Recommendation of the Council on Establishing and Implementing Pollutant Release and Transfer Registers (PRTRs)

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Background Information

The Recommendation on establishing and implementing Pollutant Release and Transfer Registers (PRTRs) was adopted by the Council on 10 April 2018 on the proposal of the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology (now the Chemicals and Biotechnology Committee, the "CBC"). The Recommendation aims to provide a coherent guidance for Members and non-Members having adhered to the Recommendation ("Adherents"), in establishing, revising, and implementing their PRTRs, and eventually generate high quality and compatible PRTR data across all Adherents.

OECD's work on supporting the PRTR implementation

The Council adopted the OECD Recommendation on Implementing Pollutant Release and Transfer Registers (PRTRs) [OECD/LEGAL/0284] in 1996 [C(96)41/FINAL], and revised it in 2003 [C(2003)87]. When the Recommendation was revised in 2003, the number of countries with an operating PRTR, whether Adherents or not, was only 14, although many Adherents were in the process of setting one up, as acknowledged in the 2007 Report on the implementation, dissemination, and continued relevance of the Recommendation by the Environment Policy Committee [C(2007)21].

Since then, the number of countries with a PRTR has dramatically increased and, in 2016, 34 Adherents had an operational PRTR [ENV/JM(2018)11]. Adherents with established PRTRs have continued to improve their PRTRs and to increase the dissemination of PRTR data. With the widespread development of PRTRs, experience and knowledge from implementation has accumulated, followed by the identification of best practices.

Process for developing the instrument

Considering the situation above, in 2016, the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology (now the CBC) started a review process with a view to facilitating the further implementation of PRTRs, and providing coherent guidance for Adherents (see ENV/JM/M(2016)1 as well as the CBC Standard-Setting Action Plan in ENV/JM/WRPR(2016)83). The work resulted in the adoption by Council on 10 April 2018 of the OECD Recommendation on Establishing and Implementing Pollutant Release and Transfer Registers (PRTRs) [OECD/LEGAL/0440], which abrogated and replaced the previous PRTR Recommendation. The Recommendation is open to non-Member adherence and the current number of Adherents is 40.

Scope of the instrument

The Recommendation is composed of five parts in addition to its preamble, including (i) an introductory part 'Objectives and Goals of PRTRs and three main substantive parts, namely (ii) 'Establishment of PRTRs', (iii) 'Implementation of PRTRs', and (iv) 'Evaluation and Revision of PRTRs', and (v) a conclusive part focusing on "Dissemination and Implementation". The three main substantive parts may be summarised as follows:

Establishment of PRTRs

As a first step in establishing PRTRs, the Recommendation recommends that Adherents estimate the potential benefits and costs of a PRTR. Numerous issues are associated with designing and implementing a PRTR, but the benefits need to outweigh the costs, otherwise, other policies should be considered. Benefits are often intangible in monetary terms (e.g. avoided adverse effects) and are hard to express in quantitative terms, while costs can be tracked in monetary terms.

The Recommendation then lists ten core elements that make up a PRTR, including data reporting, data management, and data accessibility. The OECD Guidance Document on PRTRs "Guidance Document on Elements of a PRTR: Part I" (2014) [ENV/JM/MONO(2014)33] provides more detailed information on these elements.

Implementation of PRTRs

The Recommendation contains six provisions that Adherents are recommended to follow and pursue in implementing PRTRs, through a transparent and objective process. The OECD Guidance Document on PRTRs "Guidance Document on Elements of a PRTR: Part II (2015)" [ENV/JM/MONO(2015)45] provides more detailed information on each element.

It also recommends that Adherents share the results of implementing their PRTRs, in particular collected data and best practices, with other Adherents and co-operate with all affected and interested parties throughout the process of establishing and implementing PRTRs.

Evaluation and Revision of PRTRs

The Recommendation calls for a regular performance evaluation of PRTRs. Adherents should monitor whether a PRTR is meeting its goals and objectives as well as how the PRTR data compare with those from other Adherents. When revising a PRTR, Adherents are recommended to take into account the provisions related to the establishment of PRTRs, the series of OECD Guidance Documents on PRTRs, and the latest scientific knowledge.

