



**United Nations
Environment Programme**

**Food and Agriculture Organization
of the United Nations**

Distr.
GENERAL

UNEP/FAO/PIC/INC.10/6
15 July 2003

ORIGINAL: ENGLISH

INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN
INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR
THE APPLICATION OF THE PRIOR INFORMED CONSENT
PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND
PESTICIDES IN INTERNATIONAL TRADE

Tenth session

Geneva, 17 – 21 November 2003

Item 4 (c) of the provisional agenda*

Implementation of the interim prior informed consent procedure

**PRESENTATION OF THE REPORT OF THE INTERIM CHEMICAL REVIEW COMMITTEE
ON THE WORK OF ITS FOURTH SESSION**

Note by the secretariat

The fourth session of the Interim Chemical Review Committee was held in Rome from 3 to 7 March 2003. The secretariat has the honour to submit to the Intergovernmental Negotiating Committee, in annex to the present note, the report of that session.

* UNEP/FAO/PIC/INC.10/1.

K0362212 060803



**United Nations
Environment Programme**

**Food and Agriculture Organization
Of the United Nations**

Distr.
GENERAL

UNEP/FAO/PIC/ICRC.4/18
7 MARCH 2003

ENGLISH ONLY

INTERIM CHEMICAL REVIEW COMMITTEE
Fourth session
Rome, 3-7 March 2003

REPORT OF THE INTERIM CHEMICAL REVIEW COMMITTEE
ON THE WORK OF ITS FOURTH SESSION

Introduction

1. The Interim Chemical Review Committee, hereinafter referred to as the Committee, was established pursuant to decision INC-6/2 of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, adopted at its sixth session in July 1999, with a membership of 29 Government-designated experts appointed on the basis of the interim prior informed consent (PIC) regions.
2. In accordance with paragraph 7 of that decision and pursuant to the provisions of articles 5, 6 and 7 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the functions and responsibilities of the Committee were to make recommendations on the inclusion of banned and severely restricted chemicals, make recommendations for the inclusion of severely hazardous pesticide formulations and prepare, as appropriate, relevant draft decision guidance documents.
3. The first session of the Committee was held at the Palais des Nations in Geneva from 21 to 25 February 2000, the second session was held at the headquarters of the Food and Agriculture Organization of the United Nations (FAO) in Rome from 19 to 23 March 2001 and the third session was held at the Varembé Conference Centre in Geneva from 17 to 21 February 2002.

I. OPENING OF THE MEETING

4. The fourth session of the Committee was held at the headquarters of FAO in Rome from 3 to 7 March 2003. The session was opened at 10 a.m. on Monday, 3 March 2003 by Mr. Reiner Arndt (Germany), Chair of the Committee, who welcomed all participants.
5. Opening statements were made by Mr. James Willis, Executive Secretary of the Interim Secretariat and Director, UNEP Chemicals, and Mr. Niek Van der Graaff, Executive Secretary of the Interim Secretariat and Chief, Plant Protection Service (FAO).

6. Mr. Willis, speaking on behalf of Mr. Klaus Töpfer, Executive Director of UNEP, welcomed participants and expressed thanks to FAO for hosting the fourth session of the Committee. Stressing the importance of the work of the Committee, he noted that its work this week would be to prepare recommendations to the Intergovernmental Negotiating Committee on asbestos, DNOC and Granox TBC/Spinox T and have completed the draft decision guidance documents thereon. Work had also been undertaken on new candidate chemicals for inclusion in the interim PIC procedure, and the week's agenda included the review of the notifications of final regulatory actions to ban or severely restrict parathion; tetraethyl lead; tetramethyl lead; and tributyltin.

7. As at end of February 2003, 40 countries had ratified the Convention and it was expected that it would enter into force during the year. He urged members to examine the status of the ratification process in their countries and to ensure that they would have a role at the first meeting of the Conference of the Parties. He introduced Ms Sheila Logan, who had recently joined the Secretariat. In conclusion, he wished the Committee success in its deliberations.

8. Mr. Van der Graaff welcomed the participants, on behalf of Mr. Jacques Diouf, Director-General of FAO, to the fourth session of the Interim Chemical Review Committee, particularly those members that were attending for the first time. The work of the Committee, through its support to the Intergovernmental Negotiating Committee, contributed to a reduction in environmental and health risks by restricting access to hazardous pesticides and chemicals. There were clear indications that the work had met with success. Although the rate at which notifications of regulatory actions on banned and severely restricted chemicals were being submitted to the Secretariat was still of concern, progress had been made, and notifications for two pesticides parathion and tributyltin compounds, as well as two industrial chemicals, tetraethyl and tetramethyl lead, would be reviewed at the current meeting.

