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**Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade**

**Chemical Review Committee**
**Eighth meeting**
Geneva, 19–23 March 2012

# Report of the Chemical Review Committee on the work of its eighth meeting

## I. Opening of the meeting

1. The eighth meeting of the Chemical Review Committee under the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade was held at the Varembé International Conference Centre, Geneva, from 19 to 23 March 2012. The meeting was opened at 10.10 a.m. on Monday, 19 March 2012, by the Chair of the Committee, Ms. Hala Sultan Saif Al-Easa (Qatar).

2. The Executive Secretary, Mr. Jim Willis, then welcomed the Committee members and observers, in particular the new Chair of the Committee and those new members for whom the current meeting was their first, stressing that the Secretariat stood ready to provide any support that the Committee might require. He underscored the importance of the Committee's work in providing the grounding for the technical work carried out under the Rotterdam Convention and opportunities for enhancing synergies with the technical subsidiary bodies of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Stockholm Convention on Persistent Organic Pollutants.

3. The decision of the Conference of the Parties at its fifth meeting to reduce funding was an opportunity for the Secretariat, the United Nations Environment Programme part of which had recently been reorganized to function jointly with the Basel and Stockholm convention secretariats, to improve its efficiency and cost effectiveness in its support of the Committee in a manner that was more consistent and built on experience and best practices. An example of this would be seen in the organization of the current meeting and the format of the meeting report, which would more closely follow that used for the conferences of the parties of the three conventions and their other subsidiary bodies.

4. The Chair added her welcome to the meeting participants and expressed confidence that the meeting would be successful given the outcomes of the previous meeting and the dedication that Committee members had shown in undertaking the Committee's intersessional work.

** Second reissue for technical reasons (20 December 2012).

# II. Organizational matters

## A. Officers

5. The following officers served on the Bureau of the Committee for the meeting:

Chair: Ms. Hala Sultan Saif Al-Easa (Qatar – Asian and Pacific States)

Vice-Chairs: Mr. Azhari Omer Abdelbagi (Sudan – African States)
Ms. Anahit Aleksandryan (Armenia – Central and Eastern European States)
Ms. Jacqueline Arroyo (Ecuador – Latin American and Caribbean States)
Mr. Jürgen Helbig (Spain – Western European and other States)

Mr. Helbig served also as Rapporteur.

## B. Attendance

6. The following 29 members of the Committee attended the meeting: Ms. Anahit Aleksandryan (Armenia), Ms. Anja Bartels (Austria), Mr. Gilberto Fillmann (Brazil), Ms. Parvoleta Angelova Luleva (Bulgaria), Ms. Hang Tang (Canada), Mr. Victor N'Goka (Congo), Mr. Droh Lanciné Goné (Côte d'Ivoire), Ms. Lucia Jacqueline Arroyo Daul (Ecuador), Mr. Alieu Sallah (Gambia), Ms. Mirijam Kristina Brigitta Seng (Germany), Mr. Manoranjan Hota (India), Mr. Michael Frank Ramsay (Jamaica), Mr. Peter Simon Opiyo Ombajo (Kenya), Ms. Amal Al-Rashdan (Kuwait), Mr. Gaoussou Kanouté (Mali), Mr. Sidi Ould Aloueimine (Mauritania), Ms. Leonor Alicia Cedillo Becerril (Mexico), Ms. Leonarda Christina van Leeuwen (Netherlands), Ms. Susan Jane Collier (New Zealand), Mr. Muhammad Bashir Khan (Pakistan), Ms. Vilma Morales Quillama (Peru), Ms. Magdalena Balicka (Poland), Ms. Hala Sultan Saif Al-Easa (Qatar), Mr. Jung-Kwan Seo (Republic of Korea), Mr. Mohamad Saleh I.T. Makki (Saudi Arabia), Mr. Jürgen Heinrich Helbig (Spain), Mr. Azhari Omer Abdelbagi (Sudan), Ms. Sarah Maillefer (Switzerland) and Mr. Boniface Mbewe (Zambia).

7. Observers from the following countries and regional economic integration organizations were present: Argentina, Australia, Brazil, Cameroon, Canada, China, Colombia, Democratic Republic of the Congo, Estonia, European Union, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Japan, Libya, Norway, Paraguay, Qatar, Romania, Russian Federation, Slovakia, South Africa, Turkey, Turkmenistan, Ukraine and the United States of America.

8. The following intergovernmental organizations were represented: Comité Inter-Etats des Pesticides d'Afrique Centrale (Inter-States Pesticides Committee for Central Africa) and the League of Arab States.

9. The following non-governmental organizations were also represented: Association Ukrainian Chrysotile Corporation, Berne Declaration, CropLife International, International Alliance of Trade Union Organizations "Chrysotile", International Chrysotile Association and Scienceindustries.

10. A complete list of participants was circulated as document UNEP/FAO/RC/CRC.8/INF/16/Rev.1.

## C. Adoption of the agenda

11. At its opening session, the Committee adopted the following agenda on the basis of the provisional agenda (UNEP/FAO/RC/CRC.8/1):

1. Opening of the meeting.
2. Organizational matters:
   (a) Adoption of the agenda;
   (b) Organization of work.
3. Review of the outcomes of the fifth meeting of the Conference of the Parties to the Rotterdam Convention relevant to the Committee's work.
4. Operational issues:
   (a) Rotation of the membership;
   (b) Report on activities for effective participation in the Committee's work;
   (c) Working procedures and policy guidance developed to facilitate the Committee's work.

5. Technical work:

(a) Report of the Bureau on the preliminary review of notifications;

(b) Review of notifications of final regulatory action:

(i) Dicofol;

(ii) Trichlorfon;

(c) Consideration of draft decision guidance documents:

(i) Pentabromodiphenyl ether commercial mixtures;

(ii) Octabromodiphenyl ether commercial mixtures;

(iii) Perfluorooctane sulfonic acid, its salts and its precursor perfluorooctane sulfonyl fluoride;

(iv) Gramoxone Super;

(d) Review of the draft guidelines to assist parties in preparing notifications of final regulatory actions.

6. Other matters.

7. Dates and venue of the Committee's ninth meeting.

8. Adoption of the report.

9. Closure of the meeting.

## D. Organization of work

12. During the opening session, the Committee decided to conduct its work in plenary session each day from 10 a.m. to 1.00 p.m. and from 2.30 to 5.30 p.m., subject to adjustment as appropriate. It also decided that task groups and drafting groups would be formed as necessary.

13. The representative of the Secretariat drew the Committee's attention to the meeting documents, which had been circulated prior to the meeting and made available on the Convention website. The documents pertaining to each agenda item were identified in the annotations to the agenda (UNEP/FAO/RC/CRC.8/1/Add.1). The meeting would be conducted in paperless format, with all documents distributed electronically.

14. Referring to a scenario note for the meeting that she had prepared (UNEP/FAO/RC/CRC.8/INF/2), the Chair explained that the main tasks before the Committee were to review the notifications of final regulatory action and relevant supporting documentation for two chemicals (dicofol and trichlorfon) to determine whether they met the requirements of the Convention and to review and finalize draft decision guidance documents for the industrial chemicals perfluorooctane sulfonate, its salts and precursors, pentabromodiphenyl ether commercial mixtures and octabromodiphenyl ether commercial mixtures; and for the severely hazardous pesticide formulations "liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L".

15. She also explained that the Committee would review its working procedures and policy guidance (UNEP/FAO/RC/CRC.8/INF/5) and further amend them if necessary.

16. She reported that all members of the Committee had submitted signed declaration of interest forms in accordance with decision RC-1/7. No conflicts of interest that would affect the decision-making process of the Committee were identified.

# III. Review of the outcomes of the fifth meeting of the Conference of the Parties to the Rotterdam Convention relevant to the Committee's work

17. The representative of the Secretariat reported on the outcome of the fifth meeting of the Conference of the Parties, highlighting those matters relevant to the Committee's work at the current meeting. She drew attention to decision RC-5/7, by which the Conference had nominated 14 parties to designate experts to serve on the Committee for a period of four years, commencing on 1 October 2011, to replace those whose terms would expire in September 2011. The current meeting was the first

for the experts designated by those Governments, and they were participating along with those experts whose terms continued in accordance with decisions RC-5/6 and RC-5/7.

18. She recalled that at its fifth meeting the Conference of the Parties had decided by decision RC-5/5 to list endosulfan in Annex III to the Convention and to approve the decision guidance document for the chemical on the basis of notifications of final regulatory action submitted by 11 parties. She also recalled that at its seventh meeting the Committee had begun intersessional work to prepare an additional draft decision guidance document for endosulfan on the basis of two notifications that had been submitted subsequently. She suggested that in the light of the Conference's decision to list endosulfan in Annex III and to approve the accompanying decision guidance document it was not necessary for the Committee to complete the additional draft decision guidance document because the Convention did not explicitly call for the adoption of more than one decision guidance document for any listed chemical. The Committee, therefore, might wish to decide formally to adjourn its preparation of the additional decision guidance document.

