

**Replies by the Government of Finland to the Questionnaire
by the Special Rapporteur on Human Rights and the Environment**

**The Right to a Safe, Clean, Healthy and Sustainable Environment:
Toxic-free Places to Live, Work, Study and Play**

27 October 2021

The Government of Finland presents the following replies to the questionnaire sent by the Special Rapporteur on 12 July 2021.

1. Please provide examples of ways in which toxic environments — characterized by unhealthy levels of pollution and high risks of exposure to toxic substances — are having adverse impacts on human rights. Adversely affected rights could include, among others, the rights to life, health, water, sanitation, food, livelihoods, non-discrimination, a safe, clean, healthy and sustainable environment, the rights of the child, cultural rights and Indigenous peoples' rights.

The Constitution of Finland (731/1999) Section 20 states, that nature and its biodiversity, the environment and the national heritage are the responsibility of everyone. Furthermore, the public authorities shall endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment. However, the exposure to hazardous substances can affect the health and wellbeing of persons and groups of people differently. For example, children and women can be more vulnerable due to biological effect (ie. endocrine disruption). On the other hand, some groups may have heightened risk due to occupational exposure. In some circumstances, people might also be exposed to chemicals and waste pollution in differentiated manner due to unequal socio-economic status.

In certain situations, mostly historical pollution originated from industrial activities (such as mining, forest industries or metal industries) may still cause emissions or releases of toxic substances to the environment. The affected individuals or communities would have possibilities to influence the administrative processes and environmental impact assessments based on the environment law. There are some more recent examples in the mining sector where operators have been granted an environmental permit despite considerable emissions and resistance from the local communities.

While the information on environmental impacts of certain activities is generally openly accessible in the Internet, individuals with higher socio-economic status might have better possibilities to utilise the information and influence the administrative processes for environmental permit, monitoring or surveillance of the industrial activities.

Additionally, the impact of water and soil pollution can have a different effect on persons and groups of people. Livelihood of indigenous peoples and local communities might be more dependent on water sources and land than others. Furthermore, among the exposed population the risks of toxic substances are more severe to certain groups such as children and women.

When it comes children, their right to education and to the enjoyment of the highest attainable standard of health is internationally recognised (Convention on the Rights of the Child, 24 and 28 article). The school environment is important in this regard, and indoor air problems in Finnish schools have been studied (https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161843/59_19_Sis%c3%a4ilma%20ja%20terveys_netti.pdf?sequence=4&isAllowed=y, in Finnish with a short English summary). To guarantee the fulfilment of the rights of the child, it is essential to provide the affected children the support they need. Additionally, children and their families should be heard when planning a transfer to temporary facilities.

2. What are the most heavily polluted places in your State? Are any areas in your State designated as "sacrifice zones" because of extreme pollution? Are there any examples of heavily polluted places that have been comprehensively cleaned up and rehabilitated? If not, what are the barriers to cleanup and rehabilitation?

There are no areas that would be designated as "sacrificed zones" or otherwise extremely polluted in Finland. As a matter of principle, all the heavily polluted areas in Finland are covered by the environmental law and its obligations. In case of orphan pollution sources, public authorities are investigating and managing part of these pollution sources.

In Finland, there are still cases of historical industrial pollution where further remediation action is needed. After the activities have ceased, the questions of responsibility of the industry are being dealt mostly in administrative processes. In general, the historically polluted sites and waters undergo regular monitoring and remediation where needed. Finland has introduced environmental law in systematic and stepwise manner starting from the 1980s, which has improved the overall state of the environment and increased public environmental awareness. The earliest individual pieces of environmental law originate from the 1920s.

3. What are the specific obligations of States and responsibilities of businesses in terms of preventing exposures to unhealthy levels of pollution and toxic substances, rehabilitating toxic sites, and providing compensation to adversely impacted individuals?

Finland has a comprehensive environment legislation in place, which is partly based on the relevant legislation of the European Union. The most relevant sectors of the Environmental Protection Act (527/2014) concern:

- Section 7 General obligation to prevent and limit environmental pollution
- Section 8 Preventing environmental pollution caused by activities requiring a permit, a notification or registration
- Section 16 Prohibition against soil contamination
- Section 17 Prohibition against groundwater pollution
- Section 27 General permit requirement

- Section 48 Principles of permit consideration
- Section 49 Conditions for granting a permit
- Section 133 Obligation to treat soil and groundwater
- Section 134 Obligation to report pollution hazards
- Section 135 Obligation to investigate and assessment of the need for treatment

English translation of Environmental Protection Act is available:

<https://www.finlex.fi/en/laki/kaannokset/2014/en20140527?search%5Btype%5D=pika&search%5Bkieli%5D%5B0%5D=en&search%5Bpika%5D=environmental%20protection%20act>

Furthermore, the Act on Compensation for Environmental Damage (737/1994) is available in English:

<https://finlex.fi/en/laki/kaannokset/haku/?search%5Btype%5D=pika&search%5Bkieli%5D%5B%5D=en&search%5Bpika%5D=737%2F1994&submit=Search>

The English translations are unofficial and not legally binding.

In addition to these, there are several individual pieces of legislation covering remediation of polluted sites and water management relevant to this matter.

