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INTERIM CHEMICAL REVIEW COMMITTEE

Third session

Geneva, 17-21 February 2002

Item 5 (a) (iv) of the provisional agenda*

OPERATIONAL PROCEDURES FOR THE INTERIM CHEMICAL REVIEW COMMITTEE:
STATUS OF THE WORK OF THE INDIVIDUAL TASK GROUPS ESTABLISHED AT
THE SECOND SESSION OF THE COMMITTEE

TASK GROUP 4: PRIORITIZATION OF WORK ON OLD NOTIFICATIONS OF FINAL
REGULATORY ACTION TO BAN OR SEVERELY RESTRICT A CHEMICAL

Note by the secretariat

1. At its second session, the Interim Chemical Review Committee established four task groups to work intersessionally. Task group 4 was entrusted with developing a process to prioritize work on old notifications, identifying an initial list of priority chemicals and drafting an issue paper on the compatibility of current regulatory practices with the notification requirements of the interim prior informed consent (PIC) procedure.
2. Annexed to the present note is the report of task group 4 as submitted to the secretariat. The report provides brief background information on the objective and composition of the task group and information on how its work was organized. It includes a set of criteria for prioritizing old notifications, but no list of priority chemicals has been identified. In sections E and F, respectively, the report identifies issues for consideration by the Interim Chemical Review Committee and provides specific recommendations on how the Committee might proceed.
3. An initial draft of the issue paper on the compatibility of current regulatory practices with the notification requirements of the interim PIC procedure is available as a separate document (UNEP/FAO/PIC/ICRC.3/9) and is to be considered under item 5 (b) of the provisional agenda.

* UNEP/FAO/PIC/ICRC.3/1.

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Annex

TASK GROUP 4: PRIORITIZATION OF WORK ON OLD NOTIFICATIONS OF FINAL REGULATORY ACTIONS TO BAN OR SEVERELY RESTRICT A CHEMICAL

A. Objective of the task group

1. The objectives of task group 4, established by the Interim Chemical Review Committee at its second session, were the following:

(a) To compile a survey of the full range of old notifications of banned or severely restricted chemicals;

(b) To identify an initial list of priority chemicals that could be subject of further work by reviewing the criteria for prioritizing old notifications;

(c) To draft an issue paper on the compatibility of current regulatory practices with the notification requirements of the interim PIC procedure as a possible basis for practical guidance to countries.

B. Composition of the task group

2. The members of task group 4, assigned at the second session of the Interim Chemical Review Committee, were:

Karel Gijsbertsen (coordinator)

Dudley Achu Sama

Mohamed Ammati

Reiner Arndt

Cathleen Barnes

Mercedes Bolaños

William Cable

Marc Debois

Pietro Fontana

Jan Ferdinand Goede

Janet Taylor

Secretariat

Observers:

Global Crop Protection Federation (GCPF) Richard Nielsson until September 2001,

Mike Neale from September 2001.

C. Background

4. Under the voluntary PIC procedure, countries submitted to the secretariat notifications of control actions to ban or severely restrict pesticides and industrial chemicals. Many of these notifications were not acted upon prior to the conclusion of the negotiations on the Rotterdam Convention. At the Conference of Plenipotentiaries (Rotterdam, September 1998), countries adopted a resolution on interim arrangements for the operation of the interim PIC procedure until such time as the Convention entered into force (UNEP/FAO/PIC/CONF/5, annex I). Paragraph 9 of the resolution concerns notifications of control actions:

“*Decides* that nominations of designated national authorities, notifications of control actions and import decisions made under the original PIC procedure shall remain in effect under the interim PIC

procedure unless and until the State or regional economic integration organization concerned notifies the interim secretariat in writing that it has decided otherwise;”

5. Subsequently, the interim secretariat reviewed the notifications of control actions submitted under the voluntary PIC procedure using the procedures of article 5 of the Convention. Annex I of the Convention contains specific information requirements for countries to satisfy in support of notifications made under article 5. Annex II of the Convention contains specific criteria for the Interim Chemical Review Committee to apply when evaluating the submitted notifications of control actions. As the criteria had been modified in the transition from the voluntary PIC procedure to the Convention procedure, none of the notifications any longer met the requirements of Annex I of the Convention.

