***1. What obligations does your Government have to ensure the right of access to information under international, regional and national laws? Please provide, in detail, the relevant legislation that guarantees the right of access to information on hazardous substances and wastes, as well as the mechanisms, including grievance mechanisms, which may be used by individuals and groups.***

In Italy the following laws mainly guarantee the right of access to environmental information:

International directives:

- CE n. 1367/2006 <http://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX:32006R1367>

- green book of the EC 194/2006 <http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=it&type_doc=COMfinal&an_doc=2006&nu_doc=194>

- 2005/370/CE (right of access to information and participation of Communities to decisions)

- 2003/35/CE <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0035:IT:HTML>

- 2003/4/CE <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:041:0026:0026:IT:PDF>

- The Aarhus convention <http://ec.europa.eu/environment/aarhus/>

National laws:

- D.Lgs . 195/2005 (application of the directive 2003/4/CE)

- D.Lgs n. 33/2013 (transparency and info transmission to communities)

- law n. 152/2006

Individuals/groups/Communities may require info about any environmental aspect of public interest to public administrations, national environmental and/or health authorities.

Participation pathways involving local authorities and Communities may resolve grievance mechanisms. However, Communities very frequently employ judicial instruments.

***2. Please provide, in detail, the scope and characteristics of hazardous substances and wastes-related information that is or may be accessible to the public? More specifically, please explain what type(s) of information is produced, by whom, based on what criteria, and the time frame/frequency of data production including whether data collected is disaggregated by gender, age, disability status, etc***

National and/or local authorities (ISPRA, ARPA, regional governments) periodically (yearly) release public reports on hazardous substances and waste, describing their production/extent/management/final destination at a national and local level of aggregation.

However, less regular, incomplete and widely variable is information about air pollution, contamination of matrices (soil, water) and reports about their impact on health (aggregated by gender, recording year and age) at a local level. This aspect is addressed in some cases with a delay of years and, commonly, with a not homogenous pattern in different areas. Frequently, in some areas this info is only accessible by specific and motivated request to local/national environmental or health authorities.

Of note, some information regarding hazardous substances is not available at all. This is typically the case of toxic ashes produced by waste combustion in cement kilns. Ashes are usually enclosed into final products (clinker, cement, aggregates etc.) without any information provided by producers about their presence/absence, global amount, composition of final products etc. This aspect potentially generates major health risks for workers (who are unaware to manipulate final products containing hazardous toxics) and environmental risks, due to possible leaching of toxic substances.

This is also the case of contamination of matrices (soil, water) and food chain by pesticides, widely employed in rural areas, and/or by pollutants released in industrial areas. National/local authorities do not efficiently and regularly monitor contamination of matrices and food quality, and reports are rarely released and largely incomplete. Communities have also major difficulties to require and obtain these data, due to the lack of well-organized and efficient public environmental labs in large geographical areas.

***3. Please explain, in detail, how the information on hazardous substances and wastes is made available to the general public. In addition, what actions does the Government take to disseminate this information and to raise awareness about the adverse impacts of hazardous substances and wastes on human rights? How is this information tailored to the different constituencies?***

Information is made available to the general public by periodic reports (please see point 2). The information is usually disseminated not by Government (except in rare cases) but by the media and by environmental associations. Conversely, incomplete information is frequently disseminated by lobbies in order to enforce unsustainable practices (i.e. waste incineration).

Environmental associations are usually involved in tailoring information to the different constituencies, in some cases supported by local governments.

***4. Please provide examples of how information on hazardous substances and wastes has been used to:***

* ***monitor human rights affected by hazardous substances and wastes (e.g., rights to health, safe and healthy working conditions, water and sanitation, healthy environment, etc.);***
* ***protect the human rights of individuals and groups from the adverse impacts of hazardous substances and wastes;***
* ***promote other human rights (e.g., rights to health, safe and healthy working conditions, water and sanitation, healthy environment, etc.);***
* ***prevent potential human rights violations caused by the improper management of hazardous substances and wastes; and***
* ***hold perpetrators accountable and seek remedy for victims***.

