

CRC-9/2: Lead arsenate

The Chemical Review Committee,

Recalling Article 5 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,

Having reviewed the notifications of final regulatory action for lead arsenate (CAS No. 7784-40-9) submitted by Japan and Peru,¹

1. *Concludes* that the notification of final regulatory action for lead arsenate submitted by Peru meets the criteria set out in Annex II to the Convention;
2. *Adopts* the rationale for the Committee's conclusion on the notification for lead arsenate submitted by Peru set out in the annex to the present decision;
3. *Notes* that as only one notification meets the criteria set out in Annex II to the Convention it will take no further action at the current time.

Annex to decision CRC-9/2

Rationale for the conclusion by the Chemical Review Committee that the notification of final regulatory action submitted by Peru in respect of lead arsenate meets the criteria of Annex II to the Rotterdam Convention

1. The final regulatory action notified by Peru cancelled the registration of lead arsenate formulations, resulting in a ban on the use of lead arsenate as a pesticide, including the import, manufacture, formulation, distribution or marketing of such pesticide. In reviewing this notification together with the supporting documentation provided by the party, the Committee was able to confirm that this action had been taken to protect the environment. The notification was found to meet the information requirements of Annex I to the Rotterdam Convention.

2. The notification and supporting documentation were made available to the Committee for its consideration in documents UNEP/FAO/RC/CRC.9/6 and Add.2 and 3. There was no information available on ongoing international trade noted in document UNEP/FAO/RC/CRC.9/INF/8.

I. Peru

(a) Scope of the notified regulatory action

3. The final regulatory action notified by Peru cancelled the registration of lead arsenate formulations, resulting in a ban on the use of lead arsenate as a pesticide, including the import, manufacture, formulation, distribution or marketing of such pesticide. This action (resolution no. 013-2012-AG-SENASA, published in the official gazette on 1.2.2012) was based on the evaluation of ecotoxicological data outlined in report N° 526-11-AG-DVM-DGAAADGA-94633-2011.

(b) Annex II paragraph (a) criterion

(a) Confirm that the final regulatory action has been taken in order to protect human health or the environment;

4. The Committee confirmed that the final regulatory action had been taken to protect the environment.

5. Report N° 526-11-AG-DVM-DGAAADGA-94633-2011 considered the pesticide lead arsenate to be a bioaccumulative substance that had high mobility and persistence in soil and water, had high potential for leaching to groundwater and was stable to soil photolysis. Following the evaluation of ecotoxicological data, lead arsenate is classified as moderately toxic

¹ UNEP/FAO/RC/CRC.9/6, UNEP/FAO/RC/CRC.9/6/Add.1, UNEP/FAO/RC/CRC.9/6/Add.2.

to birds, bees and aquatic organisms (vertebrates and invertebrates) and slightly toxic to earthworms and algae.

(c) Annex II paragraph (b) criteria

(b) Establish that the final regulatory action has been taken as a consequence of a risk evaluation. This evaluation shall be based on a review of scientific data in the context of the conditions prevailing in the Party in question. For this purpose, the documentation provided shall demonstrate that:

- (i) Data have been generated according to scientifically recognized methods;*
- (ii) Data reviews have been performed and documented according to generally recognized scientific principles and procedures;*

6. The final regulatory action was based on a risk evaluation. Information regarding the evaluation is given in Report N° 526-11-AG-DVM-DGAAA-DGA-94633-2011 (issued by the Directorate of Agricultural Environmental Management of the Directorate-General of Agricultural Environmental Affairs of the Ministry of Agriculture) and supporting documentation from Peru. In addition to this report, internationally peer-reviewed official sources of information were consulted. This information is internationally recognized and generated according to scientifically recognized methods. Other national scientific studies and international technical reports were taken into consideration as well.

- (iii) The final regulatory action was based on a risk evaluation involving prevailing conditions within the Party taking the action;*

7. Based on information given in Report N° 526-11-AG-DVM-DGAAA-DGA-94633-2011 and in the supporting documentation submitted by Peru, the Committee concluded that the final regulatory action was based on a risk evaluation involving prevailing conditions in Peru (Iannacone et al., 2009). The risk evaluation indicated that the use of lead arsenate as a pesticide in Peru resulted in high risk quotients for terrestrial invertebrates.

(d) Annex II paragraph (c) criteria

(c) Consider whether the final regulatory action provides a sufficiently broad basis to merit listing of the chemical in Annex III, by taking into account:

- (i) Whether the final regulatory action led, or would be expected to lead, to a significant decrease in the quantity of the chemical used or the number of its uses;*

8. The final regulatory action cancelled the registration of lead arsenate formulations, resulting in a ban on the use of lead arsenate as a pesticide, including import, manufacture, formulation, distribution or marketing of such pesticide in Peru. It also prevents future registration of the chemical as a pesticide formulation. This will therefore lead to a significant decrease in the quantity of lead arsenate used.

- (ii) Whether the final regulatory action led to an actual reduction of risk or would be expected to result in a significant reduction of risk for human health or the environment of the Party that submitted the notification;*

9. Since the final regulatory action cancels the registration of lead arsenate formulations, the risk to the environment will be significantly reduced.

- (iii) Whether the considerations that led to the final regulatory action being taken are applicable only in a limited geographical area or in other limited circumstances;*

10. The notification gives no indication of any geographical limitations or other limited circumstances as the basis for the final regulatory action. Therefore, the considerations that led to the final regulatory action are not limited to Peru.

(iv) *Whether there is evidence of ongoing international trade in the chemical;*

11. Although there was no information available on ongoing international trade, reintroduction of the chemical on international markets is possible.

(e) **Annex II paragraph (d) criterion**

(d) Take into account that intentional misuse is not in itself an adequate reason to list a chemical in Annex III.

12. There is no indication in the notification or supporting documentation that concerns for intentional misuse prompted the final regulatory action.

(f) **Conclusion**

13. The Committee concluded that the notification of final regulatory action by Peru met the criteria set out in Annex II to the Convention.