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USE OF CHEMICAL ABSTRACT SERVICE NUMBERS AND
CHEMICAL DESCRIPTIONS IN ANNEX III OF THE ROTTERDAM CONVENTION

Note from the Secretariat

1. The purpose of this note is to draw the attention of the Interim Chemical Review Committee to the possible inconsistent use of Chemical Abstract Service numbers (CAS numbers) and chemical descriptions in Annex III of the Convention. The Committee might, in light of its mandate for recommending chemicals for inclusion in the interim PIC procedure and preparing draft decision guidance documents, wish to review the issue and discuss how it might be addressed in future recommendations from the Committee to the Intergovernmental Negotiating Committee regarding inclusion of chemicals in the interim PIC procedure. The Committee might also want to consider whether any recommendations may be appropriate regarding chemicals already listed in Annex III or included in the PIC procedure during the interim period.

Background

2. The subject was brought to the attention of the Secretariat in January 2001, through a letter from the Pesticide Action Network (PAN) - North America. This letter can be found in UNEP/FAO/PIC/ICRC.2/INF.2. In consultation with the Chair and the Bureau, the Secretariat has developed this brief note on the issues raised by PAN-North America, providing a basis for their possible consideration by the Interim Chemical Review Committee, as part of their ongoing discussions on operational procedures.

3. A chemical enters the prior informed consent procedure on the basis of final regulatory actions notified by Parties. The resultant decision guidance document is based on/reflects the information provided by each notifying Party regarding its regulatory action. These regulatory actions generally apply to an active ingredient and may or may not include reference to specific derivatives (salts/esters) or isomeric forms of that active ingredient. Only those specific chemicals subject to the regulatory action are eligible for inclusion in the PIC procedure.

4. In reviewing the way in which chemicals are listed in Annex III of the Convention there appear to be four distinct scenarios:
- (a) The chemical subject to the regulatory action exists/is marketed or used as a single entity, as is the case for aldrin, 1,2-dibromoethane (EDB), etc. The corresponding CAS number provides a unique identifier for the chemical included in the regulatory actions and listed in Annex III.
 - (b) Chemicals such as captafol and phosphamidon exist in mixtures of two or more isomeric forms. CAS numbers have been assigned for the mixture as well as the specific isomers. In most instances it is the isomeric mixture that is marketed or used as a pesticide. The individual isomers may in some instances also be marketed/registered as pesticides in their own right.
 - (c) Chemicals such as 2,4,5-T and pentachlorophenol (PCP) exist as a parent compound e.g. a free acid, but are in fact marketed or used as a wide range of derivatives (salts/esters) for which specific CAS numbers have been assigned. It is likely that only a subset of these derivatives have been registered/permited for use in a given country.
 - (d) While individual/distinct chemical entities such as salts and esters of active ingredients are assigned specific CAS numbers pesticide formulations are not. The CAS numbers reported for the 5 hazardous pesticide formulations included in Annex III, refer to the active ingredient rather than a specific formulation.
5. It is not clear to what extent regulatory authorities characterise the chemicals subject to their regulatory actions or the use made of CAS numbers in recording/reporting these actions. At present it would seem that the description of the individual chemicals and the corresponding CAS number(s) may not have been applied in a consistent/unambiguous manner in Annex III.

Considerations

6. According to the operational procedures adopted by the Intergovernmental Negotiating Committee at its seventh session, the Interim Chemical Review Committee, once it has decided to recommend a chemical for inclusion, develops a draft decision guidance document based on the submitted notifications. The draft would describe the chemical subject to the reported regulatory actions and hence recommended for inclusion. The Committee forwards the draft decision guidance document and the recommendation, including proposed chemical description and relevant CAS numbers, to the Intergovernmental Negotiating Committee for consideration.
7. The Committee may wish to consider an approach in order to ensure that precise chemical descriptions and relevant CAS-numbers are incorporated into future recommendations from the Committee to the Intergovernmental Negotiating Committee regarding inclusion of chemicals in the interim PIC procedure.
8. In doing so, the Committee may also want to consider what consequences this approach might have regarding chemicals already listed in Annex III or included in the interim PIC procedure during the interim period and, if appropriate, develop a recommendation to the Intergovernmental Negotiating Committee, for discussion at its eight session.
9. The Committee should note that Annex III of the Convention can only be amended by the Conference of the Parties in accordance with the procedures laid out in the Convention.