Next steps

The Secretariats and Adherents conduct the following disseminating actions cooperatively, and the Working Party on Pollutant Release and Transfer Registers (WP-PRTRs) plays a central role:

- A series of OECD Guidance documents on PRTRs are developed/updated by the WP-PRTRs to support Adherents in implementing the Recommendation.
- Four online tools supporting Adherents in establishing and implementing PRTRs are maintained and updated regularly, adding new data and resources provided by Adherents.
- Capacity-building activities for Adherents which are interested in establishing PRTRs are organised in collaboration with other international organisations (e.g., OECD- United Nations Institute for Training and Research (UNITAR) Capacity Building Programme).
- There are active international collaboration activities to promote the Recommendation widely and efficiently through the International Coordinating Group and the Global Round Table.

For further information please consult: https://www.oecd.org/chemicalsafety/pollutant-release-transfer-register/.

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Implementation

2023 Report to Council

The Report on the dissemination, implementation, and continued relevance was presented to Council in 2023, assessing key activities undertaken to disseminate and implement the Recommendation, as well as its continued relevance through a survey to Adherents.

The survey results suggest that Adherents have made significant and ongoing efforts to implement the Recommendation:

- Most Adherents have already established an operational PRTR, which defines all the components described in the Recommendation. The questionnaire responses from Colombia and Türkiye show that they have made significant efforts in establishing PRTRs in line with the Recommendation;

- Adherents which have operational PRTRs have implemented them in accordance with all the aspects of the Recommendation;
- Evaluations and revisions have been successfully made by Adherents on a periodical basis or based on regulatory priorities, feedback from stakeholders, national legislative activities, and technological advances.

However, some improvements that Adherents could address further in implementing the Recommendation are found in terms of (1) PRTR data application and (2) International comparability of PRTR data.

The 2023 Report on the dissemination, implementation, and continued relevance concluded that the Recommendation remains highly relevant, effective and up-to-date to Adherents. The Recommendation does not, therefore, require any major revision in the short-to-medium term. Accordingly, Adherents are encouraged to continue disseminating and implementing the Recommendation, including through using the series of OECD Guidance documents and online tools, participating in WP-PRTRs project activities and address the main challenges identified in the section Summary and cConclusions of the Report. In addition, the CBC, through the WP-PRTRs, is invited to support Adherents in addressing the main challenges set out in the section Summary and conclusions of the Report, including through providing analysis and technical assistance in the areas where the level of implementation is low and report back to the Council on the implementation, dissemination and continued relevance of the Recommendation in 5 years.

Implementation toolkit / Good Practice Principles / Practical Guidance

Centre for PRTR data

This database is aimed to be a data-sharing platform as a fulfilment of Section VI. Of the Recommendation Currently, it compiles the PRTR data from 34 Adherents in total. Japan hosts the database and updates the data once a year in collaboration with the WP-PRTRs. It has an interactive interface to enable users to search data according to reported years, countries, regions, industry sectors, chemicals, types of release sources, and types of releases and transfers. All the data can also be downloaded in the form of an Excel spreadsheet.

Resource Centre for Release Estimation Techniques

This interactive database provides a clearinghouse of guidance manuals and documents on release estimation techniques available from the principal PRTRs developed by Adherents, which could support them to develop/update guidance to data reporters (provision V. a. of the Recommendation). The manuals and documents include descriptive information on the sources of pollution and the pollutants that are released to the environment, as well as information on emission factors, mass balance methods, engineering calculations, and monitoring information. In addition, general PRTR guidance documents are also compiled to assist Adherents in the development, implementation, and improvement of PRTR programmes.

Currently, over 700 guidance manuals and documents are available and can be accessed using the interactive interface with filtering options by document types, target sectors, keywords, countries and languages. This database is maintained by the OECD Secretariat. The Resource Centre is updated on a regular basis to include additional and new documents.

PRTR.net – Global Portal to PRTR Information

This website provides a global portal to PRTR information and activities from countries and organisations around the world. The website is aimed to assist countries in the development, implementation and improvement of PRTR programmes and provides useful links to supporting resources provided by the OECD, Adherents, and other international organisations, such as UNITAR, UNEP, and UNECE. It is maintained by the OECD Secretariat in cooperation with the UNECE.