19. She also recalled that, in its decision RC-5/12, the Conference of the Parties had called for cooperation between the scientific bodies of the Basel, Rotterdam and Stockholm conventions, among other things. She further recalled decision RC-5/2, on increasing the number of notifications of final regulatory action, by which the Conference of the Parties had requested the Secretariat to prepare guidelines to assist parties in preparing notifications of final regulatory action to ban or severely restrict pesticides and industrial chemicals, giving particular regard to the term "severely restricted". The two matters would be discussed during the current meeting under agenda items 6 and 5 (d), respectively.

20. The Committee took note of the information presented. It also agreed to adjourn its preparation of the additional draft decision guidance document on endosulfan and to make the information contained therein available through the Convention clearing-house mechanism, as some of it was not found in the decision guidance document that had been adopted by the Conference of the Parties.

# IV. Operational issues

## A. Rotation of the membership

21. The representative of the Secretariat recalled that at its fifth meeting the Conference of the Parties had identified 14 parties that would designate experts to serve as members of the Committee, subject to appointment by the Conference at its sixth meeting. All 14 parties had since designated such experts, whose terms had begun on 1 October 2011. He also noted that one member of the Committee had retired and that a replacement from the same party had been designated to complete his term, subject to appointment by the Conference of the Parties. A complete list of the current members of the Committee was set out in document UNEP/FAO/RC/CRC.8/INF/1.

## B. Report on activities for effective participation in the Committee's work

22. Noting that approximately half the current members of the Committee were new members, the representative of the Secretariat reported on a three-day workshop that the Secretariat had conducted to acquaint the new members with the operations of the Committee, including the working procedure and policy guidance documents that the Committee used to achieve consistency in its work, the review of notifications of final regulatory action and the preparation of decision guidance documents. All members of the Committee had been invited and 24 had attended.

23. Several members thanked the Secretariat for arranging the workshop, saying that it had been useful both as an introduction to the procedures and operation of the Committee for new members and as a valuable reminder for more experienced members. It was hoped that similar workshops would take place each time the rotation of members of the Committee took place.

## C. Working procedures and policy guidance developed to facilitate the Committee's work

24. The representative of the Secretariat recalled the previous meeting of the Committee, at which it had established an intersessional drafting group to revise two of the papers on working procedures and policy guidance developed to assist the Committee in its work, namely, the working paper on the application of the criteria set out in paragraph (b) of Annex II to the Rotterdam Convention (UNEP/FAO/RC/CRC.8/10) and the working paper on preparing internal proposals and decision guidance documents for severely hazardous pesticide formulations (UNEP/FAO/RC/CRC.8/11). The drafting group had since revised the documents on the basis of the comments submitted by members and observers.

25. Ms. Seng, coordinator of the drafting group, said that the revision of document UNEP/FAO/RC/CRC.8/11 was aimed at improving its consistency with the working paper on preparing internal proposals and decision guidance documents for banned and severely restricted chemicals (set out in document UNEP/FAO/RC/CRC.8/INF/5). Furthermore, the structure of the annexes to the decision guidance document had been rearranged to improve clarity.

26. Turning to the working paper on the application of the criteria set out in paragraph (b) of Annex II to the Rotterdam Convention, she described in detail some aspects of the comments that had been submitted by members and observers and how each comment had been addressed by the drafting group in revising the document. A key factor in the group's deliberations, she said, was that the text of the Convention would always be the ultimate point of reference for the work of the Committee.

27. Several members of the Committee expressed appreciation for the proposed revisions to the documents and the work of the drafting group, saying that the improved guidance would greatly facilitate its work. It was agreed that the Committee would henceforth use the working papers as revised and that, as the papers were living documents, the Committee would continue to collect experience in their use and revise them in the future on the basis of that experience.

28. As there were no further comments, the Chair requested the Secretariat to prepare draft decisions reflecting the Committee's agreement.

29. The Committee adopted decision CRC-8/1, on the working paper on the application of the criteria set out in paragraph (b) of Annex II to the Rotterdam Convention, and decision CRC-8/2, on the working paper on preparing internal proposals and decision guidance documents for severely hazardous pesticide formulations. The decisions are set out in annex I to the present report.

# V. Technical work

## A. Report of the Bureau on the preliminary review of notifications

30. Following the introduction of the item by the Chair, Mr. Abdelbagi, a member of the Bureau, recalled that the Bureau, in consultation with the Secretariat, had in December 2011 undertaken a preliminary review of notifications of final regulatory action for two chemicals. The results of that preliminary analysis were described in document UNEP/FAO/RC/CRC.8/3. Following the preliminary reviews, and on the recommendation of the Bureau, an intersessional task group had been established for each chemical and tasked with undertaking an initial review and preparing an analysis of whether the notifications pertaining to that chemical met the criteria of Annex II to the Convention.

31. The Committee agreed to consider the notifications before it in line with the recommendations of the Bureau outlined in document UNEP/FAO/RC/CRC.8/3.

## B. Review of notifications of final regulatory actions

### 1. Dicofol

32. The Committee had before it two notifications and supporting documentation on dicofol submitted by the European Union and Japan, set out in documents UNEP/FAO/RC/CRC.8/4 and Add.1 and 2, along with the additional information obtained by the Secretariat set out in document UNEP/FAO/RC/CRC.8/INF/4/Rev.1.

33. Mr. Opiyo reported on the work of the intersessional task group that had undertaken a preliminary assessment of the notifications and their supporting documentation. The group had comprised him and Ms. Collier as coordinators and Mr. Aloueimine, Ms. Arroyo, Ms. Balicka, Mr. Goné, Mr. Helbig, Mr. Hota, Ms. van Leeuwen, Ms. Maillefer, Mr. Mbewe, Ms. Morales, Mr. N'Goka, Ms. Seng and Ms. Tang as members.

#### (a) Notification from the European Union

34. Mr. Opiyo said that the notification from the European Union related to a ban on all uses of dicofol in plant protection products. The task group had confirmed that the notification had met the information requirements in Annex I to the Convention.

35. With regard to Annex II to the Convention, he said that the notification from the European Union explained that the regulatory action had been taken to protect both human health and the environment; thus, the criterion in paragraph (a) of Annex II had been met. The referenced hazard data had been generated according to scientifically recognized methods and the risk evaluation had been performed in accordance with recognized scientific principles and procedures, taking into account the prevailing conditions in the European Union. Accordingly, the task group had concluded that the

criteria set out in paragraph (b) of Annex II had been met. Turning to the criteria set out in paragraph (c) of Annex II, he said that the European Union had banned the pesticidal use of the substance; thus, both the quantity used and risks would be significantly reduced. As the basis for the regulatory action included health and environmental concerns, the regulatory action would be broadly applicable to other countries. There was evidence of ongoing international trade. Accordingly, the task group had concluded that the criteria in paragraphs (c) (i), (c) (ii), (c) (iii) and (c) (iv) of Annex II had been met. There was no evidence that intentional misuse had been the basis for the final regulatory action; thus, the criterion set out in paragraph (d) of Annex II had been met. The task group had therefore concluded that the notification met all the criteria set out in Annex II.

**(b) Notification from Japan**

36. Mr. Opiyo said that the notification from Japan related to a ban on all uses of dicofol. The task group had confirmed that the notification had met the information requirements in Annex I to the Convention.

37. With regard to Annex II to the Convention, he said that the notification explained that the regulatory action had been taken to protect human health; thus, the criterion set out in paragraph (a) of Annex II had been met. Although some hazard data had been provided, there was no evidence that a risk evaluation had been performed under prevailing conditions in Japan; the task group had therefore concluded that the criteria set out in paragraph (b) of Annex II had not been met. Turning to the criteria set out in paragraph (c) of Annex II, he said that Japan had prohibited the substance; thus, the quantity used and risks would be significantly reduced. As the basis for the regulatory action included human health concerns, the regulatory action would be broadly applicable to other countries. There was evidence of ongoing international trade. Accordingly, the task group had concluded that the criteria set out in paragraphs (c) (i), (c) (ii), (c) (iii) and (c) (iv) of Annex II had been met. There was no evidence that intentional misuse had been the basis for the final regulatory action; thus, the criterion set out in paragraph (d) of Annex II had been met.

38. The Committee agreed that, since the criteria set out in paragraph (b) of Annex II had not been met, the notification from Japan had not met all the criteria set out in Annex II to the Convention.

**(c) Next steps**

39. The Committee agreed that the notification from the European Union met all the criteria set out in Annex II to the Convention and established a drafting group to prepare a rationale for that conclusion.

40. Subsequently, the Committee adopted the rationale for the conclusion that the notification by the European Union met the criteria set out in Annex II to the Convention. The rationale is set out in annex II to the present report.

41. As only one notification of final regulatory action from one prior informed consent region had met the criteria set out in Annex II, it was agreed that at the current time dicofol could not be recommended for inclusion in Annex III to the Convention and no further action would be taken.

**2. Trichlorfon**

42. The Committee had before it two verified notifications and supporting documentation on trichlorfon submitted by Brazil and the European Community,[1] set out in documents UNEP/FAO/RC/CRC.8/5 and Add.1 and 2, along with the additional information obtained by the Secretariat set out in document UNEP/FAO/RC/CRC.8/INF/4/Rev.1.