6. The issue was discussed by the Committee at its second session, based on the report of an intersessional task group (UNEP/FAO/PIC/ICRC.2/8). At its second session, the Committee decided that the intersessional task group should continue its work with the following mandate (UNEP/FAO/PIC/ICRC.2/11, para. 36):

“To further develop the process to prioritize work on ‘old’ notifications pertaining to chemicals. The task group would review the criteria and revise the process as a result of experience gained in its application. A further output would be the identification of an initial list of ‘priority chemicals’ that could be the subject of further work by the Committee. The Committee also concluded that the same task group should draft an issue paper on the compatibility of current regulatory practices with the notification requirements of the interim PIC procedure as a possible basis for practical guidance to countries.”

D. Organization of work

7. A draft work plan for task group 4 indicating the work on the three major activities – survey of notifications, criteria for prioritization and the issue paper on practices in regulating pesticides and industrial chemicals – was sent to members of the task group on 15 April 2001. Based on the comments received, the draft work plan was revised; the outline sketched out for developing the survey and applying the criteria was accepted without modification.

8. An updated work plan including a timetable was distributed on 15 May 2001 to all task group members. This included a survey of old notifications by substance and PIC region as provided in the PIC Circulars, a modified proposal for setting of criteria and a clarified proposal on how to work on the issue paper. The original proposal for the issue paper caused some confusion. The idea was to discuss situations or circumstances that cause language differences between the legal system of a country and the wording provided for in the Convention. Information was collected regarding expected notifications in 2001-2002 and substances under review that may lead to valid control actions in the near future. Comments were requested on the setting of criteria as well as input for the issue paper.

9. A third paper was sent out on 16 July 2001 in which the survey of old notifications was updated with information from PIC Circular XIII, with information received from some members of the task group on expected notifications in 2001-2002 and on substances for which there was no indication of ongoing international trade. No input was received concerning the issue paper.

10. On 19 September 2001 an issue paper on practices in regulating pesticides and industrial chemicals was sent for comments, based on contributions and ideas received from several members of the task group. As to the survey of the full range of notifications and the criteria for prioritization, comments were received indicating (also reviewing the mandate) that the Interim Chemical Review Committee is in fact close to being in a position to define a process for prioritizing old notifications and that the current survey (perhaps after some further polishing or analysis has been carried out) is the maximum result that may be obtained at the moment. At an informal meeting of all four task groups during the eighth session of the Intergovernmental Negotiating Committee (Rome, 8-12 October 2001), a progress report was submitted and briefly discussed. Finally, the issue paper was modified in the light of the comments received.

E. Issues for consideration by the Interim Chemical Review Committee at its third session

11. The major result of task group 4 is the attached list of notifications, contained in the following table. Good progress has already been made possible by this table, which was used by some experts and countries to prioritize the submission of notifications. As a result, the required number of notifications to trigger the review process was met for substances such as DNOC, dinoterb and asbestos, which have been forwarded to Interim Chemical Review Committee at its third session by the secretariat.

12. With regard to the attached table, it should be explained that the table is based on substances with:

(a) At least two notifications from two PIC regions which were submitted as from 1990, but not completed, in accordance with Annex 1 of the Convention;

(b) At least one valid new notification submitted under the interim PIC procedure;

(c) One valid new notification expected to be submitted in 2001-2002,

13. In addition, the following criteria are addressed:

(a) Ongoing international trade;

(b) Subject to other International instruments;

(c) Multiple control actions;

(d) Substances already subject to the PIC procedure were deleted, except the severely hazardous pesticide formulations.

14. The third column in the table indicates the number of PIC regions with valid notifications. The fourth column indicates the Parties that are expected to submit valid new notifications. The fifth column indicates which substances are no longer traded internationally. The sixth column identifies those substances already or likely to be controlled by other international instruments, such as the Montreal Protocol on Substances that Deplete the Ozone Layer and the Stockholm Convention on Persistent Organic Pollutants (POPs). The seventh column gives the number of PIC regions from which notifications were submitted as from 1990. The remaining columns indicate from which regions notifications were submitted, both before and after 1990. A grey-coloured field indicates that the notification for that region is valid. The current list does not give any preference. It might be necessary to reorganize the table in a way that reflects the criteria.

