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## Annex

**IFCS Forum V**  
**Plenary Information/Discussion Session on Tools and Approaches for**  
**Applying Precaution in the Context of Chemicals Safety**  
  
**Information Request for Background Paper**  
  
**Structured Questionnaire**

### Background Information

Country: **NORWAY**

Ministry/Agency/Institute/Organization:  
**Norwegian Pollution Control Authority**

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**Please submit completed questionnaire by 20 July 2006 to:**

**IFCS Secretariat**  
**Email: [ifcs@who.int](mailto:ifcs@who.int)**  
**Fax: +41 22 791 4875**

**Please note: Unless you indicate otherwise in your response, these submissions will be posted on the IFCS website.**

*Please provide any links or additional supporting materials that provide additional information on particular policies, tools, or activities.*

**National chemicals policy or management:**

1. How is the concept of precaution explicitly or implicitly (in terms of decision-making under conditions of uncertainty) incorporated in national chemicals policy or management in your country/organization?

*Please check all that apply.*

- |  |                                     |
|--|-------------------------------------|
| In the country constitution ?  | <input type="checkbox"/>            |
| In legislation?  | <input checked="" type="checkbox"/> |
| In agency/ministry/organization policy?                                | <input checked="" type="checkbox"/> |
| In specific guidance documents for risk assessment or risk management? | <input checked="" type="checkbox"/> |
| Applied in specific cases but no particular policy?                    | <input type="checkbox"/>            |
| Not applied at all?  | <input type="checkbox"/>            |

Please provide greater detail (1 para).

The precautionary principle is an important part of the Norwegian chemicals policy, and the authorities can introduce regulations or restrictions to deal with particular chemicals if there are strong indications of the potential of hazardous effects to human health and the environment. The legal basis for this is laid down in the Product Control Act, Act no 79 of 11 June 1976, last updated 1 May 2005 - <http://www.sft.no/english/legislation/dbafile4572.html>. This act lays down a duty to act with due care and implement reasonable measures. From 1<sup>st</sup> January 2000 Norwegian legislation introduced the substitution principle - an obligation for business and industry to replace hazardous chemicals with less hazardous chemicals, provided that this does not lead to unreasonable costs or inconvenience. ([http://www.environment.no/templates/PageWithRightListing\\_2823.aspx](http://www.environment.no/templates/PageWithRightListing_2823.aspx))

Strategic overall objective for the chemicals policy is that emissions and use of hazardous chemicals shall not cause injury to health or damage the productivity of the natural environment and its capacity for self-renewal. Concentrations of the most hazardous chemicals in the environment shall be reduced towards background values for naturally occurring substances and close to zero concentrations for man-made synthetic substances. Identification of substances to be prioritized for action is based on established criteria for unwanted properties regarding persistence, bioaccumulation and toxicity are established ([http://www.environment.no/templates/PageWithRightListing\\_3257.aspx](http://www.environment.no/templates/PageWithRightListing_3257.aspx))

Guidance document used when performing risk assessments prescribes higher safety

factors to be used when the level of information is less.

**Tools and approaches for applying precaution:**

2. What are some of the key tools and approaches used by your country/organization in applying precaution (or not)?  
Most important tools:

- The product control act. §3 Duty to take due care and § 3a) Duty to apply the substitution principle.
- The Established criteria for unwanted properties (involving persistence, bioaccumulation and toxicity)
- Agreed application of precaution in the chemicals policy.

a. Is there a defined approach to applying precaution or decision-making under uncertainty?

Yes  No

If yes, can you outline the elements of that approach or provide references to it?

Outlined in White paper no. 58 (1996-97), "Environmental Policy for a Sustainable Development.

b. Is precaution integrated in other decision-making processes, tools and approaches such as;

*Please check all that apply.*

- Data collection?
- Prioritization of substances for risk management actions
- Uncertainty characterization?
- Socio-economic analysis (e.g., social impact, proportionality/cost-benefit assessment, trade concern)
  
- Risk assessment and risk management options?
- Screening, comparison of alternatives, informed substitution?
- Stakeholder and Public involvement?
- Other

For those boxes checked, please briefly provide greater detail or links to additional information.

Precaution is integrated in the established criteria for unwanted properties of chemicals, thus integrated also in Guidance document used when performing risk assessments prescribes higher Safety factors to be used when the level of information is less.

c. How are gaps in knowledge addressed?

*Please check all that apply.*

- Through conservative risk assessment assumptions
- Through safety factors
- Through modeling techniques

- Through an assumption that lack of information is indication of potential harm
- Through requesting additional research
- Gaps are not addressed

For those boxes checked, please briefly provide greater detail or links to additional information.