IOMC Toolbox – National Management Scheme for PRTRs

The IOMC Toolbox contains eight management schemes, including a scheme to implement a PRTR. The elements of this scheme are grouped into the following three categories:

- PRTR Initiation covers the steps and activities needed to design a PRTR system, gain support from decision-makers, and to establish the PRTR.

- PRTR Operation covers steps and activities related to running a PRTR (e.g. staffing; collecting, reviewing, and disseminating data).
- Long Term Success covers expanding the benefits and activities of a PRTR and making future enhancements.

THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the experience and best practices that emerged from the implementation of the Recommendation of the Council on Implementing Pollutant Release and Transfer Registers (PRTRs) [C(96)41/FINAL] amended by [C(2003)87], which this Recommendation replaces;

HAVING REGARD to the series of OECD Guidance Documents on PRTRs, as they may be developed and revised by the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology;

HAVING REGARD to Principle 10 of the 1992 Rio Declaration on Environment and Development, adopted by the United Nations Conference on Environment and Development (including all OECD Members) and endorsed by the United Nations General Assembly (A/RES/47/190), which states that "each individual shall have appropriate access to information concerning the environment that is held by public authorities, and the opportunity to participate in decision-making processes" and that countries "shall facilitate and encourage public awareness and participation by making information widely available";

HAVING REGARD to Chapter 19 of the Report of the United Nations Conference on Environment and Development of 3 to 14 June 1992 (Agenda 21), which states, inter alia, that governments, with the cooperation of Industry, should "[i]mprove databases and information systems on toxic chemicals, such as emission inventory programmes", and that "[t]he broadest possible awareness of chemical risks is a prerequisite for achieving chemical safety";

HAVING REGARD to Paragraphs 18 (b) and 23 (f) of the 2002 Johannesburg Plan of Implementation of the World Summit on Sustainable Development;

HAVING REGARD to the Dubai Declaration on International Chemicals Management and the Overarching Policy Strategy, adopted by the International Conference on Chemicals Management of 4 to 6 February 2006, as part of the Strategic Approach to International Chemicals Management (SAICM);

HAVING REGARD to the Resolution of the Council on the Implementation of the Strategic Approach to International Chemicals Management (SAICM) [C(2008)32];

HAVING REGARD to the Sustainable Development Goals, in particular targets 3.9, target 6.3, target 9.4, target 12.4, target 12.5, target 12.8, and target 16.10 set out in the 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly (A/RES/70/1);

RECOGNISING the value of PRTRs as a tool for measuring and promoting improved environmental performance of industrial activities;

RECOGNISING that reducing releases and transfers of pollutants that are harmful or potentially pose risks to human health and the environment while promoting green growth is a foundation for achieving sustainable development;

RECOGNISING the work of the United Nations Environmental Programme (UNEP) in the protection of human health and the environment related to chemicals;

RECOGNISING the work of the United Nations Economic Commission for Europe (UNECE), in particular the Kiev Protocol on Pollutant Release and Transfer Registers to the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters;

NOTING that a number of countries within the OECD and the European Union are operating PRTRs and that countries which do not have PRTRs are also exploring ways to establish and implement PRTRs;

On the proposal of the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology:

Goals and objectives of PRTRs

I. **AGREES** that PRTRs should be used to:

a. Provide data to support the identification and assessment of possible risks to human health and/or the environment by identifying sources and amounts of pollutant releases and transfers to all environmental media;

b. Promote the prevention of pollution at source, e.g., by encouraging implementation of cleaner technologies or closed processes;

c. Evaluate the progress of environmental policies and assess to what extent environmental goals are or can be achieved;

d. Promote corporate accountability and compliance with environmental obligations; and

e. Strengthen access and participation by the public in environmentally related decision-making.

Establishment of PRTRs

II. **RECOMMENDS** that Members and non-Members having adhered to this Recommendation (hereafter the "Adherents") estimate the potential benefits and costs of PRTRs to data reporters, government, and society as a whole, prior to the establishment of a PRTR.