15. Asbestos is not listed as such because it can be composed of six different fiber types (amosite, anthophyllite, etc.) which are not mentioned in the PIC circular, where only the heading crocidolite is provided.

16. In order to facilitate discussion of the outcome of the work of task group 4 by the Committee the comments received and issues raised in the process of establishing the draft table have been grouped as outlined in the following sections.

1. Possibility of closing the gaps

17. This is a complicated but important criterion. Furthermore, it is rather subjective and the discussions around it raised a considerable amount of controversy. Part of the information is only available to the secretariat. Another point to be looked at by the Interim Chemical Review Committee experts is the fact that not all notifications fulfil the definition of banned or severely restricted notifications, or that at least is the impression given by a perusal of the reasons adduced for the ban or severe restriction in the notifications in

the PIC circular. Finally, the Interim Chemical Review Committee can only give an indication how much information is lacking and this can be taken into account by a Party when updating its notifications. It is, of course, beyond the power of the Committee to determine whether or not a Party will update its notifications.

2. Willingness of a country to complete the file

18. This criterion is also of key importance for obvious reasons. How should this point be addressed by the task group? Do we also consider possibilities to support developing countries when they are willing to volunteer? As indicated above, it is up to the Parties themselves to submit notifications: all that the Interim Chemical Review Committee can do is to facilitate this process.

3. Setting of priorities - regional distribution

19. In terms of setting priorities, a listing of the notices displayed in such a way as to show the number of valid regions could be of interest to Governments, but ultimately of limited value.

4. Setting of priorities - severe restriction versus ban

20. The distinction between a severe restriction versus a ban should not serve as a criterion for the setting of priorities. In this regard, the information on the notices could easily be grouped into these two categories, but as this would inevitably give the false impression that one category was more important than the other, the exercise would serve no useful purpose. PIC obligations for both are the same.

5. Expected notifications

21. The suggestion that expected notifications and substances under review should be added to the survey was carefully discussed. Some members had concerns about this suggestion because the task group might prejudge the outcome of reviews currently under way, since such reviews may result in control measures that did not meet the criteria of the Rotterdam Convention on PIC. Another argument was that, if Governments were going to submit notifications, they would do so based on their national control actions and national priorities, not based upon whether another country was expected to submit one in the future. On the other hand, the idea is to obtain an overview of the notifications which are scheduled, and eventually be forwarded to the secretariat of the Rotterdam Convention and this could, therefore, be helpful to national Governments in choosing and prioritizing notifications to be completed. For instance, if a country wishes to update its old notifications for the substances A, B, C, D and E, and has only the capacity for two substances, it is very important to know that another country is working as well for example on a notification the same substance C.

6. Points of agreement

22. The members of task group 4 came to general agreement on the following points (a)-(d):

(a) The group agreed to limit the discussion to the criteria listed below. One member of the task group already expressed a strong preference for the first two criteria:

- (i) Substances in ongoing international trade;
- (ii) Substances which have one valid notification;
- (iii) Substances subject to other international instruments, e.g., the Montreal Protocol, Stockholm (POPs) Convention, etc.;
- (iv) Substances already subject to the PIC procedure;
- (v) Multiple control actions from two or more PIC regions;

- (vi) Possibility of closing the gaps (not yet covered in table 1);
- (vii) Willingness of a country to complete the file (not yet covered in table 1);

(b) As already stated, an important criterion is that of ongoing international trade. As a result of the discussions held by the Interim Chemical Review Committee at its second session, the secretariat was asked for assistance in determining whether there was continued trade in those chemicals prioritized by the task group. The secretariat will submit to the Interim Chemical Review Committee at its third session a separate paper on ongoing international trade (UNEP/FAO/PIC/ICRC.3/12 – “Proposed process for determining evidence of ongoing international trade in specific chemicals”);

(c) Substances already subject to the PIC procedure should have lower priority. This was confirmed at the eighth session of the Intergovernmental Negotiating Committee;

(d) The probability that information is still available for very old notifications is small. For this reason, it was agreed to restrict the list to substances with at least two notifications from two regions that were submitted as from 1990.

