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

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Chemical Review Committee
Ninth meeting
Rome, 22–25 October 2013

Report of the Chemical Review Committee on the work of its ninth meeting

I. Opening of the meeting

1. The ninth 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 headquarters of the Food and Agriculture Organization of the United Nations (FAO), Viale delle Terme di Caracalla, Rome, from 22 to 24 October 2013.[1] The meeting was opened at 10 a.m. on Tuesday, 22 October 2013, by the Chair of the Committee, Ms. Hala Sultan Saif Al-Easa (Qatar).

2. Speaking on behalf of Mr. Clayton Campanhola, Executive Secretary of the FAO part of the Rotterdam Convention Secretariat, Mr. Gerold Wyrwal then welcomed the Committee members. Recalling that the Committee, and the interim committee that had operated prior to entry into force of the Convention, had already met 13 times, he said that the convening of back-to-back meetings with the Persistent Organic Pollutants Review Committee of the Stockholm Convention on Persistent Organic Pollutants and the first ever joint meeting with that body signalled a new chapter in the Committee's history. He went on to praise the Committee and its processes, listing their essential characteristics as transparency, objectivity, neutrality, fairness, inclusiveness, scientific excellence, accountability and responsiveness to the need for change. Noting that the Rotterdam Convention was not the only means of addressing challenges faced by countries in managing chemicals and pesticides, he reported that the FAO International Code of Conduct on Pesticide Management, long a vital tool, had been revised in 2013. The revised code clearly referenced public health and aligned with current best management practices, adopted a lifecycle approach to pesticides from development to farm use and disposal, including obsolete stocks of pesticides and empty product containers, and was based on risk assessment and the shared responsibility of all parties involved in manufacturing and handling pesticides. He closed by stressing the importance of the commitment and cooperation of non-governmental organizations, both to the work of the Committee and to the further development and successful implementation of the prior informed consent procedure.

3. The Deputy Executive Secretary of the Secretariat of the Rotterdam Convention, the Stockholm Convention and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Ms. Kerstin Stendahl, also welcomed the Committee members and observers, noting that the Committee had preceded its work at the current meeting with a joint meeting with the Persistent Organic Pollutants Review Committee of the Stockholm Convention; that joint meeting, she said, emphasized the collaborative spirit in which the Committee was conducting its work. She stressed that the Secretariat was present to facilitate the work of the Committee and urged members to ask for any support that they might require.

[1] The scheduled dates of the meeting were 22–25 October 2013. In the event, the Committee concluded its work on 24 October.

4. The Chair added her welcome to the meeting participants, particularly new members of the Committee, 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.

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)

6. Mr. Helbig served also as Rapporteur.

B. Attendance

7. The following 30 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), Ms. Mirijam Kristina Brigitta Seng (Germany), Mr. Ram Niwas Jindal (India), Mr. Mehdi Ghaemian (Islamic Republic of Iran), 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), Mr. Arturo Gavilán García (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 Frydrych (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), Mr. Abdullah Mohammed Abdullah Shamlan (Yemen) and Mr. Boniface Mbewe (Zambia).

8. The member of the Committee from the Gambia was unable to attend.

9. The following countries were represented as observers: Australia, Canada, China, Dominican Republic, Estonia, Japan, Kenya, Norway, Romania, Russian Federation, Slovakia, South Africa, Ukraine, United Arab Emirates and the United States of America.

10. The League of Arab States was represented as an observer.

11. The following non-governmental organizations were also represented as observers: Association Ukrainian Chrysotile Corporation, CropLife International, Indian Chemical Council, International POPs Elimination Network, National Toxics Network and Pesticide Action Network.

12. A complete list of participants is set out in document UNEP/FAO/RC/CRC.9/INF/11.

C. Adoption of the agenda

13. At its opening session, the Committee adopted the following agenda on the basis of the provisional agenda (UNEP/FAO/RC/CRC.9/1):

1. Opening of the meeting.
2. Organizational matters:
   (a) Adoption of the agenda;
   (b) Organization of work.
3. Review of the outcomes of the sixth meeting of the Conference of the Parties to the Rotterdam Convention and the second simultaneous extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions relevant to the work of the Committee.
4. Rotation of the membership.

5. Technical work:

(a) Consideration of the draft decision guidance document for trichlorfon;

(b) Report of the Bureau on the preliminary review of notifications and the proposal for a severely hazardous pesticide formulation;

(c) Review of notifications of final regulatory action:

(i) Cyhexatin;

(ii) Lead arsenate;

(iii) Lead carbonate;

(iv) Methamidophos;

(d) Additional information on pentachlorobenzene;

(e) Review of the proposal for the inclusion of fenthion 640 ULV as a severely hazardous pesticide formulation in Annex III.

6. Report on activities for effective participation in the work of the Committee.

7. Coordination and collaboration with other scientific subsidiary bodies.

8. Dates and venue of the tenth meeting of the Committee.

9. Other matters.

10. Adoption of the report.

11. Closure of the meeting.

14. The Committee agreed that it would discuss its working procedure for the review of notifications of final regulatory action (UNEP/FAO/RC/CRC.9/INF/6) under agenda item 9, "Other matters", to take into account the fact that the meetings of the Committee would henceforth be held in October of each year instead of March.

D. Organization of work

15. The Committee decided to conduct its work in plenary session each day from 9.30 a.m. to 12.30 p.m. and from 2 to 5 p.m., subject to adjustment as appropriate. It also decided that contact groups and drafting groups would be formed as necessary.

16. 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.9/1/Add.1). The meeting would be conducted in paperless format, with all documents distributed electronically.

17. The Chair 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 had been identified.

18. One member of the Committee voiced concern that, in his view, the organization of the pre-session task group meetings had provided too little time for discussion of the task group reports. In response, the representative of the Secretariat recalled that the work of those task groups was preliminary in nature; as such it was entirely without prejudice to the work of the Committee and in no way precluded any member from raising any issues or taking any positions during the current meeting.

III. Review of the outcomes of the sixth meeting of the Conference of the Parties to the Rotterdam Convention and the second simultaneous extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions relevant to the work of the Committee

19. The representative of the Secretariat reported on the outcome of the sixth meeting of the Conference of the Parties and the second simultaneous extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions, highlighting those matters relevant to the Committee's work, as described in document UNEP/FAO/RC/CRC.9/INF/3.

20. At its sixth meeting, the Conference of the Parties had adopted decision RC-6/3, on the operation of the Chemical Review Committee, and decisions to list other chemicals, including azinphos-methyl, commercial pentabromodiphenyl ether, commercial octabromodiphenyl ether, and perfluorooctane sulfonic acid, perfluorooctane sulfonates, perfluorooctane sulphonamides and perfluorooctane sulfonyls in Annex III to the Convention. It had not reached agreement to list chrysotile asbestos or liquid formulations containing paraquat dichloride, but had agreed to discuss those substances further at its seventh meeting.

21. The conferences of the Parties to the Rotterdam Convention and the Stockholm Convention had also requested the Secretariat to gather information and report to them at their seventh meetings on experience in the organization of and benefits gained from the back-to-back and joint meetings of the Committee and the Persistent Organic Pollutants Review Committee. The Secretariat would therefore seek the views and suggestions of those who had participated in the back-to-back and joint meetings.

22. At their second simultaneous extraordinary meetings, the conferences of the Parties to the Basel Convention, the Rotterdam Convention and the Stockholm Convention had each adopted an omnibus decision on enhancing cooperation and coordination among the three conventions, which had included a request that the Chemical Review Committee and the Persistent Organic Pollutants Review Committee explore ways to enhance coordination and cooperation between the two committees. The matter had been discussed at the joint meeting of the two committees and would be discussed under agenda item 7 of the current meeting.

23. The Committee took note of the information presented.

IV. Rotation of the membership

24. The representative of the Secretariat recalled that at its sixth meeting the Conference of the Parties had decided to extend the terms of office of 17 members of the Committee until 30 April 2014 and the other 14 members until 30 April 2016 in the light of the decision to hold the Committee's meetings back to back with those of the Persistent Organic Pollutants Review Committee in October of each year. Future terms of office would accordingly start on 1 May of each even-numbered year and end on 30 April four years later.

25. She also noted that at its sixth meeting the Conference of the Parties had identified 17 parties that would designate experts to serve as members of the Committee with terms starting on 1 May 2014, subject to appointment by the Conference at its seventh meeting. All 17 parties had since designated such experts. Two members of the Committee had retired and replacements from the same parties, India (Mr. Ram Niwas Jindal) and Mexico (Mr. Arturo Gavilán), had been designated to complete their terms, subject to appointment by the Conference of the Parties. A complete list of past and current members of the Committee was set out in document UNEP/FAO/RC/CRC.9/INF/4.

26. The representative of the Secretariat also reported that, as the current meeting was the last for four members of the Bureau, including the Chair, the Committee would have to elect four new Bureau members to succeed them and then, in accordance with decision RC-6/3, would have to select one of the five Bureau members to serve as Chair on an interim basis subject to confirmation by the Conference of the Parties at its seventh meeting.

