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This policy brief is intended for public policy makers and practitioners; it will also be useful for those groups and individuals seeking to influence the policymaking processes.

This policy brief is also available in Georgian.

HAZARDOUS CHEMICALS AND CHALLENGES FACED BY GEORGIA

Chemicals are used in industry, agriculture, and in the household. However, certain chemicals may be dangerous to the environment and human health, and their misapplication will cause severe damage. Respectively, proper management of chemicals is very important.

A comprehensive law on chemicals – REACH regulations – is in force in the European Union. REACH aims to improve the protection of human health and the environment, and to enhance innovation and competitiveness of the EU chemicals industry. The regulations is applicable to any chemical, including those used in toiletry, dyes, clothing, furniture, electronic devices etc. Besides, there are chemicals, such as biocides, pesticides, pharmaceutical substances, cosmetics, etc. that are additionally managed under appropriate legislation.

The implementation of legislation at the EU level is ensured by European Chemicals Agency (ECHA), which helps regulatory authorities of the Member States, and the companies to comply with the law. The Agency manages the databases on chemicals and ensures response to the challenges created by hazardous chemicals.

In 2014 Georgia, by signing the EU-Georgia Association Agreement, committed itself to significant environmental liabilities including chemicals safety and management. These obligations are designed to the period of 2015-2019 and include the development of appropriate law regarding chemical safety of the country and management of potentially hazardous chemicals, harmonization of the existing law with the EU legislation, registration of chemicals, creation of a unified system of identifying chemically contaminated sites, possible accidents risk assessment, development of strategic documents on waste management, creating and maintaining chemicals national register etc.

The existing legal framework in Georgia and initiatives

In 1993, under the Resolution by Cabinet Ministers, Georgia joined the London guiding principles and International Register of Potentially Toxic Chemicals thus undertaking commitments in the chemicals management sector.

In 1998, taking into account the requirements of UNEP and FAO, the law “On Hazardous Chemicals” was adopted, which laid the legal basis of hazardous chemicals management.

Ministry of Labor, Health and Social Affairs of Georgia was assigned the key player in this matter. Adoption of the law met with some resistance from the Ministry of Agriculture, which did not want to revise agrochemicals and pesticides management experience, gained during soviet period, especially where it comes to testing, registering and creating uniform register of hazardous chemicals.

However, lack of experience in this specific field at the Ministry of Health, and absence of necessary additional legal provisions (standards, guiding principles, regulations) prevented bringing the law into force.

In 2010 the law was repealed thus leaving this important sector of activity without legal framework. It is noteworthy that repeal of the law did not entail the abolition of emanating from it regulations, and they are still in force.

Though some of Georgian laws, e.g. “On Pesticides and Agrochemicals”, “On Air Protection”, “Waste Management Code”, “Import, Export and Transit of Waste”, “Public Health etc. provide for certain standards for hazardous chemicals management, the legal framework in this field is defined by international agreements, signed by Georgia. These are:

- Basel Convention of 22 March 1989 “On the Control of Transboundary Movements of Hazardous Wastes and their Disposal”¹;
- Rotterdam Convention of 10 September 1999 “on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade”;
- Stockholm Convention of 22 May 2001 “On Persistent Organic Pollutants”;
- Vienna Convention of 1969 “for the Protection of the Ozone Layer”;
- Montreal Protocol of 1987 “on Substances that Deplete the Ozone Layer” and the amendments to it;
- 9 May 1992 “Framework Convention on Climate Change” with the amendments therein;
- 11 December 1997 Kyoto Protocol to the United Nations Framework Convention on Climate Change;
- The FAO “International Code of Conduct on the Distribution and Use of Pesticides” of 1985 and the amendments therein etc.

It should be mentioned that Georgia made its first steps towards chemicals management already in 2005-2006 within the UNDP funded project called “Development of National Action Plan on Persistent Organic Pollutants within the Framework of Stockholm Convention”. The plan was approved in 2011. A number of projects relating to POP-pesticides were implemented since then, within which collection, packaging and temporary safe storage of expired pesticides, and their subsequent neutralization, public information and awareness raising were conducted.

¹ The latest report on the implementation of Basel Convention was submitted by the Ministry of Environment on 15.01.2016; <http://ers.basel.int/ERS-Extended/FeedbackServer/fsadmin.aspx?fscontrol=respondentReport&surveyid=65&voterid=47214&readonly=1&nomenu=1>

In 2011 nine new substances were introduced into the Convention. Respectively the Convention Secretariat found it necessary to update national action plans in countries-parties to the Convention.