43. Ms. Seng reported on the work of the intersessional task group that had undertaken a preliminary assessment of the notifications and their supporting documentation. The group had comprised her and Mr. Abdelbagi as coordinators and Ms. Al-Easa, Mr. Aloueimine, Ms. Al-Rashdan,

1 The notification regarding a final regulatory action relating to trichlorfon was submitted by the European Community on 6 October 2009, thus before the entry into force of the Lisbon Treaty in December that same year. As indicated by the Depositary of the Convention in a notification dated 31 March 2010 (C.N.182.2010.TREATIES-2), which was based on a communication from the Council of the European Union dated 8 March 2010, following the entry into force of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, with effect from 1 December 2009 the European Union replaced the European Community (article 1, third paragraph, of the Treaty of Lisbon) and took over all rights and obligations of the European Community. The former European Community has accordingly been replaced by the European Union in respect of all conventions or agreements for which the Secretary-General of the United Nations is the depositary and to which the European Community is a signatory or a contracting party. Since the notification for trichlorfon was sent on 6 October 2009, before the entry into force of the Lisbon Treaty in December that same year, the notification was officially submitted by the European Community.

Ms. Arroyo, Ms. Balicka, Ms. Bartels, Ms. Becerril, Ms. Collier, Mr. Fillmann, Mr. Helbig, Mr. Hota, Mr. Kanouté, Mr. Khan, Ms. van Leeuwen, Ms. Maillefer, Mr. Mbewe, Ms. Morales, Mr. Ramsay, Mr. Sallah, Mr. Seo and Ms. Tang as members.

**(a) Notification from Brazil**

44. Ms. Seng said that the notification from Brazil related to a ban on the agricultural use of trichlorfon-based products. The task group had confirmed that the notification had met the information requirements in Annex I to the Convention.

45. With regard to Annex II to the Convention, she said that the notification from Brazil explained that the regulatory action had been taken to protect human health; thus, the criterion set out in paragraph (a) of Annex II had been met. The referenced hazard data had been taken from internationally recognized sources and the risk evaluation had been performed in accordance with recognized scientific principles and procedures, taking into account prevailing conditions in Brazil. Accordingly, the task group had concluded that the criteria set out in paragraph (b) of Annex II had been met. Turning to the criteria set out in paragraph (c) of Annex II, she said that Brazil had prohibited the substance; thus, the expected quantities and risks would be significantly reduced. As the notification gave no indication of any geographical limitations or circumstances, and as similar concerns could arise in other countries where the substance was used, in particular in developing countries, the considerations that led to the regulatory action would be broadly applicable to other countries. There was evidence of ongoing international trade. Accordingly, the task group had concluded that the criteria set out in paragraphs (c) (i), (c) (ii), (c) (iii) and (c) (iv) of Annex II had been met. There was no evidence that intentional misuse had been the basis for the final regulatory action; thus, the criterion set out in paragraph (d) of Annex II had been met. The task group had therefore concluded that the notification met all the criteria in Annex II.

46. Ms. Seng noted that shortly before the current meeting, an observer had submitted a letter asserting that the final regulatory action by which trichlorfon had been banned was not the final regulatory action identified in the notification submitted by Brazil. Subsequently the member of the Committee from Brazil submitted a detailed letter describing the process by which trichlorfon had been banned. With that information the Committee concluded that the notification referred to the correct final regulatory action.

**(b) Notification from the European Community**

47. Ms. Seng said that the notification from the European Community related to a ban on the use of trichlorfon as a pesticide in agriculture. The task group had confirmed that the notification had met the information requirements of Annex I to the Convention.

48. With regard to Annex II to the Convention, she said that the notification from the European Community explained that the regulatory action had been taken to protect human health and the environment; thus, the criterion set out in paragraph (a) of Annex II had been met. The referenced hazard data had been generated according to scientifically recognized methods and the risk evaluation had been performed in accordance with recognized scientific principles and procedures, taking into account prevailing conditions in the European Community. Accordingly, the task group had concluded that the criteria set out in paragraph (b) of Annex II had been met. Turning to the criteria set out in paragraph (c) of Annex II, she said that the European Community had prohibited the substance; thus, the expected quantities and risks would be significantly reduced. As the European Community had stated that health and environmental problems similar to those described in its risk assessment were likely to be encountered in other countries, in particular developing countries, the considerations that led to the regulatory action would be broadly applicable to other countries. There was evidence of ongoing international trade. Accordingly, the task group had concluded that the criteria set out in paragraphs (c) (i), (c) (ii), (c) (iii) and (c) (iv) of Annex II had been met. There was no evidence that intentional misuse had been the basis for the final regulatory action; thus, the criterion set out in paragraph (d) of Annex II had been met. The task group had therefore concluded that the notification met all the criteria set out in Annex II.

**(c) Discussion of the notifications**

49. In the ensuing discussion, one member of the Committee said that the notification of final regulatory action submitted by the European Community had been submitted more than 90 days after the effective date of the action, in violation of Article 5 of the Convention, and that there was insufficient information to determine whether the notification submitted by Brazil had been submitted in a timely fashion. He also said that the notification submitted by the European Community had not been signed by the party's designated national authority.

50. In response, the Chair noted that the notification submitted by the European Community consisted of two parts, the notification form and a cover letter, and that the cover letter bore an official signature of the notifying party. Members of the Committee recalled that the Conference of the Parties had previously listed chemicals in Annex III to the Convention on the basis of notifications that had been filed more than 90 days after their effective dates; furthermore, the Senior Legal Officer of the United Nations Environment Programme had informed the Committee at its sixth meeting that the Convention contained no provision to invalidate a notification of a final regulatory action by a party on the grounds of its late submission and that a notification, even if submitted after the applicable deadline, once verified by the Secretariat and submitted to the Committee, remained valid. The member raising the issue said that he did not oppose the adoption of a recommendation to list trichlorfon; he suggested, however, that information on the effective date of the final regulatory action and the date on which the notification had been submitted should be submitted to the Conference of the Parties so that it could make a determination of the matter.

**(d) Next steps**

51. The Committee agreed that, as the notifications from Brazil and the European Community had been found to meet the criteria set out in Annex II to the Convention, the Committee should recommend to the Conference of the Parties that trichlorfon should be included in Annex III to the Convention.

52. The Committee established a contact group to discuss the concerns raised by the observers relating to the notifications for trichlorfon. The group would be co-chaired by Ms. Seng and Mr. Abdelbagi and would be open to members of the Committee and observers. Following its work, the contact group would convert to a drafting group, open only to members of the Committee, to draft a rationale as to how the notifications from Brazil and the European Union met the criteria set out in Annex II to the Convention, to prepare a timetable for the development of a draft decision guidance document and to report to the Committee on its work. The Committee requested the Secretariat to prepare a draft decision by which it would recommend to the Conference of the Parties that it should include trichlorfon in Annex III to the Convention.

53. Subsequently, the Committee adopted the rationale for the conclusion that the notifications by Brazil and the European Community met the criteria set out in Annex II to the Convention. It also adopted decision CRC-8/3, by which it recommended to the Conference of the Parties that it should include trichlorfon in Annex III to the Convention and adopted a workplan for preparing a draft decision guidance document for the chemical. The decision is set out in annex I to the present report, and the rationale and the workplan are set out in annex II to the present report.

54. In response to an observer who had suggested allowing more opportunities in the workplan for observers to comment on the draft decision guidance document, the representative of the Secretariat noted that the workplan had been prepared in accordance with decision RC-2/2, which specified the process for the drafting of decision guidance documents.

## C. Consideration of draft decision guidance documents

### 1. Pentabromodiphenyl ether commercial mixtures

55. Introducing the sub-item, the Chair recalled that at its seventh meeting the Committee had reviewed notifications of final regulatory action for pentabromodiphenyl ether and its commercial mixtures from Canada, the European Union, Japan and Norway, along with the supporting documentation referenced therein, and, taking into account each of the specific requirements set out in Annex II to the Convention, had concluded that the requirements of that Annex had been met for the notifications from Canada, the European Union and Norway.

56. Accordingly, the Committee had agreed at its seventh meeting to recommend to the Conference of the Parties that it should include tetrabromodiphenyl ether (CAS No. 40088-47-9, CAS No. 5436-43-1[2]) and pentabromodiphenyl ether (CAS No. 32534-81-9, CAS No. 60348-60-9[2]), which are components of pentabromodiphenyl ether commercial mixtures, in Annex III to the Convention as industrial chemicals. In addition, the Committee had adopted a rationale for that recommendation, agreed to establish an intersessional drafting group to produce a draft decision guidance document and agreed on a detailed workplan for its development in line with the process adopted by the Conference of the Parties in decision RC-2/2. The rationale, recommendation and workplan were annexed to the report of the Committee on the work of its seventh meeting (UNEP/FAO/RC/CRC.7/15, annex II).

2 CAS number from the Stockholm Convention listing.

57. At the current meeting the Committee had before it a draft decision guidance document on pentabromodiphenyl ether commercial mixtures: tetrabromodiphenyl ether and pentabromodiphenyl ether prepared by the intersessional drafting group established by the Committee at its seventh meeting (UNEP/FAO/RC/CRC.8/7), together with a tabular summary of comments received under step 4 of the procedure for developing decision guidance documents and how they were addressed (UNEP/FAO/RC/CRC.8/INF/8).