27. The Committee elected the following members to serve as Vice-Chairs of the Committee, with terms of office to begin at the closure of the current meeting:

Mr. Boniface Mbewe (Zambia – African States)

Ms. Amal Al-Rashdan (Kuwait – Asian–Pacific States)

Ms. Magdalena Frydrych (Poland – Central and Eastern European States)

Mr. Gilberto Fillmann (Brazil – Latin American and Caribbean States)

28. In accordance with decision RC-6/3 the Committee selected Mr. Jürgen Helbig (Spain – Western European and others region) to serve, from the closure of the current meeting, as interim Chair of the Committee pending confirmation by the Conference of the Parties at its seventh meeting.

V. Technical work

A. Consideration of the draft decision guidance document for trichlorfon

29. Introducing the sub-item, the Chair recalled that at its eighth meeting the Committee had reviewed notifications of final regulatory action for trichlorfon from Brazil and the European Union,

along with the supporting documentation referenced therein, and, taking into account each of the specific criteria set out in Annex II to the Convention, had concluded that the criteria of that Annex had been met for the two notifications.

30. Accordingly, the Committee had agreed at its eighth meeting to recommend to the Conference of the Parties that it should include trichlorfon in Annex III to the Convention. 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 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 eighth meeting (UNEP/FAO/RC/CRC.8/12, annex II).

31. At the current meeting the Committee had before it a draft decision guidance document on trichlorfon prepared by the intersessional drafting group (UNEP/FAO/RC/CRC.9/3), 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.9/INF/5).

32. Ms. Mirijam Seng (Germany), co-coordinator of the intersessional drafting group, reported on the work of the intersessional drafting group.

33. Following Ms. Seng's presentation, an observer reiterated the contention that he had made at the eighth meeting of the Committee that the final regulatory action by which trichlorfon had been banned was not the final regulatory action identified in the notification submitted by Brazil. He added that the Committee should consider delaying any further work on the draft decision guidance document until its next meeting and, in the meantime, should request Brazil to resubmit its notification, clarifying the final regulatory action by which the substance had been banned.

34. Responding, the Chair said that the Committee had addressed the matter at its eighth meeting, at which time it had concluded that both notifications for trichlorfon met the criteria set out in Annex II to the Convention. The Committee's task at the current meeting was to finalize the draft decision guidance document.

35. The Committee requested Ms. Seng to reflect editorial comments in the draft decision guidance document and 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 seventh meeting.

36. Subsequently, the Committee adopted decision CRC-9/1, by which it adopted the draft decision guidance document for trichlorfon and decided to forward it, together with the related tabular summary of comments, to the Conference of the Parties for its consideration. The decision is set out in annex I to the present report.

B. Report of the Bureau on the preliminary review of notifications and the proposal for a severely hazardous pesticide formulation

37. Following the introduction of the item by the Chair, Mr. Azhari Omer Abdelbagi (Sudan), a member of the Bureau, recalled that the Bureau, in consultation with the Secretariat, had undertaken a preliminary review of the notifications of final regulatory action and the proposal for a severely hazardous pesticide formulation on the agenda for the current meeting with the aim of establishing intersessional task groups for the chemicals and setting priorities for their consideration at the current meeting. The results of that preliminary analysis were described in document UNEP/FAO/RC/CRC.9/2. 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 notification of final regulatory action or the severely hazardous pesticide formulation proposal pertaining to that chemical met the criteria of Annex II to the Convention, in the case of notifications of final regulatory action, or Annex IV to the Convention, in the case of the proposal for listing as a severely hazardous pesticide formulation. At the current meeting the task group coordinators would present the results of the task groups' initial review of those chemicals.

38. The Committee agreed to consider the notifications before it in line with the recommendations of the Bureau outlined in document UNEP/FAO/RC/CRC.9/2.

C. Review of notifications of final regulatory action

1. Cyhexatin

39. The Committee had before it two notifications and supporting documentation on cyhexatin submitted by Canada and Brazil, set out in document UNEP/FAO/RC/CRC.9/5. In introducing the sub-item, the representative of the Secretariat recalled that the Committee had reviewed the notification from Canada at its second meeting and had concluded that it met the criteria set out in Annex II to the Convention. The rationale for that conclusion was set out in document UNEP/FAO/RC/CRC.9/5/Add.1, and supporting documentation provided by Brazil was contained in document UNEP/FAO/RC/CRC.9/5/Add.2.

40. Mr. Abdelbagi, co-coordinator of the intersessional task group that had undertaken a preliminary assessment of the Brazilian notification and its supporting documentation, reported on the work of the intersessional task group.

41. Mr. Abdelbagi said that the notification related to a complete ban on the use, sale, import and export of cyhexatin as a pesticide in Brazil.

42. 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 in paragraph (a) of Annex II had been met. The information in the notification form, supporting documentation and focused summary indicated that the data had been generated according to scientifically recognized methods and that the risk evaluation had been performed in accordance with recognized scientific principles and procedures, but the final regulatory action had been based on a hazard evaluation only rather than a risk evaluation taking into account the prevailing conditions in the notifying party. Accordingly, the task group had 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, Mr. Abdelbagi said that the task group had concluded that the regulatory action would lead to a significant reduction in the quantity of the chemical used as well as the number of its uses, which would significantly reduce the exposure of humans to the chemical and thus the risk to human health. The notification did not indicate that the considerations leading to the final regulatory action were applicable only in a geographically limited area or in other limited circumstances. Cyhexatin had been imported into Brazil until 2009, which could be considered as evidence of ongoing trade. Accordingly, the task group had concluded that the criteria in paragraph (c) 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.

43. Following the presentation, one member commented that registration information for cyhexatin would have helped to provide a full picture of the ban on cyhexatin, including such things as whether a risk management evaluation had been performed, whether risk management measures were based on exposure assessment and whether personal protective equipment was required when using cyhexatin.

44. The Committee agreed that, since the criteria set out in paragraph (b) of Annex II had not been met, the notification from Brazil had not met all the criteria set out in Annex II to the Convention and, accordingly, that no further action would be taken at the current time.

2. Lead arsenate

45. The Committee had before it two notifications and supporting documentation on lead arsenate submitted by Japan and Peru, set out in documents UNEP/FAO/RC/CRC.9/6 and Add.1 and 2, along with the additional information obtained by the Secretariat set out in document UNEP/FAO/RC/CRC.9/INF/8.

46. Ms. Magdalena Frydrych (Poland), co-coordinator of the intersessional task group that had undertaken a preliminary assessment of the notifications and their supporting documentation, reported on the work of the intersessional task group.

(a) Notification from Japan

47. Ms. Frydrych said that the notification from Japan related to a ban on the sale and use of lead arsenate as an agricultural insecticide.

48. With regard to Annex II to the Convention, she said that the notification explained that the regulatory action had been taken to protect human health; 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 data reviews had been performed in accordance with recognized scientific principles and procedures. Accordingly, the task group had concluded that the criteria set out in

paragraphs (b) (i) and (ii) of Annex II had been met. However, no supporting information had been provided to confirm that the final regulatory action was based on a risk evaluation involving prevailing conditions within Japan. Accordingly, the task group had concluded that the criterion set out in paragraph (b) (iii) of Annex II had not been met. The task group had concluded that the criteria set out in paragraph (b) as a whole had therefore not been met. Turning to the criteria set out in paragraph (c) of Annex II, she said that Japan had banned the sale and use of the substance; thus, both the quantity of the substance used and the risks it posed would be significantly reduced. As the basis for the regulatory action included concerns about human health, the regulatory action would be broadly applicable to other countries. Accordingly, the task group had concluded that the criteria in paragraphs (c) (i), (c) (ii) and (c) (iii) of Annex II had been met. There was no information on evidence of ongoing international trade available to the Committee. 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. In sum, the task group had concluded that, as the criteria set out in paragraph (b) had not been met, the notification from Japan did not meet the criteria set out in Annex II.

(b) Notification from Peru

49. Ms. Frydrych said that the notification from Peru related to a ban on the use of lead arsenate used as a pesticide in the form of wettable powder with the trade name Novokill. The ban had been effected through the cancellation of registrations and a ban on registrations of the chemical for agricultural use.

50. With regard to Annex II to the Convention, she said that the notification from Peru explained that the regulatory action had been taken to protect 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 data reviews had been performed in accordance with recognized scientific principles and procedures. Accordingly, the task group had concluded that the criteria set out in paragraphs (b) (i) and (ii) of Annex II had been met. However, as the results of national scientific studies were not available to the Chemical Review Committee, it was not possible to confirm that the risk evaluation had been done taking into account prevailing conditions in Peru. Accordingly, the task group had concluded that the criterion set out in paragraph (b) (iii) of Annex II had not been met. New information relating to Peru's notification, however, had subsequently been received and it was therefore possible that the criterion set out in subparagraph (b) (iii) would be met once that information had been reviewed. For the time being the conclusion of the task group was that the criteria set out in paragraph (b) as a whole had not been met. Turning to the criteria set out in paragraph (c) of Annex II, she said that Peru had banned the use of the substance, had cancelled registration and would have no new registration of the pesticide for agricultural use; thus, both the quantity of the chemical used and the risks it posed would be significantly reduced. As the basis for the regulatory action included environmental concerns, the regulatory action would be broadly applicable to other countries. Accordingly, the task group had concluded that the criteria in paragraphs (c) (i), (c) (ii) and (c) (iii) of Annex II had been met. There was no information on evidence of ongoing international trade available to the Committee. 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. In sum the task group had concluded that, as the criteria set out in paragraph (b) had not yet been met, the notification from Peru did not meet the criteria set out in Annex II.