9. Also at the current meeting, the Committee would consider the draft decision guidance documents for the industrial chemical asbestos, the pesticide DNOC and a severely hazardous pesticide formulation. The intersessional work on those chemicals had provided further experience of the process put in place to develop decision guidance documents and to refine the working papers on the development of decision guidance documents initiated at the last meeting of the Committee. The experience reflected in those documents would facilitate the work of any drafting groups established as a result of the current meeting.

10. Two issues were referred to the Committee by the ninth session of the Intergovernmental Negotiating Committee: the consistency of the listing of chemicals included in the interim PIC procedure, and the guidance to countries on the type of information that should be provided by a notifying country using a risk evaluation from another country in support of their final regulatory action. The Committee was also to review a provisional version of a form for reporting on environmental incidents related to the use of pesticides. Given the increasing environmental concerns regarding the use of hazardous pesticide formulations in developing countries, he encouraged the Committee to continue to make progress in this important area.

11. He pointed to the important contribution of non-governmental organizations to the work of the Committee and the interim PIC procedure, and expressed hope for their continued commitment and cooperation, which were essential to its further development and successful implementation.

II. ORGANIZATIONAL MATTERS

12. The following officers served on the Bureau of the Committee:

Chair:	Mr. Reiner Arndt	(Germany)
Vice-Chairs:	Mr. Tamás Kömives	(Hungary)

Ms. Fatoumata Jallow Ndoeye	(Gambia)
Ms. Kyunghee Choi	(Korea, Republic of)

Rapporteur:	Ms. Flor de María Perla de Alfaro	(El Salvador)
-------------	-----------------------------------	---------------

13. The Chair drew attention to decision INC-9/3 and to the information document UNEP/FAO/PIC/ICRC.4/INF/1, concerning the confirmation of the experts designated for the Interim Chemical Review Committee.

14. The Committee welcomed the formal confirmation by the Intergovernmental Negotiating Committee of the expert nominated by Canada to serve on the Committee. The Committee also welcomed the new experts nominated by Canada and the Philippines, who served on the Committee pending formal confirmation by the Intergovernmental Negotiating Committee.

15. The session was attended by the following 27 experts: Mr. Mahmood Hasan Khan (Bangladesh), Ms. Beverley P. Wood (Barbados), Mr. Lars Juergensen (Canada), Mr. Julio Monreal (Chile), Mr. Jean Moali (Congo, Republic of), Ms. Mercedes Bolaños Granda (Ecuador), Mr. Mohamed El Zarka (Egypt), Ms. Flor de María Perla de Alfaro (El Salvador), Mr. Ammanuel Malifu Negewo (Ethiopia), Mr. Marc Debois (Finland), Ms. Fatoumata Jallow Ndoeye (Gambia), Mr. Reiner Arndt (Germany), Mr. Tamás Kömives (Hungary), Ms. Kyunghee Choi (Korea, Republic of), Mr. Halimi B. Mahmud (Malaysia), Mr. Ravinandan Sibartie (Mauritius), Mr. Mohamed Ammati (Morocco), Mr. Karel A. Gijssbertsen (Netherlands), Ms. Aida de Vera Ordas (Philippines), Mr. Hassan Al Obaidly (Qatar), Mr. Boris Kurlyandskiy (Russian Federation), Mr. Siao Si Matalavea (Samoa), Mr. Jan Ferdinand Goede (South Africa), Mr. Azhari Omer Abdelbagi (Sudan), Mr. Pietro Fontana (Switzerland), Ms. Nuansri Tayaputch (Thailand) and Ms. Cathleen Barnes (United States of America).

16. Observers from the following countries and regional economic integration organizations were also present: Argentina, Australia, Brazil, Canada, China, Croatia, Eritrea, European Commission, Germany, Indonesia, Iran (Islamic Republic of), Italy, Mexico, Myanmar, Netherlands, Nigeria, Oman, Poland, Qatar, Romania, Switzerland, Thailand, Ukraine, and United States of America.