58. Ms. Arroyo reported on the work of the drafting group, which had comprised her and Mr. Abdelbagi as co-chairs and Ms. Al-Easa, Ms. Balicka, Ms. Bartels, Mr. Ignacio Figueroa, Mr. Idris Goji, Ms. Noluzuko Gwayi, Mr. Helbig, Mr. Masayuki Ikeda, Mr. Khan, Ms. van Leeuwen (Ms. van Leeuwen having replaced Mr. Jan Linders upon his retirement), Mr. Opiyo, Ms. Seng and Ms. Tang as members.

59. Following Ms. Arroyo's presentation, one member suggested that the title of the draft decision guidance document, as well as the Committee's recommendation to list in Annex III to the Convention, should be amended to name specific substances that could be identified by unique identifiers such as Chemical Abstract Service numbers. In some countries, she said, Governments would be unable to regulate the chemicals that were the subject of the decision guidance document and the Annex III entry on the basis of a reference to mixtures without a more specific means of identifying them. She further suggested that the wording employed under the Stockholm Convention for pentabromodiphenyl ether could be used in the decision guidance document and the proposed Annex III listing.

60. The Committee agreed to establish a drafting group, chaired by Ms. Arroyo, to undertake further work on the draft guidance document and associated comments during the current meeting. The Committee requested the Secretariat to prepare a draft decision by which it would forward the draft decision guidance document and the table of associated comments to the Conference of the Parties for consideration at its sixth meeting.

61. Following the work of the drafting group, its chair reported that the group had agreed to revise the title and other provisions of the draft decision guidance document in respect of the substances that it covered.

62. Subsequently, the Committee adopted decision CRC-8/4, by which it amended the recommendation adopted at its seventh meeting in order to provide that it recommend the inclusion of pentabromodiphenyl ether (CAS No. 32534-81-9) and pentabromodiphenyl ether commercial mixtures in Annex III to the Convention. By the decision the Committee also adopted the text of the draft decision guidance document for those substances set out in document UNEP/FAO/RC/CRC.8/7/Rev.1 and decided to forward it, together with the related tabular summary of comments set out in document UNEP/FAO/RC/CRC.8/INF/8, to the Conference of the Parties for its consideration. The decision is set out in annex I to the present report.

### 2. Octabromodiphenyl ether commercial mixtures

63. Introducing the sub-item, the Chair recalled that at its seventh meeting the Committee had reviewed notifications of final regulatory action for octabromodiphenyl ether and its commercial mixtures from Canada, the European Union, Japan and Norway, along with the supporting documentation referenced therein, and, taking into account each of the specific requirements set out in Annex II to the Convention, had concluded that the requirements of that Annex had been met for the notifications from Canada, the European Union and Norway.

64. Accordingly, the Committee had agreed at its seventh meeting to recommend to the Conference of the Parties that it should include hexabromodiphenyl ether (CAS No. 36483-60-0), heptabromodiphenyl ether (CAS No. 68928-80-3), octabromodiphenyl ether (CAS No. 32536-52-0), nonabromodiphenyl ether (CAS No. 63936-56-1) and decabromodiphenyl ether (CAS No. 1163-19-5), which are components of octabromodiphenyl ether commercial mixtures, in Annex III to the Convention as industrial chemicals. In addition, the Committee had adopted a rationale for that recommendation, agreed to establish an intersessional drafting group to produce a draft decision guidance document and agreed on a detailed workplan for its development in line with the process adopted by the Conference of the Parties in decision RC-2/2. The rationale, recommendation and workplan were annexed to the report of the Committee's seventh meeting (UNEP/FAO/RC/CRC.7/15, annex II). The workplan had subsequently been modified and an updated version posted on the Convention website.

65. At the current meeting the Committee had before it a draft decision guidance document on octabromodiphenyl ether commercial mixtures: hexabromodiphenyl ether, heptabromodiphenyl ether, octabromodiphenyl ether, nonabromodiphenyl ether and decabromodiphenyl ether prepared by the

intersessional drafting group established by the Committee at its seventh meeting (UNEP/FAO/RC/CRC.8/8), together with a tabular summary of comments received under step 4 of the procedure for developing decision guidance documents and how they were addressed (UNEP/FAO/RC/CRC.8/INF/9).

66. Ms. van Leeuwen reported on the work of the drafting group, which had comprised her and Mr. Opiyo as co-chairs and Mr. Abdelbagi, Ms. Al-Easa, Ms. Arroyo, Ms. Balicka, Ms. Bartels, Mr. Goji, Ms. Gwayi, Mr. Helbig, Mr. Ikeda, Mr. Khan, Ms. Seng and Ms. Tang as members.

67. Following Ms. van Leeuwen's presentation, one member reiterated in respect of octabromodiphenyl ether the comment she had made earlier concerning pentabromodiphenyl ether. Thus, she said, the title of the decision guidance document and the Committee's recommendation to list in Annex III to the Convention should be amended to name specific substances that could be identified by unique identifiers, because some Governments would be unable to regulate the chemicals at issue on the basis of a reference to mixtures without a more specific means of identifying them. She again suggested that the wording employed under the Stockholm Convention could be used in the decision guidance document and the recommendation to list in Annex III.

68. Another member, supported by several others, expressed support for her position and proposed text to resolve the matter, which he said would reflect the fact that pentabromodiphenyl ether and octabromodiphenyl ether were not pure substances but rather mixtures consisting of substances not all of which had been the basis for final regulatory action. The title of the decision guidance document could be amended to read, "Draft decision guidance document for octabromodiphenyl ether and its commercial mixtures typically containing hexabromodiphenyl ether, heptabromodiphenyl ether, octabromodiphenyl ether, nonabromodiphenyl ether and decabromodiphenyl ether".

69. Another member, however, expressed reservations. Suggesting that the Committee's decisions had to track the notifications on which they were based, she observed that the notifications at issue, and the corresponding recommendation adopted by the Committee at its seventh meeting, covered only the commercial mixtures of pentabromodiphenyl ether and octabromodiphenyl ether. Changing the draft decision guidance document in the manner suggested would require the Committee to amend its recommendation, a step that the Committee should consider carefully, as it had never been done before and would set a precedent.

70. In response to a comment by an observer, another member said that in the case of mixtures like pentabromodiphenyl ether and octabromodiphenyl ether commercial mixtures the Committee was not limited to recommending the listing of only specific named substances that had been the subject of the risk evaluations underlying the notifications of final regulatory action. She referred to tributyltin to illustrate her point, saying that the listing for it in Annex III to the Convention encompassed all tributyltin compounds but not all of them had individually been the subject of the underlying risk evaluations.

71. The Committee agreed to establish a drafting group, chaired by Ms. van Leeuwen and to work in parallel with the drafting group on pentabromodiphenyl ether, to develop further the draft decision guidance document for octabromodiphenyl ether and associated comments during the current meeting. The Committee requested the Secretariat to prepare a draft decision by which it would forward the draft decision guidance document and the table of associated comments to the Conference of the Parties for consideration at its sixth meeting.

72. Following the work of the drafting group, its chair reported that the group had agreed to revise the title and other provisions of the draft decision guidance document in respect of the substances that it covered to refer to octabromodiphenyl ether commercial mixtures.

73. Subsequently, the Committee adopted decision CRC-8/5, by which it amended the recommendation adopted at its seventh meeting in order to recommend the inclusion of octabromodiphenyl ether commercial mixtures in Annex III to the Convention. By the decision the Committee also adopted the text of the draft decision guidance document for those substances set out in document UNEP/FAO/RC/CRC.8/8/Rev.1 and decided to forward it, together with the related tabular summary of comments set out in document UNEP/FAO/RC/CRC.8/INF/9, to the Conference of the Parties for its consideration. The decision is set out in annex I to the present report.

### 3. Perfluorooctane sulfonic acid, its salts and its precursor perfluorooctane sulfonyl fluoride

74. Introducing the sub-item, the Chair recalled that at its seventh meeting the Committee had reviewed notifications of final regulatory action for perfluorooctane sulfonic acid, its salts and its precursors from Canada, the European Union and Japan, along with the supporting documentation

referenced therein, and, taking into account each of the specific requirements set out in Annex II to the Convention, had concluded that the requirements of that Annex had been met.

75. Accordingly, the Committee had agreed at its seventh meeting to recommend to the Conference of the Parties that it should include perfluorooctanesulphonic acid (PFOS) (CAS No. 1763-23-1), PFOS potassium salt (CAS No. 2795-39-3), PFOS ammonium salt (CAS No. 29081-56 9), PFOS lithium salt (CAS No. 29457-72-5), PFOS diethanolamine salt (CAS No. 70225-14-8) and perfluorooctane sulfonyl fluoride (PFOSF or POSF) (CAS No. 307-35-7) in Annex III to the Convention as industrial chemicals. In addition, the Committee had adopted a rationale for that recommendation, agreed to establish an intersessional drafting group to produce a draft decision guidance document and agreed on a detailed workplan for its development in line with the process adopted by the Conference of the Parties in decision RC-2/2. The rationale, recommendation and workplan were annexed to the report of the Committee's seventh meeting (UNEP/FAO/RC/CRC.7/15, annex II).

76. At the current meeting the Committee had before it a draft decision guidance document on perfluorooctane sulfonic acid, its salts and its precursor perfluorooctane sulfonyl fluoride prepared by the intersessional drafting group established by the Committee at its seventh meeting (UNEP/FAO/RC/CRC.8/6), together with a tabular summary of comments received under step 4 of the procedure for developing decision guidance documents and how they were addressed (UNEP/FAO/RC/CRC.8/INF/7).