(c) Next steps

51. One member briefly outlined the new information that had been received from Peru, comprising an environmental risk assessment of lead arsenate based on bioassays with eight non-target organisms, which was set out in a conference room paper for consideration by the Committee.

52. The Committee agreed to establish a contact group, co-chaired by Ms. Frydrych and Ms. Vilma Morales Quillama (Peru), to discuss whether the notification from Peru met the criterion of paragraph (b) (iii), taking into account the new information provided by Peru. In addition, the Secretariat confirmed that the information provided by Peru, including a focused summary of that information translated into English, would be issued as document UNEP/FAO/RC/CRC.9/6/Add.3.

53. Subsequently Ms. Frydrych presented a draft rationale, prepared by the contact group, for the conclusion that the notification of final regulatory action for lead arsenate submitted by Peru met the criteria set out in Annex II to the Convention.

54. In the ensuing discussion, one observer said that the Committee was inconsistent in its approach to the criterion set out in paragraph (c) (iv) of Annex II, on ongoing international trade. In the case of lead arsenate, he said, there was no evidence of such trade in the chemical as a pesticide, yet the task group had still concluded that the criterion was met.

55. Responding, one member said that the additional information provided by Peru indicated that lead arsenate was one of the most commonly-used pesticides in that country; if that was the case, he suggested, the substance must be the object of international trade. Another member said that the international trade criterion was satisfied by evidence of trade in the substance subject to the final regulatory action regardless of whether the substance was used as a pesticide or as an industrial chemical. Ms. Frydrych noted that the final regulatory action had been taken in 2011 on the basis of tests conducted in 2009; given that the substance had been very commonly used, she said, it was unlikely that trade in it had completely ceased by the time of the Committee's assessment of Peru's notification in 2013. The task group, taking this into account, had concluded that the possibility of ongoing international trade could not be ruled out. Another member said that it was important to look at the broader context of paragraph (c) of Annex II, the chapeau of which required only that the Committee should "consider whether the final regulatory action provides a sufficiently broad basis to merit listing of the chemical in Annex III, by taking into account", among other things, "whether there is evidence of ongoing international trade in the chemical." By the terms of paragraph (c), therefore, the existence of ongoing international trade was not a decisive criterion. The Committee had indeed taken international trade into account, however, and it had concluded that the criteria of paragraph (c) as a whole had been met.

56. The Committee adopted decision CRC-9/2, by which it concluded that the notification of final regulatory action for lead arsenate submitted by Peru met the criteria set out in Annex II to the Convention, adopted the rationale for its conclusion on the notification for lead arsenate submitted by Peru and noted that, as only one notification met the criteria set out in Annex II to the Convention, it would take no further action at the current time. The decision, to which the rationale is annexed, is set out in annex I to the present report.

3. Lead carbonate

57. The Committee had before it two notifications and supporting documentation on lead carbonate submitted by Latvia and Jordan, set out in documents UNEP/FAO/RC/CRC.9/7 and Add.1.

58. Ms. Leonarda Christina van Leeuwen (Netherlands), co-coordinator of the intersessional task group that had undertaken a preliminary assessment of the notifications and their supporting documentation, reported on the work of the intersessional task group.

(a) Notification from Latvia

59. Ms. van Leeuwen said that the notification from Latvia related to a severe restriction on the industrial use of lead carbonate prohibiting its use as a substance and constituent of preparations intended for use in paints, except for the restoration and maintenance of works of art and historic buildings and their interiors.

60. With regard to Annex II to the Convention, she said that the notification from Latvia explained that the regulatory action had been taken to protect both human health and the environment; thus, the criterion set out in paragraph (a) of Annex II had been met. The final regulatory action had been based on the intrinsic properties of the chemical substance and reference had been made to European Union bans and restrictions in Directive 76/769/EEC. No supporting documentation had been provided, however. The task group therefore had not been able to conclude that the data had been generated according to generally recognized scientific principles and procedures or that the final regulatory action was based on a risk evaluation involving prevailing conditions in the notifying party. Accordingly, the task group had concluded that the criteria outlined in paragraphs (b) (i), (ii), and (iii) of Annex II had not been met. Turning to the criteria set out in paragraph (c) of Annex II, she said that Latvia had prohibited the use of lead carbonate as a substance or constituent of preparations for use as paints, except for the restoration and maintenance of works of art and historic buildings and their interiors, in accordance with the provisions of the International Labour Organization's White Lead (Painting) Convention; thus, the expected quantities of the substance in use and the risks that they posed 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, the considerations that led to the regulatory action would be broadly applicable to other countries. Accordingly, the task group had concluded that the criteria set out in paragraphs (c) (i), (ii), and (iii) of Annex II had been met. There was no information on evidence of ongoing international trade available to the Committee. 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. In sum, the task group had concluded that, as all the criteria set out in paragraph (b) had not been met, the notification from Latvia did not meet the criteria set out in Annex II.

(b) Notification from Jordan

61. Ms. van Leeuwen said that the notification from Jordan related to a severe restriction on the use of lead carbonate, prohibiting its use as a substance or a constituent of preparations intended for use as paints, except for the restoration and maintenance of works of art and historic buildings and interiors.

62. With regard to Annex II to the Convention, she said that the notification from Jordan 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 notification stated that the final regulatory action had not been based on a risk or hazard evaluation. Reference was made to European Union regulations, including its regulation on the registration, evaluation, authorization and restriction of chemicals (REACH), and the supporting documentation stated that the decision for the restriction had been based on European Union Directive 76/769/EEC. The task group therefore had not been able to conclude that data had been generated according to scientifically recognized methods, that data reviews had been performed according to generally recognized scientific principles and procedures or that the final regulatory action had been based on a risk evaluation involving prevailing conditions within Jordan. Accordingly, the task group had concluded that the criteria outlined in paragraphs (b) (i), (ii), and (iii) of Annex II had not been met. Turning to the criteria set out in paragraph (c) of Annex II, she said that Jordan had prohibited the use of lead carbonate as a substance or constituent of preparations for use as paints, except for the restoration and maintenance of works of art and historic buildings and their interiors; thus, the expected quantities of the substance in use and the risks that they posed would be significantly reduced. As the basis for the regulatory action included health concerns, the regulatory action would be broadly applicable to other countries. Accordingly, the task group had concluded that the criteria set out in paragraphs (c) (i), (ii) and (iii) of Annex II had been met. There was no information on evidence of ongoing international trade available to the Committee. The supporting documentation stated that lead carbonate was not manufactured in Jordan and that since 2005 it had not been imported to the country. 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. In sum, the task group had concluded that, as the criteria set out in paragraph (b) had not been met, the notification from Jordan did not meet the criteria set out in Annex II.

(c) Next steps

63. The Committee agreed that, since the notifications from Latvia and Jordan had not met the criteria set out in Annex II to the Convention, no further action would be taken at the current time.

4. Methamidophos

64. The Committee had before it two verified notifications and supporting documentation on methamidophos submitted by Brazil and the European Union, set out in documents UNEP/FAO/RC/CRC.9/8 and Add.1 and 2.

65. Ms. Susan Collier (New Zealand), co-coordinator of the intersessional task group that had undertaken a preliminary assessment of the notifications and their supporting documentation, reported on the work of the intersessional task group.

(a) Notification from Brazil

66. Ms. Collier said that the notification from Brazil related to a ban on all uses of methamidophos, including sale, import and export.

67. 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. Potential exposure and hazard had been assessed in accordance with internationally accepted principles and methodologies, data reviews had been performed and documented according to generally recognized scientific principles and procedures and the final regulatory action had been based on a risk evaluation 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 all uses of methamidophos, which could be expected to eliminate human exposure to the substance and thereby significantly reduce the risk it posed to human health. 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 developing countries, the considerations that led to the regulatory action would be broadly applicable to other countries. There was no evidence of ongoing international trade provided in the notification but an observer representing manufacturers of the substance had confirmed that such trade indeed continued

(UNEP/FAO/RC/CRC.9/INF/8). 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. The notification mentioned intentional misuse (suicide attempts) as just one cause of poisoning, along with exposure of operators, workers and consumers. The task group had therefore concluded that the final regulatory action had not been based on intentional misuse and that the criterion set out in paragraph (d) of Annex II had been satisfied. The task group had therefore concluded that the notification met all the criteria of Annex II.

(b) Notification from the European Union

68. Ms. Collier said that the notification from the European Union related to a severe restriction on the use of methamidophos as an insecticide.