The UNEP, together with the Ministry of Environment and Natural Resources Protection is implementing the project including the inventory of new POPs within next two years, evaluation of the existing plan and development of the new draft plan and its further adopting. Besides, public awareness-raising with regard to POPs is envisaged.

Current challenges in chemicals management

It should be stressed that chemical industry, as well as mining (especially mining open pit) contain the risk of anthropogenic calamities. Besides, the abandoned industrial and military sites pose serious risk of pollution and illegal acquisition. At the same time in Georgia there is no a comprehensive picture and registry of potentially hazardous sites. There are only locations maps drawn for individual projects, and they are imperfect and fragmentary. Besides, they almost do not contain the data on areas of chemical contamination².

Respectively, one of the main problems is lack of a comprehensive system of data collection and processing, as a result of which there is no full information on:

- What chemicals, and in what quantities are produced, imported or transported in Georgia;
- Where are hazardous chemicals used, in what quantities and under which technologies;
- How are the security and environmental standards observed;
- What kind of hazardous waste is produced in Georgia, how big is it, where and how is it neutralized, or stored, is the environment protected against pollution;
- How much of hazardous (harmful) chemicals get into the environment; what is their concentration in the air, water, soil;
- What is the impact of hazardous (harmful) substances on human health (immediate or through the environment/food/drinking water.)³

It is worth mentioning that there is no special infrastructure for storing and/or disposal of hazardous chemicals. At the same time chemicals hot spots, including industrial, agricultural and military waste of the soviet period, have been identified within a number of projects. E.g. about 100 thousand tons of 04-9% arsenic containing waste can be found in Tsana and Uravi villages⁴; It is well known that about 5000 tons of pesticide and agrochemical residues are stored at the territories of former collective and state farms.

Under GEF funded project UNDP organized the study and assessment of Iagluja pesticides landfill. 4 hectares of chemicals disposals were fenced, and three concepts were developed for ecological

² http://gov.ge/files/382_40792_816495_164-1.pdf

³ Georgia's Chemical Profile http://csrdg.ge/upload/editor/file/qim-profil/Georgia%20chemicals%20profile_geo.pdf

⁴ 2014 project of Ministry of Environment and Natural Resources Protection, called "the response to emergency situation from the point of view of environmental health and safety at arsenic mining production in Tsana village" aiming at safe disposal of arsenic residues in Lentekhi municipality, in cooperation with the OSCE.

improvement and remediation of the site. 230 tons of POP obsolete pesticides stored at the “Iagluja” dumpsite were collected, packed, transported, and safely disposed in Belgium and France. Awareness-raising activities were conducted for local population⁵.

Within FAO/EU project 210 obsolete pesticides were collected, packed and stored temporarily. Later they were transported to Belgium and France for safe disposal⁶.

Institutional Structure and Legislative Framework

Regardless the absence of uniform legislation and public register of hazardous chemicals management, the management of agrochemicals and pesticides is more or less regulated under the law “On Pesticides and Agrochemicals”.

The law, in compliance with international FAO requirements, sets out the standards of dissemination, safe use, conduct of registration tests, expertise, registration, labeling etc. in coordination with Ministry of Labor, Health and Social Affairs.

Ministry of Agriculture also has the liability of maintenance of the state catalog of permitted in Georgia pesticides and agrochemicals, and submission to FAO of appropriate information. Besides, Ministry of Agriculture issues licenses for the production of biological pesticides.

As mentioned above, regardless the repeal of the Law of Georgia “On Hazardous Chemicals”, some the bylaws, emanating from it are still in place and define the rules to restrict or prohibit the use of hazardous chemicals, their classification; permission or prohibition of their production, use, and export/import on the territory of Georgia, to maintain the list of hazardous chemicals of strictly limited use. At the same time, proceeding from the Law of Georgia - Product Safety and Free Movement Code, “Technical regulation of marking and labeling hazardous chemicals”⁷ was adopted in 2013.

Currently the following are main authorities responsible for the management of chemicals:

Ministry of Environment and Natural Resources Protection of Georgia, which is responsible for: hazardous waste management, issuance of permits on their import, export and transit, issuance of permits on the import, export, re-export and transit of ozone-cleaving substances; exchange of information with secretariats of Basel, Stockholm, Vienna, Rotterdam Conventions (in the part of industrial chemicals) Climate Change Framework Convention and Montreal and Kyoto Protocols.