77. Mr. Helbig reported on the work of the drafting group, which had comprised him and Ms. Al-Easa as co-chairs and Mr. Abdelbagi, Ms. Arroyo, Ms. Balicka, Mr. Goji, Mr. Masayuki Ikeda, Mr. Opiyo, Ms. Seng and Ms. Tang as members.

78. The Committee agreed to establish a drafting group, chaired by Mr. Helbig, to undertake further work on the draft decision guidance document and associated comments during the current meeting. The Committee requested the Secretariat to prepare a draft decision by which it would forward the draft decision guidance document and the table of associated comments to the Conference of the Parties for consideration at its sixth meeting.

79. Following the work of the drafting group, its chair reported that the group had agreed to revise the title and other provisions of the draft decision guidance document to broaden its scope and make it more consistent with the scope of the notifications of final regulatory action on which it was based. Should the Committee adopt the document as so revised, he suggested, it would also need to amend the recommendation that it had adopted at its seventh meeting on the inclusion of PFOS and related substances in Annex III to the Convention.

80. Subsequently, the Committee adopted decision CRC-8/6, by which it amended the recommendation adopted at its seventh meeting in order to recommend the inclusion of perfluorooctane sulfonic acid, perfluorooctanesulfonates, perfluorooctanesulfonamides and perfluorooctanesulfonyls in Annex III to the Convention. By the decision the Committee also adopted the text of the draft decision guidance document for those substances set out in document UNEP/FAO/RC/CRC.8/6/Rev.1 and decided to forward it, together with the related tabular summary of comments set out in document UNEP/FAO/RC/CRC.8/INF/7/Rev.1, to the Conference of the Parties for its consideration. The decision is set out in annex I to the present report.

### 4. Gramoxone Super

81. Introducing the sub-item, the Chair recalled that at its seventh meeting the Committee had reviewed a proposal by Burkina Faso to list Gramoxone Super in Annex III to the Convention as a severely hazardous pesticide formulation, along with the supporting documentation referenced in the proposal and the additional information collected by the Secretariat in accordance with Annex IV to the Convention, and, taking into account each of the specific criteria set out in part 3 of Annex IV to the Convention, had concluded that the requirements of that Annex had been met.

82. Accordingly, the Committee had decided at its seventh meeting to recommend to the Conference of the Parties that it should list Gramoxone Super in Annex III to the Rotterdam Convention in the category of severely hazardous pesticide formulation as follows: paraquat dichloride (formulated as emulsifiable concentrate of 276 g active ingredient/L or above, corresponding to paraquat ion at or above 200 g/L) (CAS No. 1910-42-5 and CAS No. 4685-14-7). In addition, the Committee had adopted a rationale for that recommendation, agreed to establish an intersessional drafting group to produce a draft decision guidance document and agreed on a detailed workplan for its development, in line with the process adopted by the Conference of the Parties in decision RC-2/2. The rationale, recommendation and workplan were annexed to the report of the Committee's seventh meeting (UNEP/FAO/RC/CRC.7/15, annex IV).

83. At the current meeting the Committee had before it a draft decision guidance document on liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L, prepared by the drafting group established by the Committee at its seventh meeting (UNEP/FAO/RC/CRC.8/9), together with a tabular summary of comments received under step 4 of the procedure for developing decision guidance documents and how they were addressed (UNEP/FAO/RC/CRC.8/INF/10).

84. Ms. Bartels reported on the work of the intersessional drafting group, which had comprised her and Ms. Al-Easa as co-chairs and Ms. Balicka, Mr. Helbig, Mr. Ikeda, Ms. Jeevani Marasinghe, Mr. Opiyo, Mr. Ramsay, Ms. Marit Randall and Ms. Seng as members.

85. In discussing the comments received by the drafting group, she noted in particular one received from Syngenta, the manufacturer of Gramoxone Super, indicating that the formulation was not an emulsifiable concentrate (type EC) but rather a soluble concentrate (type SL). Upon enquiry by the Secretariat, Burkina Faso had confirmed that the formulation that had been registered for use in the country had been type SL. The label referred to in the original proposal submitted by Burkina Faso had referred to "Gramoxone® Super Emulsifiable Concentrate", however, and the intersessional drafting group had therefore decided to propose the amendment of the name of the formulation covered by the draft decision guidance document to read as follows: "liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L".

86. Following Ms. Bartels' presentation, the Chair referred to additional information indicating that both the EC and SL formulations of Gramoxone Super had been available in the field in Burkina Faso between 2000 and 2010, on the basis of which she proposed that the Committee should amend its recommendation to list the substance in Annex III to the Convention to refer to both formulations. Several members expressed support for the changes made by the intersessional drafting group in response to the comments received, including in respect of the reference to both type EC and type SL formulations, as well as for the proposal by the Chair that the Committee should amend its recommendation for listing in Annex III.

87. The Committee agreed to establish a drafting group, chaired by Ms. Bartels, to undertake further work on the draft decision guidance document and associated comments during the current meeting. The Committee requested the Secretariat to prepare a draft decision by which it would forward the draft decision guidance document and the table of associated comments to the Conference of the Parties for consideration at its sixth meeting.

88. Subsequently, the Committee adopted decision CRC-8/7, by which it amended the recommendation adopted at its seventh meeting in order to recommend the inclusion of liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L, as severely hazardous pesticide formulations in Annex III to the Convention. By the decision the Committee also adopted the text of the decision guidance document set out in document UNEP/FAO/RC/CRC.8/9/Rev.1 and decided to forward it, together with the related tabular summary of comments set out in document UNEP/FAO/RC/CRC.8/INF/10/Rev.1, to the Conference of the Parties for its consideration. The decision is set out in annex I to the present report.

## D. Review of the draft guidelines to assist parties in preparing notifications of final regulatory action

89. Introducing the sub-item, the representative of the Secretariat recalled that in decision RC-5/2, on increasing the number of notifications of final regulatory action and communication between parties, the Conference of the Parties had requested the Secretariat to prepare guidelines to assist parties in preparing notifications of final regulatory action, giving particular regard to the explanation of terms and definitions used in the Convention, including notably the term "severely restricted chemicals". In response the Secretariat had prepared the draft guidelines set out in document UNEP/FAO/RC/CRC.8/INF/11.

90. In the ensuing discussion, all who spoke expressed interest in commenting on the draft guidelines, and several members said that they could serve as an important tool for parties facing the difficult task of preparing notifications of final regulatory action. It was agreed that members and observers would submit comments to the Secretariat in writing by 31 May 2012 and that the Secretariat, taking those comments into account, would produce a revised draft of the guidelines for consideration by the Conference of the Parties at its sixth meeting.

91. In response to questions about online resources relevant to notifications of final regulatory action, the representative of the Secretariat said that the Convention website already included an e-learning tool on completing the forms for notification of final regulatory action. In addition, the Secretariat was looking into the possibility of developing further tools for supporting parties in the preparation and submission of notifications, as requested by the Conference of the Parties in decision RC-5/2.

# VI. Other matters

## Cooperation between the Chemical Review Committee and the Persistent Organic Pollutants Review Committee

92. The Chair of the Chemical Review Committee and Mr. Reiner Arndt, Chair of the Stockholm Convention's Persistent Organic Pollutants Review Committee, reported that they were preparing a document on possible cooperation between the two committees for consideration by the parties to the two conventions. Taking into account that the committees in many cases dealt with the same chemicals, the paper would aim to describe their processes to reveal areas of overlap and would set out options for achieving greater synergies. The two chairs had prepared an outline of the paper, which had been presented to the Persistent Organic Pollutants Review Committee at its seventh meeting and was before the Chemical Review Committee at the current meeting (UNEP/FAO/RC/CRC.8/INF/13); they asked the members of the Committee to provide input regarding how the options thus far identified in the outline might best be handled and any further options that had been overlooked. The chairs would take the comments into account in preparing a first draft of the paper and, following a round of comments on that draft, would aim to prepare the final paper by October 2012.

93. In the ensuing discussion, all who spoke welcomed the opportunity to comment, and it was agreed that members of the Committee and observers would submit written comments on the outline by 30 April 2012. At the suggestion of the Executive Secretary, it was also agreed that the outline and later drafts would be shared with the Open-ended Working Group of the Basel Convention. One member also offered an immediate comment, suggesting that back-to-back meetings of the two committees could be problematic because it would be difficult to know very far in advance when both committees might consider the same chemicals and because their basic modes of operation were fundamentally different. Nevertheless, he said, it would be useful to review the chairs' proposals on the subject and for the committees to share information on chemicals under their consideration.

# VII. Dates and venue of the Committee's ninth meeting

94. The Committee agreed to hold its ninth meeting at the headquarters of the Food and Agriculture Organization of the United Nations (FAO) in Rome. The Committee tentatively decided that the meeting would take place from 11 to 15 March 2013; the Committee also decided, however, that the Chair, in consultation with the Bureau, might adjust the length of the meeting, depending on the number of notifications of final regulatory action to be considered by the Committee at the meeting.