69. With regard to Annex II to the Convention, she said that the notification from the European Union 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 relevant data had been generated in the context of an application for the approval of methamidophos involving the application of European Union and international standards; the assessment of the data had included an extensive peer review process involving all European Union member States and had been performed according to recognized scientific principles and procedures. The final regulatory action was based on a risk evaluation performed in accordance with recognized scientific principles and procedures, taking into account 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, she said that the European Union had severely restricted the use of the substance, which was expected to lead to a significant reduction in the quantity of the substance used and the degree of human exposure to it. The notification gave no indication that the final regulatory action was subject to geographical limitations or restricted circumstances; as problems similar to those described in the risk assessment could arise in other countries, in particular developing countries, the considerations that led to the regulatory action would be broadly applicable to other countries. There was no evidence of ongoing international trade provided in the notification but an observer representing manufacturers of the substance had confirmed that such trade indeed continued (UNEP/FAO/RC/CRC.9/INF/8). 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

70. Following the presentation one member of the Committee said that the final regulatory actions at issue had different objectives, noting that the final regulatory action by Brazil banned all sales, imports and exports of methamidophos, while that of the European Union severely restricted its use as an insecticide. He also said that the notifications did not include evidence that the final regulatory actions had in fact led to a significant decrease in the quantity of the chemical used or the number of its uses, as contemplated by Annex II. Finally, he observed that neither notification included an assessment of the social and economic impacts of the final regulatory actions, and he suggested that a lack of alternatives to methamidophos could lead to shortages of food and fabrics as a result of which countries might not wish to ban it for all purposes.

71. In response, Ms. Collier said that it was not for the Committee to question how countries chose to regulate a chemical and that in any event various approaches, whether bans on specific uses or bans on imports, could have the same objective and the same end result. Regarding reduction in use of methamidophos, she noted that Annex II was satisfied not only by an actual reduction but also if the final regulatory action “would be expected to lead” to such a reduction. That provision was of particular importance with regard to recent final regulatory actions, for which data on reductions would normally be lacking, and the task group had shown that the criterion was satisfied in the case of the two notifications at issue. Regarding the use of methamidophos for various crops, she recalled that the listing of a substance in Annex III resulted in the exchange of information about the substance but did not require any country to restrict its use in any way.

72. Another member said that the objectives of both final regulatory actions were clearly to protect human health and that this contention was not undercut, as hinted at by the first member, by the fact that people did not eat all the crops to which methamidophos was applied. Those applying it to cotton, for example, were at great risk of exposure. Responding to the first member’s contention about socioeconomic data, a third member pointed out that while parties were permitted to provide such data

under Annex I to the Convention they were not required to do so either by Annex I or, more importantly, Annex II.

(d) Next steps

73. The Committee agreed that, as the notifications from Brazil and the European Union 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 methamidophos should be included in Annex II to the Convention. The Committee accordingly established a contact group, co-chaired by Ms. Collier and Mr. Helbig, to draft a rationale as to how the notifications from Brazil and the European Union met the criteria in Annex II to the Convention, on the understanding that the co-chairs could if necessary convert the group to a drafting group limited to members of the Committee. The Committee also requested the Secretariat to prepare a draft decision on the listing of methamidophos in Annex III to the Convention.

74. Ms. Collier subsequently presented a draft rationale prepared by the group for the conclusion that the notifications from Brazil and the European Union met the criteria of Annex II to the Convention. The Committee adopted decision CRC-9/3, by which it adopted the rationale, recommended to the Conference of the Parties that it should include methamidophos in Annex III to the Convention and adopted a workplan for preparing a draft decision guidance document for the chemical. The decision, to which the rationale is annexed, is set out in annex I to the present report; the composition of the intersessional drafting group established to prepare the draft decision guidance document is set out in annex II to the present report; and the workplan is set out in annex III to the present report.

D. Additional information on pentachlorobenzene

75. The representative of the Secretariat recalled that, at its seventh meeting, the Chemical Review Committee had reviewed two notifications of final regulatory action related to pentachlorobenzene from Japan and Canada. The Committee had concluded that the notification from Canada met the criteria set forth in Annex II to the Convention and had adopted a rationale for that conclusion. Regarding the notification from Japan, however, the Committee had concluded that it did not meet the criteria in paragraph (b) of Annex II. At the current meeting the Committee had before it additional information submitted by Japan after the Committee's seventh meeting. The notifications for pentachlorobenzene as received from the notifying countries were set out in document UNEP/FAO/RC/CRC.7/9, while the additional information provided by Japan was set out in document UNEP/FAO/RC/CRC.9/9.

76. Mr. Jung-Kwan Seo (Republic of Korea), co-coordinator of the intersessional task group that had undertaken a preliminary assessment of the additional information submitted by Japan, reported on the work of the intersessional task group.

77. Mr. Seo said that the new information submitted by Japan indicated that the sale and use of pentachlorobenzene as an agricultural chemical was prohibited in Japan and that pentachlorobenzene was a "Class I Specified Chemical Substance" in Japan. No further information on the Japanese final regulatory action had been provided, however. The task group had accordingly concluded that the new information did not address the criteria of Annex II (b) and therefore did not affect the conclusion of the Committee at its seventh meeting that the notification submitted by Japan did not meet the criteria in paragraph (b) of Annex II.

78. In the light of Mr. Seo's report the Committee agreed that the notification from Japan still did not meet all the criteria of Annex II to the Convention. As it was still the case that only one notification of final regulatory action pertaining to pentachlorobenzene met the criteria of Annex II, no further action on the substance would be taken at the current time.

E. Review of the proposal for the inclusion of fenthion 640 ULV as a severely hazardous pesticide formulation in Annex III

79. The Committee had before it a proposal and supporting documentation for fenthion 640 ULV submitted by Chad (UNEP/FAO/RC/CRC.9/4 and Add.1), along with additional information submitted by other parties and international organizations, which had been compiled by the Secretariat in document UNEP/FAO/RC/CRC.9/4/Add.2.

80. Mr. Michael Ramsay (Jamaica), co-coordinator of the intersessional task group that had undertaken a preliminary assessment of the proposal and its supporting documentation, reported on the work of the intersessional task group.

81. He said that the proposal from Chad related to a single documented poisoning incident resulting from the use of fenthion 640 ULV as an avicide against granivorous birds (Quelea quelea).

Supporting information, although not the proposal itself, referred to two other poisoning incidents, including one in 2009, but no details regarding those incidents had been provided.

82. The task group had noted that the Secretariat had collected relevant information relating to the formulation and had provided it to the intersessional task group and the Committee in accordance with part 2 of Annex IV to the Convention.

83. With regard to part 3 of Annex IV, he indicated that the task group had found that the evidence indicating that the use of the formulation in accordance with common or recognized practices had resulted in the reported incident was reliable, thereby meeting criterion (a) of part 3. In that context he noted that fenthion 640 ULV had been applied as part of a Government-mandated spraying programme by an applicator (the victim) wearing full personal protective equipment and applying the substance in accordance with Government procedures and in a manner (using a motorized backpack sprayer) consistent with the product label; that the product label warned of high toxicity through inhalation and prolonged ingestion; and that the adverse effects of organophosphate poisoning could commence immediately or after a delay. While there was an indication that the victim suffered from hypertension and it could not be ruled out that that condition had played some role in his death, the task group was satisfied that, overall, the evidence reliably indicated that the use of fenthion 640 ULV had resulted in the poisoning symptoms suffered by the victim prior to his death.

84. As to criterion (b) of part 3, it had been found that the incident involving the formulation was relevant to other States in sub-Saharan Africa, where conditions were reportedly similar to those in Chad. In addition, available information indicated that other poisoning incidents involving various formulations of fenthion had occurred in a number of countries around the world.

85. Regarding criterion (c) of part 3, he reported that the use of the substance in Chad was severely restricted to technicians specialized in bird control and that other parties had provided information indicating that the product was subject to general handling and applicator restrictions, including the use of personal protective equipment.

86. As to criterion (d) of part 3, relating to the "significance of reported effects in relation to the quantity of the formulation used", he said that the death of two operators was significant given that in the year of the incident approximately 105.5 litres of fenthion had been used over the course of 30 days at a dose of 1.9 litres per hectare.

87. Finally, there was no evidence that intentional misuse had been the basis for the proposal; thus, the criterion in paragraph (e) of part 3 had been met and, he said, all the criteria of Annex IV had been met.

88. Following his presentation, in response to a question from a member about the location and manner of fenthion application, Mr. Ramsay clarified that it apparently had been applied to the sites where birds roosted for the night in a manner consistent with the product instructions. Another member, who had been a member of the task group, confirmed that notwithstanding the existence of some doubt the group had concluded that the reported incident had resulted from the use of fenthion.

89. An observer objected to the conclusion of the task group, saying that there was not sufficient evidence of a link between the reported incident and the use of fenthion. In that context he said that the use of the product in Chad was specialized and well controlled; that the symptoms of poisoning would normally be acute and resolve upon treatment, while the victim in the case at hand had exhibited symptoms only after a delay; that there were no hospital records available to enable an assessment of the cause of death or to explain why the victim had been discharged from the hospital on the day of his admission; that the operator had a history of hypertension, that that pre-existing medical condition could have been the cause of death; and that symptoms of the kind reportedly suffered by the victim were not caused solely by fenthion. In conclusion, he called on the Committee to develop standards for examining causal links between claimed exposures and reported effects.

90. Another observer said that the proposal from Chad clearly met the criteria of Annex IV and, as fenthion was used widely in Africa to control quelea birds, was highly relevant to the other countries of the continent. A third observer noted that the proposal from Chad contained only one pesticide incident report form for one incident occurring in 2011, while the additional information provided by the party at the request of the Secretariat included mention of another incident or incidents in 2009. She suggested that more information from Chad, in particular regarding the 2009 incident or incidents, would be useful to the Committee before it decided whether to recommend fenthion for listing in Annex III.