A case by case approach is applied depending on kind of data gaps

In the EU [TGD \(Technical Guidance Document\)](#) for the Council Regulation (EEC) No 793/93/ C

3. Please provide details of a particular case (or example) where precaution was applied (or decisions made in the Example:

Introduction of ban on use of CFC gas as propellant in aerosol cans in Norway from 1 July 1981

a. What stimulated/initiated the precaution process/action?

*Please check all that apply.*

- Government concern over hazards and/or exposures
- Stakeholder concerns over the particular threat
- International policy requirements/pressures
- Negative impacts/experience(s) from not acting on a previous chemical risk
- Other

For those boxes checked, please briefly provide greater detail or links to additional information.

Identified depletion of the Ozone layer caused Government concern over hazards to the public and the env:

b. What process was used to make the decision? (please briefly describe the process or tools used to make

With the Product Control Act as the legal basis a regulation banning use of CFC as propellant in aerosol ca  
uses of CFC. This is the link of the today legislation; <http://www.sft.no/english/legislation/product/dbafile>

c. Were there positive or negative impacts of this process/action?

*Please check all that apply.*

<u>Positive</u>		<u>Negative</u>	
Ecological or Health benefits	x	Ecological or health impacts	<input type="checkbox"/>
Economic benefit	<input type="checkbox"/>	Economic impacts	<input type="checkbox"/>
Improved government/industry image	x	Substitutes/alternatives did not work	<input type="checkbox"/>
Improved government/public morale	x	Negative public reaction	<input type="checkbox"/>
Improvements to scientific tools/decision processes	x	Other?	<input type="checkbox"/>
Other?	<input type="checkbox"/>		

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For those boxes checked, please briefly provide greater detail or links to additional information.

Some protests were expressed in the beginning, however, industry quickly found suitable alternatives.

d. Were there any unintended consequences from this process/action?

We have not received any information indicating any unintended consequences from this process/action.

Positive  – please describe

Negative  - please describe

4. Are there any particular cases in your country/organization where precaution was not applied (decisions not made in the face of uncertain chemical risks) resulting in adverse impacts?

Yes  No

If yes, briefly describe if and how decision-making processes have been modified as a result.

5. Does your government have processes in place to re-examine decisions made based on precaution or made in the face of uncertainty as additional data are available?

Yes  No

If yes, briefly describe the process and how this process may be used to modify decisions, decision-making process, or tools.

The Pollution control Act includes provisions to alter a permit, cf. when the conditions are not necessary for the purpose of counteracting.

There is always a possibility to alter existing regulation if additional data indicate that the alteration is appropriate.

### Lessons Learned from applying precaution in chemicals management

6. What are some of the biggest challenges to your country's (organization's) application of precaution in the context of chemicals management or in chemicals management decision-making in the face of uncertainty?

*Please check all that apply.*

- Scientific capacity
- Lack of scientific information
- Legal challenges
- Technical challenges
- Financial challenges
- Trade Challenges

- Other?

For those checked boxes, please briefly indicate what were the implications of these barriers and how have they been addressed or if not yet addressed, how could they be addressed?

Lack of scientific information, especially on new substances challenges the application of precaution.

Are these challenges also applicable to decision-making and actions regarding established risks?

Yes X                      No X

**Next steps**

7. What are the most important needs of your country or organization for more effectively applying precaution (or making decisions in the face of uncertainty) and overcoming barriers in chemicals management decision-making?

*Please check all that apply.*

- Data on chemical toxicity/risks x
- Tools for prioritization
- Tools for risk assessment
- Decision-making tools/frameworks
- Technical assistance in risk assessment processes
- Technical assistance in risk management processes
- Financial support for implementation
- International dialogue x
- Information sharing to facilitate understanding of the issues
- Other

For those boxes checked, please briefly provide greater detail or links to additional information.

Lack of data is most often the factor limiting or delaying decisions.

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8. Briefly describe your perceptions as to some of the concerns regarding application of precaution in the context of chemicals safety?

*Please briefly provide details or links to additional information.*

The precautionary principle is an important part of the Norwegian chemicals policy, and it has been applied successfully over a long period of time.

9. Do you have any additional information on tools and approaches for applying precaution that would be helpful to inform discussion?

*Please provide any additional materials or web links.*

A step by step description of a substitution process can be found at:

[http://www.sft.no/publikasjoner/kjemikalier/2007/ta2007\\_02.html](http://www.sft.no/publikasjoner/kjemikalier/2007/ta2007_02.html)

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