**COSTA RICA Questionnaire-** *Mandate of the special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes.*

1. Access to information:
   1. As a means to request information from industry and provide it to the public, the Ministry of Health and the Ministry of Agriculture are in charge of the registry of hazardous chemical substances/products (drugs, cosmetics, food products, natural products, industrial chemicals) and agricultural use pesticides, respectively. In addition, the Ministry of Health regulates household and industrial use pesticides. This forms the basis for the risk assessment of the substances according to international standards, information which can be petitioned and must be provided by the Government of Costa Rica. In the Ministry of Health, a public database is available which includes the basic information of all health related products which are registered and approved for use, which includes hazardous chemical products. Registry is performed according to Decree 28113-S, which includes the obligation to provide adequate labeling. Pictograms provided can be included according to European Union, United Nations and NFPA standards. Decree 28930-S also enforces the use of MSDS in the workplace, and establishes the obligation of enterprises to provide information to their workers regarding chemical risks. In the coming months, Costa Rica will implement the Globally Harmonized System for MSDS and risk labeling/placarding (GHS), and update regulation 28113-S, which will include specific health and environmental pictograms and labelling. Complaints can be filed by the general public or workers exposed to chemicals in the Ministry of Health, Ministry of Environment or Ministry of Labour, all of which have inspection capacities supported by their own constitutional charters or decrees.
   2. Regarding wastes, Law 8839, article 5f) establishes that every person has the right to access information on waste that local governments and centralized institutions have regarding waste management, including hazardous wastes. The Ministry of Health, under article 18 of said Law, also has the obligation to provide periodic reports on such information. Costa Rica also has information available upon request in compliance with the Basel Convention regarding transfrontier movements of hazardous waste.
2. The public database in the Ministry of Health includes information on whether the substance is a precursor of internationally controlled substances, country of origin, UN hazard classification, company importing or manufacturing the product, and it use. Information is updated approximately every ten days. In addition, the INS (National Insurance Institute) records information on workplace accidents, including chemical accidents, in order to establish fees and guide preventive actions. Aggregate information on such statistics is available upon request.
3. The information on chemical products registered is placed on the Ministry of Health (see No. 2, above) public website approximately every ten days. Information has also been provided through bulletins and factsheets regarding specific chemical products, registering procedures, MSDS drafting, etc. The National Secretariat for the Management of Chemical Substances also periodically holds information briefings, conferences and seminars, for specific groups (chemists, chemical engineers, chemical manufacturers), in particular regarding compliance with international Conventions (i.e. Rotterdam, Stockholm, Basel, Minamata, Chemical Weapons).
4. For some specific populations, which have shown an interest in information regarding pesticide contamination of drinking water (aerial pesticide application drift, land application), the information collected by the Ministry of Health and other institutions has been used as a means of safeguarding the populations right to life, which under Constitutional Court sentences, includes the right to health, including access to drinking water and sanitation. Similarly, in other regions, access to arsenic-free drinking water has been demanded, and it has prompted the Ministry of Health´s intervention in coordinating a response from the drinking water utility company. Information on mercury waste environmental distribution has been used in awareness and preventive actions in artisanal mining and gold refining practices.
5. Every manufacturer and importer of hazardous chemical products, according to ISO format MSDS. The Ministry of Health can also request additional information or supporting evidence for it. Every activity specified in Decree 34728-S, which regulates operating permits granted by the Ministry of Health, can be required to provide information to the Ministry of Health and the Ministry of Environment on waste management programs, including hazardous wastes. The Environmental Controllers office, under directs supervision of the Minister of Environment, also regulates specific aspects of hazardous waste management. The activities specified in Decree 34728-S include all types and sizes of industry, commerce and services, both public and private. Confiscation of unregistered or non-compliant merchandise, cancelling of operating permits or cancelling of registration, and fines are sanctions which can be enforced by the Ministry of Health, while mechanisms to comply with information and chemical risk control are put in place.
6. Government is obliged to disclose information on hazardous contents of manufactured chemical products, as defined in Decree 28113-S. This information is not considered proprietary information. The information provided to the government is safeguarded by the Ministry of Health, as long as the contents do not show the chemical substances pose a risk to health. Law 7975, Law for Non-Divulged Information is related to commercial and industrial secrets, and specifically (Art. 4) sets which information is excluded from this protection.
7. Access can be provided to parties involved in a dispute, while protecting proprietary and confidential business information. In the case of environmental matters, the principle of “diffuse interests” grants any citizen the right to file a petition or complaint, even if not directly affected.