91. In response a member of the task group said that the task group had already taken all the points raised by the observers into account in reaching its conclusion, and she proposed that those points be reflected in the present report.

92. The Committee established a contact group, co-chaired by Mr. Ramsay and Ms. Anja Bartels (Austria), to draft a rationale as to how the proposal from Chad met the criteria in Annex IV to the Convention, on the understanding that the co-chairs could if necessary convert the group to a drafting group limited to members of the Committee. The Committee also requested the Secretariat to prepare a draft decision on the listing of fenthion 640 UL in Annex III to the Convention.

93. Subsequently, Ms. Bartels presented a draft rationale prepared by the group for the conclusion that the proposal from Chad met the criteria of Annex IV. She noted in particular that, while Chad's proposal referred only to the ultra-low volume formulation of fenthion with a concentration of 640 grams of active ingredient per litre, it was recommended that all ultra low volume formulations with concentrations of active ingredient at *or above* 640 grams per litre should be listed in Annex III to the Convention. That, she said, would be consistent with the Committee's past practice.

94. In the ensuing discussion an observer read out paragraph 5 of Article 6 of the Convention, implying, without explicitly stating, that its reference to "the severely hazardous pesticide formulation in question" meant that only the precise formulation mentioned in the proposal by Chad should be listed in Annex III. Another observer, however, echoed by a member, expressed support for the proposed addition of "at or above", saying that it would avoid a situation in which a single formulation of the chemical was subject to the Convention while stronger and more dangerous formulations of it were not.

95. The Committee adopted decision CRC-9/4, by which it adopted the rationale for the conclusion that the proposal submitted by Chad met the criteria set out in part 3 of Annex IV to the Convention, recommended to the Conference of the Parties that it should list fenthion (ultra low volume (ULV) formulations at or above 640 grams of active ingredient per litre) in Annex III to the Convention and adopted a workplan for preparing a draft decision guidance document for the substance. The decision, to which the rationale is annexed, is set out in annex I to the present report; the composition of the intersessional task group established to prepare the draft decision guidance document is set out in annex II to the present report; and the workplan is set out in annex III to the present report.

VI. Report on activities for effective participation in the work of the Committee

96. The representative of the Secretariat reported on activities undertaken as part of the technical assistance programme for effective participation in the work of the Committee, as described in document UNEP/FAO/RC/CRC.9/10. She noted that that work had been undertaken in a manner calculated to promote, and benefit from, synergies with the Persistent Organic Pollutants Review Committee.

97. One area of activity had been the conduct of webinars, and she encouraged the members of the Chemical Review Committee to suggest webinar topics, for which the Secretariat would then organize schedules and presenters.

98. In terms of face-to-face training, the Secretariat had organized orientation workshops to help incoming Chemical Review Committee members become familiar with the Committee’s processes, working procedures and policy guidance prior to their first Committee meeting. One such workshop had been held just before the Committee’s eighth meeting, and another was planned for May or June 2014 to prepare incoming members to participate in intersessional work and the tenth meeting of the Committee, in October 2014.

99. In addition, the Secretariat was planning a workshop for francophone African countries in Dakar, from 19 to 21 November 2013, in cooperation with the regional centre in Senegal. She expressed appreciation to the European Union and the Government of Germany, which were providing funding for the activity.

100. In response to a question from a member, she said that a joint workshop had been held in Mexico in 2010 for the Latin American and Caribbean region. The Secretariat was in the process of evaluating the need for more such workshops around the world, and additional workshops for other regions were planned for coming years.

101. The Committee welcomed the Secretariat’s activities to support effective participation in the Committee’s work and requested the Secretariat to report to it at its tenth meeting on further activities

it had undertaken or was planning in accordance with the programme of work approved by the Conference of the Parties in decision RC-6/16.

VII. Coordination and collaboration with other scientific subsidiary bodies

102. In considering this item, the Committee had before it a note by the Secretariat on coordination and collaboration with other scientific subsidiary bodies (UNEP/FAO/RC/CRC.9/INF/9).

103. The representative of the Secretariat began by reporting on the outcome of the ninth meeting of the Persistent Organic Pollutants Review Committee of the Stockholm Convention, held the previous week. That Committee had adopted risk management evaluations for polychlorinated naphthalenes and hexachlorobutadiene and had decided to recommend that those chemicals be listed in Annexes A and C to the Stockholm Convention. It had also adopted a risk profile on pentachlorophenol and its salts and esters and decided to develop a risk management evaluation for those chemicals for consideration at its next meeting; consequently, the Secretariat would soon send a letter inviting parties and observers to submit Annex F information on the chemicals and, if the Committee adopted the risk management evaluation at its next meeting, the Conference of the Parties would discuss at its seventh meeting, in May 2015, whether to list them in the annexes to the Convention. The Committee had also considered new proposals to list decabromodiphenyl ether and dicofol in the annexes to the Convention. It had decided that decabromodiphenyl ether fulfilled the screening criteria of Annex D to the Convention and that a draft risk profile should be prepared; it had been unable, however, to reach agreement on whether dicofol met the screening criteria and had accordingly agreed to consider the proposal to list the chemical further at its next meeting. The Committee had also considered the process for the evaluation of perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride, the approach to the evaluation of chemicals in accordance with Annex E to the Convention and how to assess the possible impact of climate change on the work of the Committee, and it had agreed on draft guidance on those matters for consideration by the Conference of the Parties at its next meeting. With regard to chlorinated naphthalenes, the representative of the Secretariat drew attention to the fact that there had been substantial discussion regarding the naming of the chemical, and the broader issue of the naming of chemicals had subsequently been taken up at the joint meeting of the Persistent Organic Pollutants Review Committee and the Chemical Review Committee, held on 20 October 2013, as part of the exchange of scientific information between the two committees.

104. The representative of the Secretariat then reported on activities related to synergies between the Rotterdam and Stockholm conventions, recalling that the first simultaneous extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and the Stockholm conventions, in 2011, had resulted in a decision requesting the Secretariat to support harmonization and collaboration between the subsidiary bodies of the three conventions. The Secretariat had therefore undertaken certain technical assistance activities, including the organization of workshops and webinars to address issues common to the Persistent Organic Pollutants Review Committee and the Chemical Review Committee. The Secretariat had reported on those activities at the second simultaneous extraordinary meetings of the conferences of the Parties and had been asked at those meetings to continue and expand them. New activities proposed at the second simultaneous extraordinary meetings included the organization of a joint meeting of the chairs and bureaux of the subsidiary bodies to exchange information on agenda items and issues concerning the three conventions and to help them address such issues in a more coordinated manner. The Secretariat had also organized the joint meeting of the Persistent Organic Pollutants Review Committee and the Chemical Review Committee that had taken place on 20 October and the holding of the current meeting back to back with the ninth meeting of the Persistent Organic Pollutants Review Committee; the Secretariat would report on the experience with those meetings at the seventh meeting of the Conference of the Parties, which would decide whether similar meetings should take place in the future.

105. Noting that collaboration between the Persistent Organic Pollutants Review Committee and the Open-ended Working Group of the Basel Convention related principally to wastes containing persistent organic pollutants, she referred the members to the additional information found in document UNEP/POPS/POPRC.9/INF/17.

106. Following the Secretariat’s presentation, a member recommended that joint meetings of the Persistent Organic Pollutants Review Committee and the Chemical Review Committee be held every two years rather than every year.

107. The Committee took note of the information presented.

VIII. Dates and venue of the tenth meeting of the Committee

108. The Committee agreed to hold its tenth meeting at FAO headquarters in Rome from 20 to 24 October 2014, back to back with the tenth meeting of the Stockholm Convention's Persistent Organic Pollutants Review Committee. The Committee also decided 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.

IX. Other matters

A. Revision of working procedures

109. The Committee had before it document UNEP/FAO/RC/CRC.9/INF/6, containing a compilation of the Committee's working procedures and policy guidance. In introducing the item, the representative of the Secretariat drew attention to timelines in the procedure for dealing with notifications of final regulatory action, suggesting that they would need to be modified to reflect the change in the scheduling of the Committee's meetings from March to October each year.

110. The Committee agreed that the Secretariat should amend the timelines in the procedure for dealing with notifications of final regulatory action to reflect the change in the scheduling of the Committee's meetings from March to October.

111. During the discussion under the sub-item one member noted that a chemical that had been recommended for listing by the Chemical Review Committee had shortly thereafter been recommended as an alternative to a chemical being considered for listing in the Stockholm Convention by the Persistent Organic Pollutants Review Committee. To avoid such undesirable outcomes, she suggested, the decisions of each committee should be made available to the other committee immediately upon adoption rather than waiting for their publication in the reports of the committees' meetings. The Secretariat confirmed that that could be done.

112. Also during the discussion under the sub-item, a member noted that notifications of final regulatory action submitted to the Secretariat for a given chemical were not circulated to the parties or made available to the Committee until at least one such notification had been submitted by at least one party from each of two different Prior Informed Consent (PIC) regions. While summaries of notifications received by the Secretariat were published in the PIC circular at the earliest opportunity, they did not provide much detail. She therefore asked if the summaries in the PIC circular could be expanded to provide the parties with more detailed information from the notifications for the purpose of information exchange. The Secretariat confirmed that that too could be done.