7. Compatibility of regulatory practices.

23. The second important result of the work of task group 4 is the issue paper on the compatibility of regulatory practices and notification requirements. The results of the work on this issue are available to the Committee in document UNEP/FAO/PIC/ICRC3/9 and will be considered under item 5 (b) of the provisional agenda.

F. Recommendation to the Interim Chemical Review Committee

24. At its next session, the Interim Chemical Review Committee should consider the following measures:

(a) Reviewing the outcome of the work of the task group on the list of notifications with particular focus on the criteria for prioritization;

(b) Considering how the information provided in the list might be used by the Committee in developing a recommendation to the Intergovernmental Negotiating Committee. The Intergovernmental Negotiating Committee could bring this to the attention of Governments, with a request that they consider this consolidated list in the national process of updating old notifications or submitting new notifications;

(c) Considering that those chemicals listed in the table which have already one notification are likely candidates, and suggesting that countries might wish to give them priority in providing a second notification.

Appendix

Substance	CAS number	Regions with valid notifications	Expected notifications	No trade	Other conventions	FAO regions ≥ 1990	Africa	Asia	Europe	Latin America	Near East	North America	Southwest Pacific
Pesticides													
1,3-dichloropropene	542-75-6					2		+	+	+			+
2,4,5-TP (Fenoprop, Silvex)	93-72-1					2	+	+	+	+		+	
2,4-D	94-75-7	1				2		+	+	+	+		
Acrylonitrile	107-13-1			+		2		+	+	+			
Alachlor	15972-60-8		NI			1			+				+
Aldicarb	116-06-3					5	+	+	+	+	+		
Aluminium phosphide	20859-73-8					2	+	+		+	+		
Arsenic	7440-38-2					3	+	+	+	+			+
Arsenic trioxide	1327-53-3					2		+	+	+		+	
Atrazine	1912-24-9					2	+		+				
Bentazon	50723-80-3	1				1			+				
Benzene	71-43-2			+		2	+	+	+				
Bifenthrin	82657-04-3		NI			0			+				
Bromuconazol	116255-48-2	1				1			+				
Captan	133-06-2					4	+	+	+		+		+
Carbaryl	63-25-2					2	+	+	+				
Carbofuran	1563-66-2					2				+	+	+	
Carbon tetrachloride	56-23-5	1			+	4	+	+	+			+	
Chloralhydrate	302-17-0		NI			0			+				
Chlordecone	143-50-0					2		+	+	+	+	+	+
Chlorfenvinfos	470-90-6	1				2		+	+	+			
Chloroethylene	75-01-4			+		2	+	+	+			+	
Chloromethyl methylether	107-30-2	1		+		1			+			+	
Chloropicrin	76-06-2					2		+	+	+			
Chlorsulfuron	64902-72-3	1				1			+				
Chromium	7440-47-3			+		2	+		+				
Clozolate			EU			0							

