

Annex II

Rationale, decision, background information and workplan for drafting a decision guidance document on endosulfan

- 1. Rationale as to how the notifications of final regulatory action on endosulfan (CAS No. 115-29-7) from Burkina Faso, Cape Verde, the Gambia, Mali, Mauritania, the Niger and Senegal meet the information requirements of Annex I and the criteria of Annex II to the Convention**
 1. In reviewing the notification of final regulatory action by the Sahelian countries Burkina Faso, Capo Verde, Gambia, Mali, Mauritania, Niger and Senegal, together with the supporting documentation, the Committee concluded at its fifth session that the actions had been taken in order to protect human health and the environment.
 2. Endosulfan was used in Burkina Faso, Capo Verde, Gambia, Mali, Mauritania, Niger and Senegal, which are members of the Sahelian Pesticides Committee (CSP), as insecticide/acaricide in cotton.
 3. The regulatory actions of Burkina Faso, Capo Verde, Gambia, Mali, Mauritania, Niger and Senegal were to ban all uses of endosulfan by the end of 2008. The final regulatory action was taken in order to protect human health and environment. The actions were based on hazard and risk evaluations taking into account local exposure conditions for pesticide operators and of the aquatic environment. It was found that the substance posed an unacceptable risk to operators, to families who had their habitations in or near cotton fields and to aquatic ecosystems. The notifications and supporting documentation describe the specific risks.
 4. The risk evaluations performed by the Sahelian countries include an assessment of the hazards to human health (high acute toxicity) and human exposure (occupational exposure), that were performed by the USA and Australia under comparable use pattern, and taking into account the prevailing conditions in the Sahel (lack of training, hot climate, no PPE available). Therefore the evaluations meet the criteria for the risk evaluation.
 5. The risk evaluations also contain an assessment of the hazards to aquatic organisms (high toxicity to fish and invertebrates) and exposure in surface waters. Two argumentation lines were presented. Firstly, a pesticide risk evaluation for surface waters carried out in Burkina Faso was reported and documented. This evaluation used an Australian computer model (PIRI) and land use data including application rates of the Sahelian countries that was applied to 14 pesticides which were used in cotton in the Sahel. Five exposure scenarios of surface water were evaluated, including buffer zones and rain events. The result of the evaluation was that endosulfan was the only substance which posed a high or very high risk to aquatic ecosystems under all 5 scenarios and even taking into account buffer zones up to 1000 m.
 6. In the second approach, assessments performed by the USA and Australia under comparable use pattern and which were based on recognized scientific methods and principles, were taken into account. These authorities had concluded that the risk to aquatic organisms was only acceptable provided that mitigation measures such as large vegetated and general buffer zones were respected. In Australia no endosulfan applications may take place if heavy rains or storms are forecast within two days or under hot weather conditions. In the USA endosulfan is not authorized for the use in cotton in the states where surface water bodies are abundant.
 7. Taking into account the results of these two approaches and given the prevailing conditions in the Sahel, where surface waters are abundant and treatments take place in the rainy season, which is characterised by heavy and hard to predict rainstorms, it was virtually impossible to guarantee that risk reduction measures such as required in Australia or the US were followed.
 8. In conclusion, the Sahelian Pesticide Committee considered the risk to aquatic ecosystems of using endosulfan in their countries as unacceptable.

9. The Committee established that the final regulatory actions had been taken on the basis of risk evaluations and that the evaluations had been based on a review of scientific data. The available documentation demonstrated that the data had been generated in accordance with scientifically recognized methods and that the data reviews had been performed and documented in accordance with generally recognized scientific principles and procedures. Data were generated from internationally recognized sources as the US EPA and the Australian Review for endosulfan. The review process took into account existing use patterns in the Sahelian countries. Overall, the available documents showed that the final regulatory action had been based on a chemical-specific risk evaluation, involving prevailing conditions of exposure within the submitting countries.

10. The Committee noted that, as the regulatory actions in the Sahelian countries was to ban the use of endosulfan, there would be a reduced risk of human and environmental exposure to the toxic effects of endosulfan for all uses.

11. There was no indication that there were any industrial uses of endosulfan in the notifying countries. The Committee also noted that the considerations underlying the final regulatory action were not of limited applicability since similar concerns as identified in the notifying countries could occur in other countries, in particular also developing countries. On the basis of information provided to the Committee there was evidence of ongoing international trade in endosulfan.

12. The Committee noted that the final regulatory action in the Sahelian countries was not based on concerns about intentional misuse of endosulfan, but on concerns from registered label uses.

13. The Committee concluded that the notifications of final regulatory action by the Sahelian countries met the information requirements of Annex I and the criteria set out in Annex II of the Convention.

2. Decision to establish an intersessional drafting group on endosulfan

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,

Recalling also the recommendation at its second meeting to the Conference of the Parties that endosulfan should be included in Annex III to the Rotterdam Convention,¹

Recalling further the conclusion at its third meeting that the notification of final regulatory action relating to endosulfan by the European Community had met the criteria set forth in Annex II to the Rotterdam Convention,²

Noting the outcome of the discussion on the notifications of final regulatory action from Burkina Faso, Cape Verde, the Gambia, Mali, Mauritania, the Niger and Senegal,

Decides, in the light of past practice in drafting decision guidance documents, to establish a drafting group to develop a decision guidance document for endosulfan for consideration at its next meeting on the understanding that responses to the outstanding questions regarding the notifications from the above-mentioned Sahelian countries will be made available at its next meeting to inform further discussion on whether all the criteria of Annex II have been met.

3. Workplan for the intersessional drafting group on endosulfan

The drafting group comprises the following members:

Co-Chairs: Ms. Anja Bartels
Ms. Noluzuko Gwayi

Members: Mr. Ousmane Sow
Ms. Marit Randall
Mr. Michael Ramsay

¹ UNEP/FAO/RC/CRC.2/20, Annex II A.

² UNEP/FAO/RC/CRC.3/15, Annex II.

Ms. Amala Jayasekara
 Mr. Mario Nichelatti
 Mr. Gamini Manuweera
 Mr. Mansourou Moudachirou
 Ms. Hang Tang
 Mr. Gopal Krishna Pandey

Workplan for the intersessional drafting group on endosulfan

<i>Task</i>	<i>Persons responsible</i>	<i>Deadline</i>
Draft an internal proposal on endosulfan based on the information available to the Committee.	Co-chairs	8 May 2009
Send draft internal proposal to drafting group members for comments via e-mail.	Co-chairs	8 May 2009
Replies	All DG members	2 June 2009
Update internal proposal based on the comments from drafting group members.	Co-chairs	10 July 2009
Send updated internal proposal to the Committee and its observers for comments via e-mail.	Co-chairs	10 July 2009
Replies	All CRC members and observers	25 August 2009
Draft a decision guidance document (DGD) based on the comments from the Committee and its observers.	Co-chairs	25 September 2009
Send draft DGD to drafting group members for comments via e-mail.	Co-chairs	25 September 2009
Replies	All DG members	16 October 2009
Finalize draft DGD based on the comments of the group.	Co-chairs	12 November 2009
Send the draft DGD to Secretariat.	Co-chairs	12 November 2009
Sixth meeting of the Chemical Review Committee		March 2010