III. **RECOMMENDS** that Adherents, through a transparent and objective process, design and establish PRTRs.

IV. **RECOMMENDS** that Adherents:

a. Define the following components that trigger reporting:

   i. A list of chemicals, groups of chemicals, and other relevant categories of pollutants that are harmful or potentially pose risks to human health and/or the environment when released or transferred;

   ii. A list of sectors with point sources, including both public and private sectors, from which relevant pollutants might be released or transferred, and a list of diffuse sources taking into account the need for such data in the Adherent concerned; and

   iii. Thresholds for quantities of chemicals that are manufactured, processed, or used in a facility, or for quantities of chemicals that are released or transferred from a facility.

b. Foster enhanced international comparability of PRTR data and cooperation between national PRTRs by promoting harmonised elements as defined in the series of OECD Guidance Documents on PRTRs;

c. Allow, where the reporting sources are defined, the reporting of data by source;

d. Encompass data for all media, including releases to air, water and land, and transfers for treatment, recovery, and disposal;

e. Request reporting on a periodic basis, preferably annually;

f. Include an online or electronic reporting system and integrate such a system where relevant with existing reporting systems, such as licenses or operating permits, to reduce duplicate reporting;

g. Use voluntary and mandatory reporting mechanisms for collecting data where appropriate;

h. Use data management systems which allow for verification of inputs and outputs;

i. Make data accessible to the public on a timely and regular basis and in a user friendly manner, in order to meet the needs of data reporters and the public. This could be done in a

variety of forms, including electronic, which should provide appropriate multi-query search criteria or tools to enable better location of information. Data should also be provided in such a manner that it is possible to determine the geographical distribution of relevant releases and transfers; and

j. Provide the flexibility to adapt the PRTRs to the changing needs of affected and interested parties.

Implementation of PRTRs

V. **RECOMMENDS** that Adherents implement PRTRs through a transparent and objective process, by which they:

a. Provide guidance and support to data reporters to assist them in meeting their reporting obligations;

b. Ensure data is generated in a transparent and documented manner through analytical monitoring or applying scientifically-sound release estimation techniques, such as those included in the series of OECD Guidance Documents on PRTRs;

c. Assess the quality of data provided by the data reporters as to their completeness, consistency, credibility, and accuracy before making the data public;

d. Ensure timely availability of data to the public with appropriate context for increased understanding by data users;

e. Use data to derive indicators for measuring environmental performance and progress toward meeting local, national, and international commitments to environmental and health protection goals and targets, evaluating the impact of environmental policies, assessing the risks of pollutants, identifying environmental hot-spots, and addressing chemical accidents as suggested in the series of OECD Guidance Documents on PRTRs; and

f. Set up and put in place a compliance mechanism which should be agreed by affected and interested parties.

VI. **RECOMMENDS** that Adherents share the results of implementing their PRTRs periodically, in particular collected data and best practices, among themselves and also with potentially affected neighbouring countries with particular emphasis on sharing data from border areas.

VII. **RECOMMENDS** that Adherents co-operate with affected and interested parties such as data reporters, local governments, and the public at all stages of the establishment, revision, and implementation of PRTRs.

Evaluation and Revision of PRTRs

VIII. **RECOMMENDS** that Adherents:

a. Evaluate regularly, through a transparent and objective process, the effectiveness of the system and the potential to enhance international comparability of PRTR data; and

b. When revising the system, take into account the provisions above related to the establishment of PRTRs, the series of OECD Guidance Documents on PRTRs, and the latest scientific knowledge regarding the harmfulness or potential risks of pollutants.

Dissemination and Implementation

IX. **INVITES** the Secretary-General to disseminate this Recommendation.

X. **INVITES** Adherents to disseminate this Recommendation at all levels of government.

XI. **INVITES** non-Adherents to take account of, and adhere to, this Recommendation.

XII. **INSTRUCTS** the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology to:

a. Monitor the implementation of this Recommendation in consultation with the Environment Policy Committee, and report to Council five years from the date of its adoption and regularly thereafter; and

b. Administer and update, as appropriate, the series of OECD Guidance Documents on PRTRs and identify priority issues for improving PRTRs.

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