Substance	CAS number	Regions with valid Notifications	Expected notifications	No trade	Other conventions	FAO regions ≥ 1990	Africa	Asia	Europe	Latin America	Near East	North America	Southwest Pacific
Cyhexatin	13121-70-5					2		+	+	+	+	+	+
Daminozide	1596-84-5					3		+	+	+		+	
Diazinon	333-41-5					2		+	+				
Dibromochloropropane (DBCP)	96-12-8			+		3		+	+	+	+	+	+
Dibromotetrafluoroetane (Halon 2402)	124-73-2	1			+	1						+	
Dichlobenil	1194-65-6	1				1			+				
Dichlorvos	62-73-7					2	+	+	+		+		+
Dicofol	115-32-2	1				1		+	+	+			
Dinocap	39300-45-3					2			+	+			
Dinoterb	1420-07-1	2				2		+	+	+			
Diquat dibromide	85-00-7					2			+		+		
Diuron	330-54-1					2	+		+				
DNOC	534-52-1	3				3		+	+	+			
Endosulfan	115-29-7	1				3		+	+	+	+	+	
Endrin	72-20-8	1		+	+	4	+	+	+	+		+	+
Epoxiconazole	106325-08-0	1				1			+				
EPTC	759-94-4	1				1			+				
Fluazifop-P-butyl	79241-46-6	1				1			+				
Folpet	133-07-3	1				1		+	+				+
Hexazinon	51235-04-2	1				1			+				
Imazalil	35554-44-0	1				1			+				
Isobenzan	297-78-9			+		2	+	+	+		+		+
Lead	7439-92-1			+		2	+		+		+		
Lead arsenate	7784-40-9			+		3		+	+	+		+	+
Leptophos	21609-90-5			+		3		+	+	+	+	+	+
Mancozeb	8018-01-7					3		+	+		+		
Mepiquat chloride	24307-26-4	1				2			+	+			
Methanol	67-56-1			+		2	+	+					
Methazole	20354-26-1	1				1							+

Substance	CAS number	Regions with valid notifications	Expected notifications	No trade	Other conventions	FAO regions ≥ 1990	Africa	Asia	Europe	Latin America	Near East	North America	Southwest Pacific
Methylbromide	74-83-9		NI		+	3	+	+	+	+	+		+
Methylparathion	298-00-0					3	+	+		+			
Mevinphos	7786-34-7					2		+		+		+	
Mirex	2385-85-5	1			+	3		+		+	+	+	+
Nitrofen	1836-75-5		EU			3		+	+			+	+
Paraquat	4685-14-7					3	+	+	+		+		
Paraquat dichloride	1910-42-5					2		+	+				
Parathion	56-38-2	1				4	+	+	+	+	+		+
Propoxur	114-26-1					2	+	+	+				
Quintozene	82-68-8		EU			2		+	+	+			
Selenium	7782-49-2			+		2	+		+				
Simazine	122-34-9	1				1			+				
Sodium arsenite	7784-46-5		NI			0			+			+	
Sodium chlorate	7775-09-9					2		+	+				
Sodium fluoroacetate	62-74-8					3		+	+	+			
TCA sodium	650-51-1		NI			1			+				
Tecnazene			EU			0							
TEPP	107-49-3			+		2		+	+		+		
Thallium sulphate	7446-18-6			+		3		+	+	+		+	
Thiabendazole	148-79-8	1				1			+				
Thiram	137-26-8					2		+	+				
Toxaphene (camphechlor)	8001-35-2			+	+	2	+	+	+	+	+	+	
Tribufos	78-48-8	1				2	+						+
Trichlorfon	52-68-6					2		+			+		
Vinclozolin	50471-44-8	1				1			+				
White phosphorus	7723-14-0			+		2	+	+	+				

Substance	CAS number	Regions with valid notifications	Expected notifications	No trade	Other conventions	FAO regions ≥ 1990	Africa	Asia	Europe	Latin America	Near East	North America	Southwest Pacific
Industrial Chemicals													
4-aminobiphenyl	92-67-1					3	+	+	+				
Benzidine	92-87-5					4	+	+	+			+	
beta-naphtylamine	91-59-8					2	+	+	+				
bis(chloromethyl)ether	542-88-1	1				2	+	+	+			+	
Cadmium compounds	7440-43-9					2	+		+			+	+
CFC 11	75-69-4	1			+	3		+	+			+	
CFC-113	76-13-1	1				1						+	
CFC-114	76-14-2	1				1						+	
Chloropentafluoroethane	76-15-3	1			+	1			+			+	
Freon 12	75-71-8	1			+	1			+			+	
Bromochlorodifluoromethane (Halon 1211)	353-59-3	1			+	2			+			+	
MGK repellent 11	126-15-8				+	2			+			+	
NCC-ether	94097-88-8	1				1						+	
Tetraethyl lead	78-00-2	1				1						+	
Tetramethyl lead	75-74-1	1				1						+	
Tributyl tetradecyl phosphonium chloride	81741-28-8	1				1						+	
Trifluorobromoethane	75-63-8	1			+	2			+			+	