4. Please provide specific examples of constitutional provisions, legislation, institutions, regulations, standards, jurisprudence, policies and programmes that apply a rights-based approach to ensuring toxic-free environments.

Please see question no 1 and 3.

Regarding workers exposed to toxic substances, Finland refers to its answers to the 2018 questionnaire:

<https://www.ohchr.org/EN/Issues/Environment/SRToxicsandhumanrights/Pages/PrincipalsProtectionofWorkers.aspx>.

To shortly reiterate, there is EU level regulation regarding protection of human health and environment against chemical hazards. The REACH regulation (the Regulation 1907/2006/EC on the Registration, Evaluation, Authorisation and Restriction of Chemicals) is binding legislation and directly applicable in all Member States. The use of the most hazardous substances is subject to authorization, *i.e.* use of the substance is not allowed except if authorization is granted for specific uses of a hazardous substance. Restriction procedure can be used to introduce conditions for or prohibitions *e.g.* for the use of a substance if the substance poses a significant risk to environment or health.

Regarding occupational settings, there is in addition to REACH also European level Occupational Health and Safety (OSH) legislation, which sets requirements concerning working environment and protection of workers. The OSH legislation is based on EU directives, which must be transposed to the national legislation. Of the EU directives, the Framework Directive (89/391/EEC) lays down general principles concerning the prevention and protection of workers against occupational accidents and diseases. On the basis of this Framework Directive a series of individual directives containing more specific provisions have been adopted. Regarding the exposure to chemicals, the most important of specific directives are Directive on chemical agents

at work (98/24/EC), Directive on carcinogens and mutagens at work (2004/37/EC), Directive on asbestos at work (2009/148/EC), and Directives on lists of indicative occupational exposure limit values (91/322/EEC, 2000/39/EC, 2006/15/EC, 2009/161/EU, 2017/164/EU, 2019/1831). These directives for example set limit values for hazardous substances, which may not be exceeded at the workplace environment.

5. If your State is one of the 156 UN Member States that recognizes the right to a safe, clean, healthy and sustainable environment, has this right contributed to preventing, mitigating, or rehabilitating toxic environments? If so, how? If not, why not?

Please see question no 3.

6. Please provide specific examples of good practices in preventing, mitigating, or rehabilitating toxic environments. These examples may occur at the international, regional, national, sub-national, or local level. Examples may involve monitoring concentrations of toxic substances in air, water, soil, food and people; guaranteeing procedural rights (e.g. public access to information, public participation in decision-making, access to remedies); legislation, regulations, standards, jurisprudence and policies that address toxic substances; and initiatives to achieve toxic-free environments (e.g. banning the use of specific substances, reducing air and water pollution, remediation projects). Where possible, please provide evidence related to the implementation, enforcement, and effectiveness of the good practices.

Regarding workers exposed to toxic substances, Finland refers to its answers to the 2018 questionnaire:

<https://www.ohchr.org/EN/Issues/Environment/SRToxicsandhumanrights/Pages/PrincipalsProtectionofWorkers.aspx>.

With respect to protection of workers from exposures to hazardous chemicals, good practices have been collected at the EU level. For example the European Agency of Safety and Health at work has collected good practices during their 2018-2019 campaign “Healthy workplaces – manage dangerous substances”.

EU-OSHA also has web pages where they have collected information on practical tools to reduce exposure to chemicals in different sectors/specific working processes and exposure situations: <https://osha.europa.eu/en/themes/dangerous-substances/practical-tools-dangerous-substances>

Good practices to protect workers against harmful exposure to carcinogenic substances are constantly being collected under the RoadMap on Carcinogens initiative. Currently almost 100 good practices have been included in the web pages: <https://roadmaponcarcinogens.eu/solutions/good-practices/>. On the national level, in Finland, the Finnish Institute of Occupational Health has prepared short, normally 2-page long, leaflets containing “model solutions” which explain good risk management practices for some of the most common working processes which may cause exposure to hazardous chemicals: [in Finnish]: <https://www.ttl.fi/tyoymparisto/altisteet/riskienhallinnan-malliratkaisut/>

7. Please specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to toxic environments (e.g. women, children, persons living in poverty, members of Indigenous peoples and traditional communities, older persons, persons with disabilities, ethnic, racial, religious or other minorities, migrants and displaced persons). How can these populations be empowered to protect their rights?

Please see question no 3 and the references to the Environmental Protection Act.

8. Are the actions of high-income States linked to increased risks of exposure to toxic substances in low- and middle-income States? What are ways in which high-income States should assist low-income States in preventing and rehabilitating toxic environments?

Among others, Finland is a Party to multilateral environmental agreements including the Basel, Rotterdam and Stockholm Conventions on hazardous chemicals and wastes, the Minamata Convention on mercury and convention long-range transboundary air pollution, which provide guidance and technical assistance to low-income Parties on how to prevent and minimize the risks of exposure to hazardous substances. This is made possible through, inter alia, sharing of experience and information, technical assistance and capacity building, harmonizing monitoring, reporting and assessment methodologies, strengthening the science-policy interface and more effectively regulating the international trade of hazardous substances.

9. For businesses, what policies or practices are in place to ensure that activities, products, and services prevent risks of toxic exposures and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?

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