113. Finally under the sub-item, the representatives of several observers, including both non-governmental organizations and Governments, expressed satisfaction at the changes in the Committee's practices that had allowed for greater participation by observers in the Committee's work and dynamic interaction with Committee members, in particular in the context of contact group discussions. In response, the Chair stated her belief that the members of the Committee were also pleased by the enhanced participation of observers, which provided much valuable information that facilitated the Committee's work, and said that she expected the practice to continue in the future.

B. Publication of policies and procedures as an e-handbook

114. At the suggestion of the Secretariat, the Committee agreed that the Secretariat should compile the current version of the Committee's working procedures and policy guidance in the form of an e-handbook for possible publication on the Convention website. The aim of the exercise was to improve the readability and accessibility of the procedures and guidance. It was agreed that the Secretariat would prepare a draft of the e-handbook for consideration by the Committee at its tenth meeting.

C. Questionnaire regarding the joint meeting of the Chemical Review Committee and the Persistent Organic Pollutants Review Committee

115. At the suggestion of the Chair, the Committee requested the Secretariat to circulate a questionnaire to the members and observers of the Chemical Review Committee and the Persistent Organic Pollutants Review Committee who had attended the ninth meeting of the Persistent Organic Pollutants Review Committee, the ninth meeting of the Chemical Review Committee or the joint meeting of the two bodies. The aim of the questionnaire would be to gather, in accordance with decision RC-6/3 and decision SC-6/14, information on experience in the organization of and benefits

gained from the back-to-back and joint meetings of the Committee and the Persistent Organic Pollutants Review Committee.

X. Adoption of the report

116. 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.

XI. Closure of the meeting

117. Following the customary exchange of courtesies, the Chair declared the meeting closed at 3 p.m. on Thursday, 24 October 2013.

Annex I

Decisions adopted by the Chemical Review Committee at its ninth meeting

CRC-9/1: Trichlorfon

CRC-9/2: Lead arsenate

CRC-9/3: Methamidophos

CRC-9/4: Fenthion (ultra low volume (ULV) formulations at or above 640 g active ingredient/L)

CRC-9/1: Trichlorfon

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 CRC-8/3, adopted at its eighth meeting in accordance with paragraph 6 of Article 5 of the Convention, in which it recommended to the Conference of the Parties that it should list trichlorfon (CAS No. 52-68-6) in Annex III to the Convention as a pesticide,

Adopts the draft decision guidance document for trichlorfon[1] and decides to forward it, together with the related tabular summary of comments,[2] to the Conference of the Parties for its consideration.

CRC-9/2: Lead arsenate

The Chemical Review Committee,

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

Having reviewed the notifications of final regulatory action for lead arsenate (CAS No. 7784-40-9) submitted by Japan and Peru,[3]

1. *Concludes* that the notification of final regulatory action for lead arsenate submitted by Peru meets the criteria set out in Annex II to the Convention;

2. *Adopts* the rationale for the Committee's conclusion on the notification for lead arsenate submitted by Peru set out in the annex to the present decision;

3. *Notes* that as only one notification meets the criteria set out in Annex II to the Convention it will take no further action at the current time.

Annex to decision CRC-9/2

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

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

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

[1] UNEP/FAO/RC/CRC.9/3/Rev.1.

[2] UNEP/FAO/RC/CRC.9/INF/5/Rev.1.

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

I. Peru

(a) Scope of the notified regulatory action

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

(b) Annex II paragraph (a) criterion

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

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

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

(c) Annex II paragraph (b) criteria

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

(i) Data have been generated according to scientifically recognized methods;

(ii) Data reviews have been performed and documented according to generally recognized scientific principles and procedures;

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

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

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

(d) Annex II paragraph (c) criteria

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

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

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

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

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

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

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

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

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

(e) Annex II paragraph (d) criterion

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

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

(f) Conclusion

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

CRC-9/3: Methamidophos

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,

1. *Concludes* that the notifications of final regulatory action for methamidophos submitted by Brazil and the European Union[4] meet the criteria set out in Annex II to the Rotterdam Convention;

2. *Adopts* the rationale for the Committee's conclusions set out in the annex to the present decision.

3. *Recommends*, in accordance with paragraph 6 of Article 5 of the Convention, that the Conference of the Parties should list methamidophos in Annex III to the Convention as a pesticide;

4. *Decides*, in accordance with paragraph 1 of Article 7 of the Convention, to prepare a draft decision guidance document for methamidophos;

5. *Decides*, in accordance with the process for drafting decision guidance documents set out in decision RC-2/2, that the composition of the intersessional drafting group to prepare the draft decision guidance document for methamidophos and the workplan of that group shall be as set out in annexes II and III to the report of the Committee's ninth meeting, respectively.

[4] UNEP/FAO/RC/CRC.9/8, UNEP/FAO/RC/CRC.9/8/Add.1, UNEP/FAO/RC/CRC.9/8/Add.2.

Annex to decision CRC-9/3

Rationale for the conclusion by the Chemical Review Committee that the notifications of final regulatory action submitted by Brazil and the European Union in respect of methamidophos meet the criteria of Annex II to the Rotterdam Convention

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

2. The notifications and supporting documentation were made available to the Committee for its consideration in documents UNEP/FAO/RC/CRC.9/8 and Add.1 and 2. Information on ongoing international trade was provided by CropLife International in 2013 and made available in document UNEP/FAO/RC/CRC.9/INF/8.

I. Brazil

(a) Scope of the notified regulatory action

3. The final regulatory action was to ban the use of methamidophos as an insecticide and/or acaricide, including its sale, import and export. This action (Resolution-RDC No. 1 of 14 January 2011: technical rule for the active ingredient methamidophos) was based on the results of a toxicological re-evaluation and resulted in a ban of all uses of methamidophos as a pesticide. The results of that re-evaluation are outlined in a technical note on the toxicological re-evaluation of methamidophos prepared by the National Health Surveillance Agency (ANVISA). The decision entered into force on 17 January 2011.

(b) Annex II paragraph (a) criterion

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

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

5. Resolution No. 1 of 14 January 2011 considered the pesticide methamidophos to be extremely acutely toxic, neurotoxic and immunotoxic and to cause endocrine toxicity, reproductive toxicity and developmental toxicity.

6. The analysis carried out by ANVISA found residues of methamidophos in various foods for which the use of methamidophos was not allowed (fresh tomatoes, strawberries and lettuce) or restricted. This was considered a public health problem because those foods are usually eaten raw in Brazil. In addition, several studies showed that poisonings and deaths were linked to occupational exposure to methamidophos in Brazil.

(c) Annex II paragraph (b) criteria

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

(i) Data have been generated according to scientifically recognized methods;

(ii) Data reviews have been performed and documented according to generally recognized scientific principles and procedures;

7. A detailed review conducted on behalf of the government of Brazil concluded that methamidophos was neurotoxic and immunotoxic and caused endocrine toxicity, reproductive toxicity and developmental toxicity. The technical note on the re-evaluation of methamidophos provided an assessment of the potential exposure and hazard in accordance with internationally recognized data and methodologies, including data and methodologies of the World Health Organization, the Food and

Agriculture Organization of the United Nations, the Organization for Economic Cooperation and Development, the United States Environmental Protection Agency and the European Union. There is an extensive list of references cited in the technical note on the re-evaluation of methamidophos from a wide range of sources including well-known international journals such as Toxicology Letters, the International Journal of Environmental Research, Perspectives in Public Health and Environmental Health Perspectives.

8. Thus, the Committee established that the data reviewed for the risk evaluation were generated according to scientifically recognized methods and 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;

9. The use of pesticides in Brazil has been reported to have serious consequences for the health of agricultural workers and consumers of crops treated with those products. In most cases, the effects are conditioned by factors such as the high toxicity of the pesticide and the improper use and non-use of personal and collective protective equipment. The socioeconomic and cultural conditions of the majority of the field workers increase their vulnerability to toxic pesticides.

10. The analysis carried out by ANVISA found residues of methamidophos in various foods for which the use of methamidophos was not allowed (fresh tomatoes, strawberries and lettuce) or restricted. That was considered a public health problem, because those foods are usually eaten raw in Brazil. Residues of methamidophos were detected above the legal maximum concentration limits.

11. Several Brazilian researchers identified methamidophos as one of the most widely used pesticides in Brazil, resulting in the contamination of crops and drinking water. Methamidophos has been detected in drinking water at concentrations above legal limits.

12. Poisonings and deaths linked to occupational exposure to methamidophos have been reported in several studies of direct or indirect poisonings in Brazil.

13. The risk evaluation took into account national studies, including studies on exposure under the prevailing conditions in Brazil, and the toxicological endpoints for methamidophos. Therefore the Committee concluded that this criterion was met.

(d) Annex II paragraph (c) criteria

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

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

14. The final regulatory action prohibits all uses of methamidophos as a pesticide, including production, trade and import. It also prohibits registration of all technical products and pesticide formulations based on methamidophos as the active ingredient. It will therefore lead to a significant decrease in the quantity of methamidophos used, as indicated by the data on imports and production provided by Brazil.