# VIII. Adoption of the report

95. The Committee adopted the present report on the basis of the draft report that had been circulated during the meeting, as amended, and on the understanding that the finalization of the report would be entrusted to the Rapporteur, working in consultation with the Secretariat.

# IX. Closure of the meeting

96. Ms. Christine Fuell, coordinator of the FAO-based part of the Secretariat, made closing remarks in which she announced that Mr. Peter Kenmore had taken up the post of FAO Representative in India. She conveyed his warmest regards to the members of the Committee and his wishes for the continued success of the Committee and the Convention. The duties of the Co-Executive Secretary would be newly delegated by the Director-General of FAO.

97. Following those remarks and the customary exchange of courtesies, the Chair declared the meeting closed at 4.20 p.m. on Thursday, 22 March 2012.

# Annex I

## Decisions adopted by the Chemical Review Committee at its eighth meeting

### CRC-8/1: Working paper on the application of the criteria set out in paragraph (b) of Annex II to the Rotterdam Convention

*The Chemical Review Committee,*

*Recalling* that at its seventh meeting it established an intersessional working group with the mandate to develop further the working paper on the application of the criteria set out in paragraph (b) of Annex II to the Rotterdam Convention,[1]

*Having considered* the amended working paper produced by the intersessional working group,[2]

*Acknowledging* that the provisions of the Convention are the final point of reference for the Committee,

*Decides* to use the amended working paper on the understanding that it is a living document to be further developed in the future on the basis of additional experience.

### CRC-8/2: Working paper on preparing internal proposals and decision guidance documents for severely hazardous pesticide formulations

*The Chemical Review Committee,*

*Recalling* that at its seventh meeting it established an intersessional working group with the mandate to develop further the working paper on preparing internal proposals and decision guidance documents for severely hazardous pesticide formulations,[3]

*Having considered* the amended working paper produced by the intersessional working group,[4]

*Acknowledging* that the provisions of the Convention are the final point of reference for the Committee,

*Decides* to use the amended working paper on the understanding that it is a living document to be further developed in the future on the basis of additional experience.

### CRC-8/3: Recommendation to the Conference of the Parties on the inclusion of trichlorfon in Annex III to the Rotterdam Convention

*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,

*Concluding* that the notifications of final regulatory action by the European Community and Brazil meet the criteria set forth in Annex II to the Convention,

*Recommends*, in accordance with paragraph 6 of Article 5 of the Convention, that the Conference of the Parties should include trichlorfon (CAS No. 52-68-6) in Annex III to the Convention and adopts the rationale for the recommendations and the workplan for the preparation of a decision guidance document for the chemical.[5]

1 UNEP/FAO/RC/CRC.7/15, para. 39.

2 UNEP/FAO/RC/CRC.8/10.

3 UNEP/FAO/RC/CRC.7/15, para. 39.

4 UNEP/FAO/RC/CRC.8/11.

5 UNEP/FAO/RC/CRC.8/12, annex II.

**CRC-8/4: Recommendation to the Conference of the Parties on the inclusion of pentabromodiphenyl ether (CAS No. 32534-81-9) and pentabromodiphenyl ether commercial mixtures in Annex III to the Convention and on the draft decision guidance document for those substances**

*The Chemical Review Committee,*

*Recalling* paragraphs 1 and 2 of Article 7 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,

*Recalling also* its decision, adopted at its seventh meeting in accordance with paragraph 6 of Article 5 of the Convention, to recommend to the Conference of the Parties that it should include tetrabromodiphenyl ether (CAS No. 40088-47-9, CAS No. 5436-43-1) and pentabromodiphenyl ether (CAS No. 32534-81-9, CAS No. 60348-60-9), which are components of pentabromodiphenyl ether commercial mixtures, in Annex III to the Convention as industrial chemicals,[6]

1. *Amends* the operative paragraph of the decision to read as follows:

> "*Decides*, in accordance with paragraph 6 of Article 5 of the Convention, to recommend to the Conference of the Parties that it should include pentabromodiphenyl ether (CAS No. 32534-81-9) and pentabromodiphenyl ether commercial mixtures in Annex III to the Convention as industrial chemicals";

2. *Adopts* the draft text of the decision guidance document on pentabromodiphenyl ether (CAS No. 32534-81-9) and pentabromodiphenyl ether commercial mixtures[7] and decides to forward it, together with the related tabular summary of comments,[8] to the Conference of the Parties for its consideration.

**CRC-8/5: Recommendation to the Conference of the Parties on the inclusion of octabromodiphenyl ether commercial mixtures in Annex III to the Convention and on the draft decision guidance document for those substances**

*The Chemical Review Committee,*

*Recalling* paragraphs 1 and 2 of Article 7 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,

*Recalling also* its decision, adopted at its seventh meeting in accordance with paragraph 6 of Article 5 of the Convention, to recommend to the Conference of the Parties that it should include hexabromodiphenyl ether (CAS No. 36483-60-0), heptabromodiphenyl ether (CAS No. 68928-80-3), octabromodiphenyl ether (CAS No. 32536-52-0), nonabromodiphenyl ether (CAS No. 63936-56-1) and decabromodiphenyl ether (CAS No. 1163-19-5), which are components of octabromodiphenyl ether commercial mixtures, in Annex III to the Convention as industrial chemicals,[9]

1. *Amends* the operative paragraph of the decision to read as follows:

> "*Decides*, in accordance with paragraph 6 of Article 5 of the Convention, to recommend to the Conference of the Parties that it should include octabromodiphenyl ether commercial mixtures in Annex III to the Convention as industrial chemicals";

2. Adopts the draft text of the decision guidance document on octabromodiphenyl ether commercial mixtures[10] and decides to forward it, together with the related tabular summary of comments,[11] to the Conference of the Parties for its consideration.

6 UNEP/FAO/RC/CRC.7/15, annex II, sect. III. B.

7 UNEP/FAO/RC/CRC.8/7/Rev.1.

8 UNEP/FAO/RC/CRC.8/INF/8.

9 UNEP/FAO/RC/CRC.7/15, annex II, sect. IV. B.

10 UNEP/FAO/RC/CRC.8/8/Rev.1.

11 UNEP/FAO/RC/CRC.8/INF/9.

**CRC-8/6: Recommendation to the Conference of the Parties on the inclusion of perfluorooctane sulfonic acid, perfluorooctanesulfonates, perfluorooctanesulfonamides and perfluorooctanesulfonyls in Annex III to the Convention and on the draft decision guidance document for those substances**

*The Chemical Review Committee,*

*Recalling* paragraphs 1 and 2 of Article 7 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,

*Recalling also* its decision, adopted at its seventh meeting in accordance with paragraph 6 of Article 5 of the Convention, to recommend to the Conference of the Parties that it should include perfluorooctanesulphonic acid (PFOS) (CAS No. 1763-23-1), PFOS potassium salt (CAS No. 2795-39-3), PFOS ammonium salt (CAS No. 29081-56-9), PFOS lithium salt (CAS No. 29457-72-5), PFOS diethanolamine salt (CAS No. 70225-14-8) and perfluorooctane sulfonyl fluoride (PFOSF or POSF) (CAS No. 307-35-7) in Annex III to the Convention as industrial chemicals,[12]

1. *Amends* the operative paragraph of the decision to read as follows:

> "*Decides,* in accordance with paragraph 6 of Article 5 of the Convention, to recommend to the Conference of the Parties that it should include perfluorooctane sulfonic acid, perfluorooctanesulfonates, perfluorooctanesulfonamides and perfluorooctanesulfonyls in Annex III to the Convention as industrial chemicals";

2. *Adopts* the draft text of the decision guidance document on perfluorooctane sulfonic acid, perfluorooctanesulfonates, perfluorooctanesulfonamides and perfluorooctanesulfonyls[13] and decides to forward it, together with the related tabular summary of comments,[14] to the Conference of the Parties for its consideration.

**CRC-8/7: Recommendation to the Conference of the Parties on the inclusion of liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L, in Annex III to the Convention and on the draft decision guidance document for those pesticide formulations**

*The Chemical Review Committee,*

*Recalling* paragraphs 1 and 2 of Article 7 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,

*Recalling also* its decision, adopted at its seventh meeting in accordance with paragraph 6 of Article 5 of the Convention, to recommend to the Conference of the Parties that it should include paraquat dichloride (formulated as emulsifiable concentrate of 276 g/L active ingredient or above, corresponding to paraquat ion at or above 200 g/L) (CAS No. 1910-42-5 and CAS No. 4685-14-7), as a severely hazardous pesticide formulation in Annex III to the Rotterdam Convention,[15]

1. *Amends* the title of the decision so that it reads as follows: Recommendation to the Conference of the Parties on the inclusion of liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L, as severely hazardous pesticide formulations in Annex III to the Rotterdam Convention;

2. *Adopts* the draft text of the decision guidance document on liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L,[16] and decides to forward it, together with the related tabular summary of comments,[17] to the Conference of the Parties for its consideration.

