armenian Women for Health and Healthy Environment</p>
<p>BAN Toxics (Philippines)</p>	<p>Reynaldo M. San Juan, Jr. <a href="mailto:reysan1@bantoxics.org">reysan1@bantoxics.org</a> Thony Dizon <a href="mailto:tdizon@bantoxics.org">tdizon@bantoxics.org</a></p>	 <p><b>BAN TOXICS</b></p>
<p>BUND (Friends of the Earth Germany)</p>	<p>Manuel Fernandez <a href="mailto:Manuel.Fernandez@bund.net">Manuel.Fernandez@bund.net</a></p>	 <p><b>BUND</b> Bund für Umwelt und Naturschutz Deutschland FRIENDS OF THE EARTH GERMANY</p>
<p>Centre for Environment Justice and Development (CEJAD)</p>	<p>Griffins Ochieng <a href="mailto:cejadkenya@gmail.com">cejadkenya@gmail.com</a></p>	 <p><b>CEJAD</b> Centre for Environment Justice and Development</p>
<p>CEPHED Nepal</p>	<p>Ram Charitra Sah <a href="mailto:ramcharitra@gmail.com">ramcharitra@gmail.com</a></p>	 <p><b>CEPHED</b></p>
<p>Chemical Safety Agency, CSA</p>	<p>Denys Pavlovskiy <a href="mailto:dpavlovskiy88@gmail.com">dpavlovskiy88@gmail.com</a></p>	 <p><b>Chemical Safety Agency</b> CSA NON-GOVERNMENTAL ORGANIZATION</p>
<p>Centro Interdisciplinario de Estudios sobre el Desarrollo (CIEDUR)</p>	<p>Andrea Detjen Ibáñez <a href="mailto:adetjen@ciedur.org.uy">adetjen@ciedur.org.uy</a></p>	

Eco-justice Ethiopia	Eskedar Awgichew eskedargx@gmail.com	
European Environmental Bureau (EEB)	Dolores Romano dolores.romano@eeb.org	
German NGO Forum on Environment and Development	Tom Kurz <a href="mailto:kurz@forumue.de">kurz@forumue.de</a>	
groundWork South Africa	Mafoko Phomane <a href="mailto:mafoko@groundwork.org.za">mafoko@groundwork.org.za</a> Rico Euripidou <a href="mailto:rico@groundwork.org.za">rico@groundwork.org.za</a>	
Health and Environment Justice Support (HEJSupport)	Olga Speranskaya Alexandra Caterbow <a href="mailto:info@hej-support.org">info@hej-support.org</a>	
Journalists for Human Rights	Natasha Dokovska <a href="mailto:ndokovska@gmail.com">ndokovska@gmail.com</a> Andrea Nakova <a href="mailto:andreakova@hotmail.com">andreakova@hotmail.com</a>	
Naturvernforbundet	Gro Holstad <a href="mailto:gh@naturvernforbundet.no">gh@naturvernforbundet.no</a> Holger Schalupitz <a href="mailto:hs@naturvernforbundet.no">hs@naturvernforbundet.no</a>	
Pesticide Action Network (PAN) Germany	Susan Haffmans susan.haffmans@pan-germany.org	
Pesticide Action Network (PAN) Africa	Maimoun Adiene <a href="mailto:maimounadiene@pan-afrique.org">maimounadiene@pan-afrique.org</a>	
Pesticide Action Network (PAN) UK	Sheila Willis <a href="mailto:sheila@pan-uk.org">sheila@pan-uk.org</a>	
PAN Asia Pacific	Sarojeni V. Rengam <a href="mailto:sarojeni.rengam@panap.net">sarojeni.rengam@panap.net</a>	

PAN International	Keith Tyrell keith@pan-uk.org	
PAN North America	Marcia Ishii <a href="mailto:marcia@panna.org">marcia@panna.org</a>	
RAPAL Uruguay	coord@rapaluruguay.org	
Safer Chemicals Alternative, ALHem (Serbia)	Jasminka Randjelovic jasminka.randjelovic@alhem.rs	
Swedish Society for Nature Conservation (SSNC)	Karen Lexen <a href="mailto:karin.lexen@naturskyddsforeningen.se">karin.lexen@naturskyddsforeningen.se</a>	
Taller Ecologista (Argentina)	Cecilia Bianco ceciiasandrbianco@gmail.com	
Toxisphera Environmental Health Association (Brasil)	Zuleica Nycz zuleica.nycz@gmail.com	
Toxics Link	Satish Sinha satish@toxicslink.org	
Women Engage for a Common Future, WECF	Johanna Hausman <a href="mailto:johanna.hausmann@wecf-consultant.org">johanna.hausmann@wecf-consultant.org</a> Sascha Gabizon <a href="mailto:sascha.gabizon@wecf.org">sascha.gabizon@wecf.org</a>	
ZERO – Association for the Sustainability of the Earth System	Susana Fonseca susana.fonseca@zero.org	