(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;

15. Since the regulatory action will significantly reduce human exposure to methamidophos, it is expected that it will also lead to a significant reduction of risk to human health.

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

16. Similar health issues are likely to be found in other countries where methamidophos is used, especially in developing countries. Therefore, the considerations that led to the final regulatory action are not limited to Brazil.

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

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

(e) Annex II paragraph (d) criterion

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

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

(f) Conclusion

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

II. European Union

(a) Scope of the notified regulatory action

20. The final regulatory action to severely restrict the use of methamidophos was taken for the category "pesticide" to protect human health and the environment.

21. Commission Directive 2006/131/EC of 11 December 2006, amending Council Directive 91/414/EEC, severely restricted the placing on the market and use of plant protection products containing methamidophos.

22. The restrictions imposed by Commission Directive 2006/131/EC limited the application of methamidophos to only one specific crop (potatoes) and defined a maximum application rate and a restricted number of applications. They also prohibited specific uses and limited the period of inclusion of methamidophos in Annex I to Directive 91/414/EEC to 18 months after entry into force of Directive 2006/131/EC on 1 January 2007.

23. As of 1 July 2008, methamidophos is not included in the list of authorized substances in Annex I. Hence, methamidophos is no longer allowed to be used as an active ingredient in plant protection products in the European Union.

(b) Annex II paragraph (a) criterion

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

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

25. Risks to operators during mixing, loading and application were identified. High risks were indicated for chronic and acute dietary intake, especially for toddlers. The highest contributions to chronic risk came from consumption of plums and tomatoes and acute risk (Acute Reference Dose, ARfD) was high for all crops except broccoli, cauliflower, cabbage and potatoes.

26. The environmental risk assessment revealed that the toxicity exposure ratios for a range of scenarios for terrestrial vertebrates indicated high acute and long-term risks for birds and high acute, short-term and long-term risks for mammals. Furthermore, high acute and long-term risks for aquatic organisms as well as high risk to beneficial arthropods were identified.

(c) Annex II paragraph (b) criteria

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

(i) Data have been generated according to scientifically recognized methods;

(ii) Data reviews have been performed and documented according to generally recognized scientific principles and procedures;

27. Data on hazards and exposure used for the risk evaluation of methamidophos 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. The required data included 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 were reviewed by the rapporteur member State (RMS) and summarized in a draft assessment

report (DAR). In addition, the Scientific Panel on Plant Health, Plant Protection Products and their Residues of the European Food Safety Authority (EFSA) addressed specific questions. Moreover, based on a monograph and the opinions of EFSA, the European Commission established a draft review report that was submitted for peer review by the Standing Committee on the Food Chain and Animal Health (SCFCAH).

28. Thus, the Committee established that the data underlying the risk evaluation 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;

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

30. Risks to operators during mixing, loading and application were identified. Suitable protective clothing and application equipment was mandatory and authorization holders had to report effects on operator health. High risks were indicated for chronic and acute dietary intake, especially for toddlers (consumption values were taken from the United Kingdom diet). The highest contributions to chronic risk came from consumption of plums and tomatoes and acute risk was high for all crops except broccoli, cauliflower, cabbage and potatoes.

31. Methamidophos is a cholinesterase inhibitor and is characterized by high acute toxicity. It is classified “T+ - Very toxic” (Directive 67/548/EEC) and “Acute Tox. 2” (Regulation (EC) 1272/2008, implementing the Globally Harmonized System of Classification and Labelling of Chemicals).

32. The environmental risk assessment revealed that the toxicity exposure ratios for a range of scenarios for terrestrial vertebrates indicated high acute and long-term risks for birds and high acute, short-term and long-term risks for mammals. A refined risk assessment was conducted as to the consumption of methamidophos in the field by yellow wagtails and wood mice. It appeared possible that feeding might be rapid enough for mortality to occur under field conditions. Furthermore, high acute and long-term risks for aquatic organisms as well as a high risk to beneficial arthropods were identified.

33. Based on the risks to human health and the environment that were identified during the review of 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

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

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

34. The regulatory action limited the use of methamidophos to one single crop (potatoes) that was in principle allowed in the European Union and specified a maximum application rate and number of applications of the active substance. All other uses i.e., for other crops or at higher rates of the active substance, were prohibited. The final regulatory action severely restricted the use of methamidophos. The restriction is expected to lead to a significant reduction in the quantity of methamidophos used.

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

35. Since the final regulatory action is expected to lead to a significant decrease in the quantity of methamidophos used, the risks for human health and the environment associated with its use are 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;

36. Health and environmental problems similar to those identified by the European Union are likely to be encountered in other countries where methamidophos is used.

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

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

(e) Annex II paragraph (d) criterion

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

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

(f) Conclusion

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

III. Conclusion

40. The Committee concluded that the notifications of final regulatory action by Brazil and the European Union met the criteria set out in Annex II to the Convention. The Committee also concluded that the final regulatory actions taken by Brazil and the European Union provided a sufficient basis to merit including methamidophos 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.

CRC-9/4: Fenthion (ultra low volume (ULV) formulations at or above 640 g active ingredient/L)

The Chemical Review Committee,

Recalling Article 6 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,

1. *Concludes* that the proposal for listing fenthion 640 ULV (CAS No. 55-38-9) as a severely hazardous pesticide formulation in Annex III[5] submitted by Chad meets the criteria set out in part 3 of Annex IV to the Convention;

2. A*dopts* the rationale for the Committee's conclusion set out in the annex to the present decision;

3. *Recommends*, in accordance with paragraph 5 of Article 6 of the Convention, that the Conference of the Parties should list fenthion (ultra low volume (ULV) formulations at or above 640 g active ingredient/L) (CAS No. 55-38-9) in Annex III to the Convention as a severely hazardous pesticide formulation;

4. *Decides*, in accordance with paragraph 1 of Article 7 of the Convention, to prepare a draft decision guidance document for fenthion (ultra low volume (ULV) formulations at or above 640 g active ingredient/L);

5. *Decides*, in accordance with the process for drafting decision guidance documents set out in decision RC-2/2, that the composition of the intersessional drafting group to prepare the draft decision guidance document for fenthion (ultra low volume (ULV) formulations at or above 640 g active ingredient/L) and the workplan of that group shall be as set out in annexes II and III to the report of the Committee's ninth meeting, respectively.

Annex to decision CRC-9/4

Rationale for the conclusion by the Chemical Review Committee that the proposal submitted by Chad for listing fenthion 640 ULV in Annex III to the Rotterdam Convention as a severely hazardous pesticide formulation meets the criteria of part 3 of Annex IV to the Convention

[5] UNEP/FAO/RC/CRC.9/4, UNEP/FAO/RC/CRC.9/4/Add.1, UNEP/FAO/RC/CRC.9/4/Add.2.

(a) Scope of the proposal

1. The proposal submitted by Chad referred to the formulation Fenthion 640 ULV (concentration of 640 g/L fenthion). This is an ultra low volume (ULV) formulation.

2. The proposal and supporting documentation were made available to the Chemical Review Committee for its consideration in documents UNEP/FAO/RC/CRC.9/4 and Add. 1 and 2.

3. Fenthion 640 ULV was used as an avicide against granivorous birds (Quelea quelea) in the context of bird control to reduce damage to grain crops. The product was used with a motorized backpack sprayer at a dose of 1.8 to 3 L/ha in 2009, 2011 and 2012.

4. The formulation is registered; the permitted uses are for avian control. Use is only permitted to be carried out by the Directorate of Plant Protection and Conditioning (DPVC).

5. After a first intervention in 2009 by governmental order, which was carried out by seven teams, the Ministry of Agriculture and Irrigation through the Directorate of Plant Protection and Conditioning (DPVC) organized in 2011 and 2012 a mission composed of four teams, three of which were charged with survey and control and the fourth with supplies and monitoring.

6. One incident is reported in detail. In the course of the avian control mission a 60 year old technician who had a long history of hypertension (the technician had hypertension but did not signal it to the DPVC when he departed on the control campaign) was intoxicated in a nest situated 200 km from N'Djamena (Bokoro) on 17 June 2011. The technician took part in both the filling of the sprayer and application of the pesticide. He was wearing protective clothing during the whole operation, including a hat, glasses, mask, a cotton overall, gloves and boots covered by trousers. The effects were observed one hour after application. The intoxicated person showed the following symptoms: vomiting, abundant salivation and titubation. He was immediately brought to Bokoro hospital, then moved to the emergency department of N'Djamena hospital, where he received further care. On the advice of the doctor, he was discharged the same day for home care. Unfortunately, despite the care at home, he relapsed on the fourth day and passed away.

7. In document UNEP/FAO/RC/CRC.9/4/Add.1 a second case of lethal intoxication of an operator following handling/land treatment with Fenthion 640 ULV is mentioned as occurring in 2009. In addition, one operator had gone into a coma for one week under the same circumstances. However, these cases were not included in the pesticide incident report form that was included in the proposal.

8. The documentation required according to part 1 of Annex IV to the Convention was submitted by Chad in its proposal and published in PIC Circular XXXVI, of December 2012.