12 UNEP/FAO/RC/CRC.7/15, annex II, sect. II.B.

13 UNEP/FAO/RC/CRC.8/6/Rev.1.

14 UNEP/FAO/RC/CRC.8/INF/7/Rev.1

15 UNEP/FAO/RC/CRC.7/15, annex IV, sect. II.

16 UNEP/FAO/RC/CRC.8/9/Rev.1.

17 UNEP/FAO/RC/CRC.8/INF/10/Rev.1.

# Annex II

## Rationales and workplans for dicofol and trichlorfon

## I. Dicofol

### Rationale for the conclusion by the Chemical Review Committee that the notification of final regulatory action for dicofol (CAS No. 115-32-2) submitted by the European Union meets the criteria of Annex II to the Rotterdam Convention

1. The notification from the European Union for dicofol (CAS No. 115-32-2) has been determined to meet the information requirements of Annex I to the Rotterdam Convention.

2. In reviewing the notification of final regulatory action by the European Union to ban dicofol as a pesticide and the supporting documentation, the Committee at its eighth meeting confirmed that the action had been taken in order to protect human health and the environment.

3. Dicofol is an active substance that was used in plant protection products in the European Union. It acts as a non-systemic organochlorine acaricide. It is used as a pesticide to control several phytophagous mite pests in tomatoes and cucurbits grown outdoors. It is effective against all stages of mites.

4. The notification and supporting documentation were made available to the Committee for its consideration in documents UNEP/FAO/RC/CRC.8/4 and Add.1. Information on ongoing international trade was provided by CropLife and the European Union and made available in document UNEP/FAO/RC/CRC.8/INF/4/Rev.1.

5. Complete entry into force of all provisions of Commission Decision 2008/764/EC of 30 September 2008 was 30 March 2010 since all uses of plant protection products containing dicofol were prohibited as of that date.

6. The review of the notification and supporting documentation for dicofol submitted by the European Union resulted in the following conclusions.

### A. Annex II paragraph (a) criterion

*Confirm that the final regulatory action has been taken to protect human health or the environment.*

The Committee confirms that the final regulatory action was taken to protect human health and the environment.

Based on the risk evaluation there are indications that it may be expected that the substance has harmful effects on human health, in particular for both operators and workers, because the predicted exposure is greater than 100% of the acceptable operator exposure level (AOEL). Considerable risks were identified for operators using and applying dicofol and for workers re-entering fields treated with dicofol.

The risk evaluation raised environmental concerns about the potential of dicofol for bioaccumulation in aquatic species and the long-term risk to birds and mammals. The Draft Assessment Report identified unacceptable long-term risk for herbivorous, insectivorous and vermivorous birds. It also mentioned that vermivorous mammals could be exposed to unacceptable risk due to secondary poisoning.

### B. Annex II paragraph (b) criteria

*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:*

#### 1. Criterion b (i)

*Data have been generated according to scientifically recognized methods;*

The data used in the risk evaluation were generated according to scientifically recognized methods. The data were reviewed by the rapporteur member State Spain and relevant assessment

reports and recommendations were submitted to peer review by all European Union member States in accordance with Article 8(1) of Regulation (EC) No 451/2000.

**2. Criterion b (ii)**

*Data reviews have been performed and documented according to generally recognized scientific principles and procedures;*

The notification from the European Union states that a risk evaluation was carried out on the basis of Directive 91/414/EEC and the provisions of Article 8(7) of Regulation (EC) No 451/2000, which provides for a review of the data by a rapporteur member State and a subsequent peer review by all European Union member States. The results of the peer review are documented in the Draft Assessment Report.

**3. Criterion b (iii)**

*The final regulatory action was based on a risk evaluation involving prevailing conditions within the Party taking the action.*

The Committee established that the final regulatory action in the European Union was based on a risk evaluation. This risk evaluation took into account the prevailing conditions within the European Union including the expected use patterns, i.e., the intended uses and the recommended application rates.

Based on this risk evaluation health concerns were raised based on operator, worker and consumer exposure to dicofol. There were clear indications that it could be expected that the substance had harmful effects on human health, in particular for both operators and workers, because the predicted exposure was greater than 100% of the AOEL under the conditions of use in the European Union.

## C. Annex II paragraph (c) criteria

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

**1. Criterion c (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;*

The final regulatory action prohibited all uses of dicofol in plant protection products. It is therefore expected to lead to a significant decrease in the quantity of the chemical used.

**2. Criterion c (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;*

The Committee noted that the regulatory action banned all uses of dicofol in plant protection products. Since the regulatory action removes the source of exposure it is expected that the risks to human health and the aquatic environment will be significantly reduced.

**3. Criterion c (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;*

Since the risk evaluation does not include any specific limitations, similar health and environmental problems are likely to be encountered in other countries where the substance is used, in particular in developing countries.

**4. Criterion c (iv)**

*Whether there is evidence of ongoing international trade in the chemical.* (This information may be found in the notification or obtained, when available, through the Secretariat)

The notification does not provide any information related to ongoing international trade. However confirmation of ongoing international trade in dicofol has been provided by the European Union and CropLife International.

### D. Annex II paragraph (d) criterion

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

There is no indication in the notification that concerns for intentional misuse prompted the regulatory action.

**Conclusion**

7. The Committee concluded at its eighth meeting that the notification of final regulatory action on dicofol by the European Union meets the information requirements of Annex I and the criteria set out in Annex II to the Convention.

## II. Trichlorfon

### A. Rationale for the conclusion by the Chemical Review Committee that the notifications of final regulatory action submitted by Brazil and the European Community meet the criteria of Annex II to the Rotterdam Convention

In reviewing the notifications of final regulatory action by the European Community[1] and Brazil to ban trichlorfon as a pesticide together with the supporting documentation provided by those parties, the Committee was able to confirm that those actions had been taken to protect human health and, in the case of the European Community, the environment. The notifications from those parties were found to meet the information requirements of Annex I to the Rotterdam Convention.

The notifications and supporting documentation were made available to the Committee for its consideration in documents UNEP/FAO/RC/CRC.8/5, UNEP/FAO/RC/CRC.8/5/Add.1 and UNEP/FAO/RC/CRC.8/5/Add.2. Information on ongoing international trade was provided by the European Union and CropLife in the beginning of 2012 and made available in document UNEP/FAO/RC/CRC.8/INF/4/Rev.1.

#### 1. European Community

#### (a) Scope of the notified regulatory action

The final regulatory action to ban the use of trichlorfon was taken for the category “pesticide” to protect human health and the environment. Complete entry into force of the final regulatory action (Commission Decision 2007/356/EC dated 21 May 2007) was 21 November 2008 since all uses of plant protection products containing trichlorfon were prohibited as from that date. Authorizations for plant protection products containing trichlorfon had to be withdrawn by 21 November 2007 by European Community member States. As of 25 May 2007, no authorizations for plant protection products containing trichlorfon were allowed to be granted or renewed by member States.

#### (b) Annex II paragraph (a) criterion

*Confirm that the final regulatory action has been taken in order to protect human health or the environment.*

The Committee confirmed that the final regulatory action had been taken to protect human health and the environment.

Regarding the risks for human health, the review of trichlorfon as an active substance in plant protection products resulted in the conclusion that the exposure estimates for operators, workers and bystanders were much higher than the provisional acceptable operator exposure level (AOEL). Regarding the environment, a high risk for aquatic invertebrates was identified.

1 The notification regarding a final regulatory action relating to trichlorfon was submitted by the European Community on 6 October 2009, thus before the entry into force of the Lisbon Treaty in December that same year. As indicated by the Depositary of the Convention in a notification dated 31 March 2010 (reference: C.N.182.2010.TREATIES-2), which was based on a communication from the Council of the European Union dated 8 March 2010, following the entry into force of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, with effect from 1 December 2009 the European Union replaced the European Community (Article 1, third paragraph, of the Treaty of Lisbon) and took over all rights and obligations of the European Community. The former European Community has accordingly been replaced by the European Union in respect of all conventions or agreements for which the Secretary-General of the United Nations is the depositary and to which the European Community is a signatory or a contracting party.

**(c) Annex II paragraph (b) criteria**

*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;*

Data on hazards and exposure used for the risk evaluation of trichlorfon were generated according to scientifically recognized methods as specified in annexes II and III to Directive 91/414/EEC. Scientific data on the technical active substance and at least one representative formulation had to be submitted by the applicant for registration. This data package consisted of a wide range of information concerning identity, physical, chemical and technical properties, methods of analysis, mammalian toxicology, residues, environmental fate and behaviour, and ecotoxicology. The data was reviewed by the rapporteur member State (RMS), and summarized in a draft assessment report (DAR).

The European Food Safety Authority (EFSA) initiated a peer review by the member States. Subsequently, the comments received on the DAR were examined by the RMS and the need for additional data was agreed upon in an evaluation meeting. Remaining issues as well as further data made available by the applicant were evaluated in a series of scientific meetings with experts from the member States.

A final discussion on the outcome of the DAR consultation took place with representatives from the member States. This discussion led to the EFSA conclusions, which are part of the Commission review report for trichlorfon. That report is the basis for the final regulatory action (Directive 2007/356/EC concerning the non-inclusion of trichlorfon in Annex I to Directive 91/414/EEC).

Thus, the Committee established that data were generated according to scientifically recognized methods and also that the data reviews were performed according to generally recognized scientific principles and procedures.

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

The risk evaluation took into account the proposed conditions of use within the European Union, including the intended uses, the recommended application rates and good agricultural practices. The conclusion of EFSA was reached on the basis of the evaluation of the representative use in the European Union.