Ministry of Agriculture of Georgia, which is in charge of: pesticides and agrochemicals management, issuance of permits for the production of biological pesticides, and the movement of prohibited and strictly limited pesticides. Besides, the Ministry’s competences in the field of import-export and transit of pesticides and agrochemicals is defined under the Resolution of Georgian government on “the rules of the export and import of hazardous chemicals and pesticides, and advance informed agreement procedure”, which is due to be adopted before 16 June 2016. The Ministry is also responsible for the exchange of information on pesticides with the Secretariat of Rotterdam Convention.

⁵ <http://cbw.ge/georgia/hazardous-chemicals-leave-georgia/>

⁶ http://moe.gov.ge/files/PDF%20%20qartuli/Angarishi/angarishi_saboloo.pdf

⁷ <https://www.matsne.gov.ge/ka/document/view/2187938>

Ministry of Labor, Health and Social Affairs of Georgia, which is responsible for: chemical safety control, exchange of information with Secretariat of London guiding principles and the Register of potentially toxic chemicals.

Tax Service of **Ministry of Finance of Georgia**, monitors the export/ import, and registration of chemicals, and maintains statistics in respect of hazardous substances.

Ministry of Economy and Sustainable Development of Georgia issues permits on limited circulation items, including hazardous substances.

The EU-Georgia Association Agreement Implementation Challenges

In 2014 Georgian government adopted “Chemical, Biological, Radiological and Nuclear Threats Reduction National Strategy”⁸ under which main directions, such as prevention, revealing, preparedness and response were defined. On the basis of this document action plans in each sector shall be developed.

Within implementation of the commitments under the Association Agreement, “Waste Management Code”, developed by the Ministry of Environment and Natural Resources Protection, was adopted. In 2016 the 2016-2030 waste management national strategy and 2016-2020 action plan were approved under the governmental resolution. Besides, in 2015-2016 a number of bylaws – technical regulations – were passed, which define the rules and terms of landfills management, and waste transportation, collection, processing, registration, classification storage and registration.

Also in 2016 amendments were introduced to a number of laws, including the laws of Georgia “On the Import and Transit of Waste on the territory of Georgia” and “On Air Protection” with a view of their harmonization with international law.

Georgia has made some progress with the financial support by Multilateral Fund for the Implementation of the Montreal Protocol, *inter alia*, expedited withdraw of major ozone-depleting substances, including halons, and disuse of chlorofluorocarbons. Ozone-depleting substances import/export permission system has been established, which increased the capacities of customs authorities, the customs technical equipment in terms of fighting against smuggling ozone-depleting substances (ODS) was reinforced.

Two recycling centers have been established in the country, where the utilized refrigerants are being renovated for the reuse, thus reducing the demand for new refrigerants. About 1000 technicians for refrigeration and air conditioning devices have been retrained and acquainted with the modern practice. At the same time ODS waste has been moved out of the country and safely disposed in Europe.

It is noteworthy that in 2015 Georgia achieved 10% reduction in hydrogen-chlorofluorocarbons consumption, and in 2016 permanently discontinued the use of one of the hydrogen-chlorofluorocarbons (1-chlorine-1,1 difluoromethane (HCFC-142b)).

Georgia permanently co-operates with international organizations and secretariats of the Conventions, which is expressed in the provision of reports, drafted by the Ministry of Environment and Natural Resources Protection, to the Convention Secretariats, and filling out the proposed questionnaires.

⁸ http://gov.ge/files/382_40792_816495_164-1.pdf

The only exception is Rotterdam Secretariat, with whom Georgia has no cooperation due to the lack of experience at the Ministry of labor, Health and Social Affairs, and the 2010 abolition of the “law on hazardous substances”, which left open the issue of the agency, responsible for the exchange of information. Currently, Ministry of Agriculture displays an interest in cooperation. It already sent a letter to the secretariat regarding some of the pesticides.

According to chemicals management road-map developed by the Ministry of Environment and Natural Resources Protection within the EU-Georgia Association Agreement, the Ministry, in 2017-2019, shall draft a new law “On hazardous chemicals” and establish the “Hazardous chemicals national register”, develop the law and bylaws on classification, labeling and packaging substances and mixtures, as well as the bylaw on mercury.

There are two things that require mentioning: 1) Ministry of Labor, Health and Social Affairs is again appointed the responsible authority 2) In contrast with other sectors, mentioned in environment protection and climate change road map under the EU-Georgia Association Agreement, Ministry of Environment and Natural Resources Protection has not won the support of donors.

At the same time, provided the Law is adopted in time, the final success will depend on how adequate are the steps towards its efficient and full fledged enactment.



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The views expressed in this policy brief reflect Green Alternative's position and should not be taken to represent those of Open Society Georgia Foundation or the European Union.



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