9. The information collected by the Secretariat according to part 2 of Annex IV to the Convention was submitted by Parties and observers and was made available to the Committee in document UNEP/FAO/RC/CRC.9/4/Add.2.

(b) Annex IV, part 3, paragraph (a) criterion

In reviewing the proposals forwarded by the Secretariat pursuant to paragraph 5 of Article 6, the Chemical Review Committee shall take into account:

(a) The reliability of the evidence indicating that use of the formulation, in accordance with common or recognized practices within the proposing Party, resulted in the reported incidents;

10. In Chad, Fenthion 640 ULV is reported to have been used in the field near grain crops and it was applied by means of motorized backpack sprayers against bird roosts at rates of 1.8 to 3 L/ha. The product label gives, among other information, an indication of high toxicity by inhalation and prolonged ingestion.

11. The use of Fenthion 640 ULV was by governmental order of the Ministry of Agriculture and Irrigation through the Directorate of Plant Protection and Conditioning (DPVC), which had organized bird control teams in 2009, 2011 and 2012.

12. An incident was reported of lethal intoxication of a 60 year old technician who had been involved in mixing and loading and had sprayed the product onto bird nests during the night by the use of a backpack sprayer. He was wearing protective clothing during the whole operation: a protective kit comprising a hat, glasses, mask, a cotton overall, gloves and boots covered by trousers.

13. Although there was uncertainty regarding the causal link between the death of the operator and the use of Fenthion 640 ULV taking into account his precondition of hypertension, the operator’s symptoms can be clearly linked to intoxication resulting from that use. Further it is noted that the adverse effects from organophosphates poisoning generally can be acute, intermediate or delayed.

14. The Committee concluded that the evidence indicating that the use of Fenthion 640 ULV in accordance with common and recognized practices within Chad resulted in the reported incident was reliable.

15. The Committee concluded that this criterion was met.

(c) Annex IV, part 3, paragraph (b) criterion

(b) The relevance of such incidents to other States with similar climate, conditions and patterns of use of the formulation;

16. Documentation was available to the Committee (UNEP/FAO/RC/CRC.9/4/Add.2) indicating that the above listed conditions for Chad are similar to the conditions prevailing in other African States. It is reported from Gambia that in the 1980s the product was used for bird control (UNEP/FAO/RC/CRC.9/4/Add.2). The product is used for control of granivorous birds in Niger and has been used for that purpose for more than 20 years in Mauritania (UNEP/FAO/RC/CRC.9/4/Add.2). In a master's thesis from Mauritania, cases of poisoning caused by avicide treatments of fenthion are reported (UNEP/FAO/RC/CRC.9/4/Add.2).

17. Various formulations of fenthion are in use as an insecticide in several countries (e.g., Australia, Madagascar, Morocco and New Zealand).

18. A case of poisoning with a different fenthion formulation is reported from Norway in the context of a suicide attempt (UNEP/FAO/RC/CRC.9/4/Add.2). Poisoning incidents from the use of fenthion in mosquito control are reported by the Food and Agriculture Organization of the United Nations (UNEP/FAO/RC/CRC.9/4/Add.2).

19. Taking into account the information available, the Committee concluded that the criterion was met.

(d) Annex IV, part 3, paragraph (c) criterion

(c) The existence of handling or applicator restrictions involving technology or techniques that may not be reasonably or widely applied in States lacking the necessary infrastructure;

20. In Chad, the application of Fenthion 640 ULV is restricted to technicians specialized in bird control (Plant Protection Service teams equipped with motorized backpack sprayers or aerial application by specialized companies).

21. Information on general handling or applicator restrictions for the use of products containing fenthion have been provided by several parties, namely, the European Union, Australia and Norway. The information provided by parties shows that personal protective equipment is required in order to protect operators from adverse effects when applying plant protection products containing fenthion.

22. Taking into account the information available, the Committee concluded that the criterion was met.

(e) Annex IV, part 3, paragraph (d) criterion

(d) The significance of reported effects in relation to the quantity of the formulation used;

23. In Chad, Fenthion 640 ULV is reported to have been used in the field near grain crops. It was applied to bird roosts in 2009, 2011 and 2012 by means of motorized backpack sprayers. The following quantities were used: in 2009 112 litres was used to treat 45 dormitories (59 ha) for ten days for one hour per day by six land teams at a dose of 1.8 L/ha; in 2011 105.5 litres was used to treat 16 dormitories (54.7 ha) for 30 days for one hour per day by six land teams at a dose of 1.9 L/ha; in 2012 275 litres was used to treat 25 dormitories (53 ha) for 30 days for one hour per day by 3 land teams at a dose of 3 L/ha.

24. In 2011, the mission lasted 45 days for the teams in charge of survey and control and 15 days for the team in charge of supply and monitoring, from 6 June to 21 July 2011.

25. The information from Chad demonstrates that fenthion 640 ULV was used at a commonly used dose and on a small area only. However, the observed effects were quite important since serious health problems were reported.

26. Taking into account the information available, the Committee concluded that this criterion was met.

(f) Annex IV, part 3, paragraph (e) criterion

(e) That intentional misuse is not in itself an adequate reason to list a formulation in Annex III.

27. Intentional misuse was not reported as a reason for the proposal.

28. Taking into account the information available, the Committee concluded that this criterion was met.

(g) Conclusion

29. The Committee concluded at its ninth session that the proposal from Chad to list Fenthion 640 ULV (640 g/L fenthion) in Annex III to the Convention as a severely hazardous pesticide formulation met the documentation requirements of Annex IV part 1 and the criteria set out in part 3 of Annex IV to the Convention, considering the information collected by the Secretariat according to part 2 of Annex IV.

30. The Committee therefore recommends that fenthion (ultra low volume (ULV) formulations at or above 640 g active ingredient/L) (CAS No. 55-38-9) be included in Annex III to the Rotterdam Convention as a severely hazardous pesticide formulation.

Annex II

Composition of intersessional drafting groups (2013–2014) [6]

Drafting group on methamidophos

Chair: Mr. Gilberto Fillmann (Brazil)

Co-Chair: Mr. Jürgen Helbig (Spain)

Members: Ms. Anja Bartels (Austria)
Ms. Anahit Aleksandryan (Armenia)*
Ms. Jacqueline Arroyo (Ecuador)*
Ms. Miriam Seng (Germany)
Mr. Peter Opiyo (Kenya)*
Mr. Arturo Gavilán (Mexico)
Ms. Leonarda van Leeuwen (Netherlands)
Ms. Susan Collier (New Zealand)*
Mr. Muhammad Bashir Khan (Pakistan)*
Ms. Vilma Morales Quillama (Peru)*
Mr. Mohamad Saleh I.T.Makki (Saudi Arabia)
Mr. Azhari Omer Abdelbagi (Sudan)*
Mr. Abdullah M. Shamlan (Yemen)*
Mr. Boniface Mbewe (Zambia)

Drafting group on fenthion (ultra low volume (ULV) formulations at or above 640 g active ingredient/L)

Chair: Ms. Anja Bartels (Austria)

Co-Chair: Ms. Parvoleta Luleva (Bulgaria)

Members: Mr. Victor N'Goka (Congo)
Mr. Droh Lanciné Goné (Côte d'Ivoire)*
Ms. Jacqueline Arroyo (Ecuador)*
Ms. Miriam Seng (Germany)
Mr. Ram Niwas Jindal (India)
Mr. Mehdi Ghaemian (Islamic Republic of Iran)*
Mr. Michael Ramsay (Jamaica)*
Mr. Peter Opiyo (Kenya)*
Ms. Amal Al-Rashdan (Kuwait)
Mr. Gaussono Kanouté (Mali)
Mr. Sidi Ould Aloueimine (Mauritania)*
Mr. Arturo Gavilán (Mexico)
Ms. Leonarda van Leeuwen (Netherlands)
Ms. Magadalena Frydrych (Poland)
Mr. Jung-Kwan Seo (Republic of Korea)
Mr. Jürgen Helbig (Spain)
Mr. Azhari Abdelbagi (Sudan)*
Ms. Sarah Maillefer (Switzerland)

[6] Committee members whose names are marked with an asterisk will end their terms on 30 April 2014.

Annex III

Workplan for the preparation of draft decision guidance documents

Tasks to be carried out	Responsible persons	Deadlines
Draft an internal proposal based on the information available to the Committee	Chair Co-Chair	15 December 2013
Send draft internal proposal to drafting group members for comments via e-mail	Chair Co-Chair	15 December 2013
Replies	Drafting group members	20 January 2014
Update internal proposal based on comments from drafting group members	Chair Co-Chair	20 February 2014
Send updated internal proposal to Committee members and observers for comments via e-mail	Chair Co-Chair	20 February 2014
Replies	Committee members and observers	31 March 2014
Draft a decision guidance document based on the comments from Committee members and observers	Chair Co-Chair	28 April 2014
Send draft decision guidance document to drafting group members for comments via e-mail	Chair Co-Chair	28 April 2014
Replies	Drafting group members	9 May 2014
Finalize draft decision guidance document based on the comments of the drafting group	Chair Co-Chair	30 May 2014
Send draft decision guidance document to Secretariat	Chair Co-Chair	30 May 2014
Present draft decision guidance document to the Committee at its tenth meeting		October 2014