Final conclusions regarding a number of aspects of the evaluation process were not possible due to a lack of reliable data. However, assessments made by the RMS and during EFSA expert meetings on the basis of the available information demonstrated that the concerns for human health and the environment described in the following paragraphs were likely to occur under the proposed conditions of use in the European Union.

Trichlorfon is harmful during oral exposure and is a skin sensitizer. The proposed classification was Xn; R22 “Harmful if swallowed” and Xi; R43 “May cause sensitization by skin contact”. The most sensitive effect observed during short-term exposure was reduction in acetylcholinesterase activity.

Taking into account the physical and chemical properties of trichlorfon, experts considered the default dermal absorption value of 100% to be appropriate for the risk evaluation. Based on the provisional AOEL provided by the RMS in the DAR, together with the dermal absorption value of 100%, exposure models led to the conclusion that the operator, worker and bystander exposure estimates exceeded the AOEL to a large extent. The models took into account in their input parameters the conditions prevailing in the European Union (e.g., maximum applied dose, mode of application).

Furthermore, trichlorfon is metabolized into dichlorvos, which is also an impurity of toxicological concern in trichlorfon. Dichlorvos was identified as a carcinogen category 2 by IARC in 2004. The potential evaporation of dichlorvos from plants to which it is applied was shown to be more than 30% of the applied trichlorfon. This could be relevant for worker exposure by inhalation.

As a result of the evaluation on fate and behaviour of trichlorfon, surface water contamination from glasshouse use could not be excluded. For this reason, an evaluation of the risks to aquatic

organisms was considered necessary. It was agreed at the EFSA expert meetings that Daphnia magna was the most sensitive species by more than one order of magnitude. Based on the existing study with Daphnia magna, a high risk for aquatic invertebrates was identified.

Based on the risks to human health and the environment that were identified during the review based on the available data, the Committee established that a risk evaluation involving prevailing conditions in the European Union had been the basis for the final regulatory action.

**(d) Annex II paragraph (c) criteria**

*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;*

By prohibiting all placing on the market and use of trichlorfon in plant protection products, the regulatory action will lead to a significant decrease in the use of trichlorfon as a pesticide in the European Union.

*(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;*

Since the final regulatory action is expected to lead to a significant decrease in the quantity of trichlorfon used, the risks for human health and the environment associated with its use would be expected to decrease significantly.

*(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;*

Similar health and environmental problems are likely to be encountered in other countries where trichlorfon is used, particularly in developing countries where its use is not limited to tomatoes in greenhouses.

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

According to the information available to the Committee, there is evidence of ongoing international trade.

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

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

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

**2. Brazil**

**(a) Scope of the notified regulatory action**

The final regulatory action relates to trichlorfon and its use as an agricultural pesticide, which was registered for use in aerial parts of a large number of vegetable and field crops.

The final regulatory action (Resolution-RDC No. 37 of 16 August 2010: technical regulation on the active ingredient trichlorfon as a result of a toxicological re-evaluation) was based on the results of a toxicological re-evaluation and resulted in a ban of all uses of trichlorfon-based products for plant protection. The decision was based on the Technical Note of Toxicological Reassessment on Trichlorfon commissioned by the National Health Surveillance Agency (ANVISA). The decision entered into force on 18 August 2010 and prevents future registrations of this pesticide.

**(b) Annex II paragraph (a) criterion**

*Confirm that the final regulatory action has been taken in order to protect human health or the environment.*

The final regulatory action was taken to protect human health.

In 2008, a re-evaluation of trichlorfon was initiated because there were concerns about possible risks for human health and the environment.

The environmental part of the re-evaluation could not be completed by the Brazilian Institute of Environmental and Renewable Natural Resources (IBAMA) because no data had been provided to

allow a conclusion on environmental risks. The Ministry of Agriculture, Livestock and Food Supply (MAPA) thus announced by an administrative act in February 2010 that the registrations of the three trichlorfon-based pesticides were cancelled, because without a valid environmental evaluation as a necessary element of the registration, the registrations could not be maintained. However, only upon completion of the toxicological assessment could the re-evaluation (which identified concerns for human health) be concluded. As a consequence, ANVISA finally cancelled the trichlorfon monograph and banned the import of trichlorfon by Resolution RDC 37/2010 of 16 August 2010. Only this final regulatory action established the definitive prohibition of the registration of pesticides containing trichlorfon.

The final regulatory action was based on the results of the toxicological review of trichlorfon, which describes this pesticide as causing acute neurotoxic, genotoxic, immunotoxic, carcinogenic and teratogenic effects. In addition, trichlorfon affects reproduction and the endocrine system. Studies on poisoning incidents in Brazil were reviewed. Pesticides in general and especially organophosphorous pesticides (the group to which trichlorfon belongs) had been involved in the poisoning incidents. Information on the use of pesticides (including trichlorfon) by farmers in the Amazon region of Brazil not following recommended practices was also taken into account.

The Committee thus confirmed that the final regulatory action had been taken to protect human health.

**(c) Annex II paragraph (b) criteria**

*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;*

As a basis for the toxicological re-evaluation around 300 references were reviewed, most of them from international, peer-reviewed sources. The Committee established that the data had been generated according to scientifically recognized methods.

The Committee also established that the review of the data had been documented in the "Technical Note of the Toxicological Reassessment on Trichlorfon" according to generally recognized scientific principles and procedures.

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

The Technical Note cites several studies that have shown that pesticide poisonings, especially with organophosphorous pesticides, occurred in different regions of Brazil. In addition, it indicates that many poisoning incidents were not reported in Brazil. According to a study from the Amazon area of Brazil, agricultural workers were not prepared to use pesticides (including trichlorfon) correctly. They were not sufficiently aware of the risks of pesticides to human health and the environment. The study further concludes that farmers did not use protective clothing or equipment because it was expensive and not suitable for a tropical climate. Owing to a lack of training and poor knowledge of pesticide hazards, pesticides were handled carelessly during preparation and application and disposal of empty packages. Exposure of farmers, their families, consumers (via residues in food) and the environment was thus high.

Although no poisoning incidents with trichlorfon itself have been reported from Brazil, the decision to ban trichlorfon was taken on the basis of the evaluation of its hazardous properties as well as on expected exposure of agricultural workers to pesticides in general, including trichlorfon, under conditions of use in Brazil.

The Committee established that the final regulatory action was based on a risk evaluation, which was based on a review of scientific data, taking into account the conditions of use prevailing in Brazil.

**(d) Annex II paragraph (c) criteria**

*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;*

The final regulatory action prohibits all uses of trichlorfon as a pesticide, including its production, trade and import. It also definitely prevents future registration of all technical products and pesticide formulations based on trichlorfon as an active ingredient. This will therefore lead to a significant decrease in the use of trichlorfon.

*(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;*

Since the final regulatory action is expected to lead to a significant decrease in the quantity of trichlorfon used, the risks for human health associated with its use would be expected to decrease significantly.

*(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;*

Similar health problems are likely to be encountered in other countries where trichlorfon is used, particularly in developing countries.

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

According to the information available to the Committee, there is evidence of ongoing international trade.

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

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

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

**3. Conclusion**

The Committee concluded that the notifications of final regulatory action by the European Union and Brazil met the criteria set out in Annex II to the Convention. The Committee also concluded that the final regulatory actions taken by the European Union and Brazil provided a sufficient basis to merit including trichlorfon in Annex III to the Convention in the pesticide category and that a decision guidance document should be drafted on the basis of the notifications.

## B. Workplan for the intersessional drafting group on trichlorfon

The drafting group comprises the following members:

Chair: Ms. Mirijam Seng

Co-Chair: Mr. Azhari Abdelbagi

Members: Ms. Anahit Aleksandryan
Mr. Sidi Ould Aloueimine
Ms. Amal Al-Rashdan
Ms. Anja Bartels
Mr. Gilberto Fillmann
Mr. Muhammad Bashir Khan
Ms. Leonarda van Leeuwen
Ms. Sarah Maillefer
Mr. Alieu Sallah
Mr. Jung-Kwan Seo

The drafting group agreed to the following workplan:

| **Tasks to be carried out** | **Responsible persons** | **Deadlines** |
|---|---|---|
| Draft an internal proposal on trichlorfon based on the information available to the Chemical Review Committee (CRC) | Chair<br>Co-Chair | 11 May 2012 |
| Send draft internal proposal to drafting group members for comments via e-mail | Chair<br>Co-Chair | 11 May 2012 |
| Replies | All drafting group members | 8 June 2012 |
| Update internal proposal based on comments from drafting group members | Chair<br>Co-Chair | 13 July 2012 |
| Send updated internal proposal to CRC members and observers for comments via e-mail | Chair<br>Co-Chair | 13 July 2012 |
| Replies | All CRC members and observers | 31 August 2012 |
| Draft a decision guidance document (DGD) based on the comments from CRC and observers | Chair<br>Co-Chair | 28 September 2012 |
| Send draft DGD to drafting group members for comments via e-mail | Chair<br>Co-Chair | 28 September 2012 |
| Replies | All drafting group members | 5 October 2012 |
| Finalize draft DGD based on the comments of the drafting group | Chair<br>Co-Chair | 19 October 2012 |
| Send draft DGD to Secretariat | Chair<br>Co-Chair | 15 November 2012 |
| Present draft DGD to CRC at its ninth meeting | | March 2013 |