It is difficult to find positive examples, since the most frequent condition is that public policies are scarcely influenced by information on the environmental and health risks linked with hazardous substances and waste. Two paradigmatic topics are therefore presented:

- The Italian “Sentieri” studies (epidemiological studies by the National Institute of Health) offer a valid description of health damages in subjects free-living in a series of Italian contaminated sites (CSs) of national interest (“Sites of National Interest”, SNI). The conclusions of the first edition of the study (2011) clearly showed that chronic environmental exposure to toxics increased, in exposed population, mortality and morbidity (oncological and non-oncological diseases), congenital anomalies and perinatal disorders, as compared with control areas. The update of the “Sentieri” study (2014) recently confirmed the existence of an increased health risk, also pointing to incidence and hospitalization data. Starting from the mapping of SNI (1998), the absence of remediation in almost all the SNI caused a risk duration lasting about 15 years and involving about 6 millions of Italians, with about 1,200 avoidable deaths/year.

The theoretical aim in assessing and managing CSs should be to perform a site mapping immediately preceding remediation plans and primary prevention policies, in order to protect human rights from the adverse effects of hazardous contaminants and according to current laws. The reality, however, is quite different, with the acceptance of an expensive model of public health simply based on periodical damage recording and managing in large communities let live since decades in risk areas, absolutely neglecting preventive risk analysis, remediation and primary prevention measures. The epidemiological data exploring CSs indirectly demonstrate that the awareness of risk currently does not induce good changes in health policies in a reasonable time interval, mainly due to the lack of primary prevention strategies. Additionally, in several CSs further pollutant installations (including incinerators and landfills) are authorized in the absence of remediation.

- Several scientific papers published in the international literature clearly demonstrate that waste incineration is able to cause irreversible health consequences in exposed Communities. Furthermore, EC directives point to a progressive phasing-out from waste incineration and landfilling throughout Europe in the next two decades.

However, at a national and local level, waste burning in both incinerators and cement kilns are commonly proposed by national/local governments as a suitable tool in waste managing, completely neglecting evidences regarding the health impact in Communities and alternative and more sustainable practices. Furthermore, in large national areas (mainly in Southern Italy) landfills continue to be the main final destination for waste, irrespective of directives imposed by law.

- Mainly due to the above-mentioned conditions, to the lack of efficient laws against environmental crimes and to the long duration of judicial proceedings, accountability for perpetrators and remedy for victims still remain a very difficult task.

***5. Which businesses are required to provide information on hazardous substances and wastes (e.g., size, sector, operational context, ownership and structure)? Please explain, in detail, the obligations of these businesses, have with regard to the type of information they are obliged to provide, to whom the information is made available, and what measures may be taken if businesses fail to meet these obligations***

All hazardous substances/waste businesses can be required to provide information regarding their activity by public environmental/health authorities or by judicial proceedings. In the case they fail to meet these obligations, a transient stop of their activities is possible.

***6. When does the Government limit the right of access to information on hazardous substances and wastes? Are these criteria on limitation provided by law? Who has the authority to make decisions on the disclosure/non disclosure of such information?***

To my knowledge, no limit exists in my Country regarding information obtainable by public environmental/health authorities.

***7. How does the Government ensure that the right of access to this information is fulfilled while also respecting the confidentiality of business information? If available, please indicate relevant cases and attach copies of relevant judgements***.

The right of access to enviromantal information is guaranteed by law (see point 1). However, businesses are not obliged to give all specific and confidential information regarding their products/activities if they do not receive motivated requests by environmental/health authorities. Thus, the global amount of hazardous “legal” substances (i.e. toxic ashes, pesticides, pollutants, endocrine disrupters etc.) in some products (also alimentary) may be revealed only in the case of random controls by authorities.

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