17. Representatives of the following intergovernmental organizations and United Nations specialized agencies were also present: World Health Organization.

18. The following non-governmental organizations were also represented: Crop Life International, Pesticide Action Network (PAN) United Kingdom of Great Britain and Northern Ireland.

A. Adoption of the agenda

19. At its opening meeting, the Committee adopted the following agenda on the basis of the provisional agenda (UNEP/FAO/PIC/ICRC.4/1):

1. Opening of the session.
2. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organization of work.
3. Review of the outcome of the ninth session of the Intergovernmental Negotiating Committee.

4. Operational procedures for the Interim Chemical Review Committee:
 - (a) Status of the work of the task group, established at the third session of the Committee, on development of an environmental incident report form for severely hazardous pesticide formulations – pilot testing;
 - (b) Issues associated with implementation of the operational procedures:
 - (i) Working papers on preparing internal proposals and decision guidance documents;
 - (ii) Preparation and use of focused summaries;
 - (iii) Information to be contained in the supporting documentation provided by a notifying country using a risk evaluation from another country in support of its final regulatory action;
 - (iv) Report on inconsistencies in the listing of chemicals within Annex III and between Annex III and decision guidance documents.
 5. Inclusion of chemicals in the interim prior informed consent procedure:
 - (a) Review of notifications of final regulatory actions to ban or severely restrict a chemical:
 - (i) Parathion;
 - (ii) Tetraethyl lead;
 - (iii) Tetramethyl lead;
 - (iv) Tributyltin compounds;
 - (b) Consideration of draft decision guidance documents:
 - (i) Asbestos;
 - (ii) DNOC;
 - (iii) Granox TBC/Spinox T.
 6. Other matters.
 7. Adoption of the report.
 8. Closure of the meeting.
20. A list of session documents is given in Annex VIII to the present report.

B. Organization of work

21. At its opening meeting, the Committee decided to conduct its work in plenary session at meetings between 9 a.m. and 12.30 p.m. and 2 p.m. and 5 p.m., with time allocated for break-out, task and drafting groups, as required.

22. The Chair introduced a scenario note (UNEP/FAO/PIC/ICRC.4/2), in which he set out the general objectives and possible outcomes of the fourth session of the Committee. The Committee would need to finalize the decision guidance documents on asbestos, DNOC and dustable powder formulations containing benomyl at or above 7 per cent, carbofuran at or above 10 per cent and thiram at or above 15 per cent the specified concentrations, and prepare recommendations for the Intergovernmental Negotiating Committee. In addition intersessional task groups would undertake a preliminary assessment of the submitted notifications and supporting documentation for four new chemicals (all formulations of parathion, tributyltin compounds, tetraethyl lead and tetramethyl lead). These preliminary assessments would be the basis for further review by the Committee and comparison with the relevant criteria in the Convention (Annex II). The Committee would then decide whether to recommend the inclusion of any or all of these chemicals in the interim PIC procedure and form drafting groups. The Committee was also required to respond to the requests of the ninth session of the Intergovernmental Negotiating Committee.

III. REVIEW OF THE OUTCOME OF THE NINTH SESSION OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE

23. The Secretariat introduced the note on issues arising out of the ninth session of the Intergovernmental Negotiating Committee (UNEP/FAO/PIC/ICRC.4/3), and observed that the Intergovernmental Negotiating Committee had considered the report of the third session of the Committee (UNEP/FAO/PIC/ICRC.3/19). A tangible success by the Interim Chemical Review Committee had been the decision of the Intergovernmental Negotiating Committee, decision INC-9/1, to make monocrotophos subject to the interim PIC procedure and to adopt the associated draft decision guidance document.

24. At the Intergovernmental Negotiating Committee, doubts had been expressed about the continued validity of decision INC-8/3 on maleic hydrazide. In that connection, the Committee had been invited to report to the Intergovernmental Negotiating Committee at its tenth session on the status of implementation of decision INC-8/3. The Secretariat had prepared a note on the subject (UNEP/FAO/PIC/ICRC.4/14).

25. The Intergovernmental Negotiating Committee had considered that, in establishing whether a final regulatory action had been taken as a consequence of a risk evaluation relevant to the conditions within the reporting Party and in line with the criteria of Annex II of the Convention, two distinct issues were involved. The first was whether preventive regulatory actions on pesticides met the definition of a ban under article 2 of the Convention and the relationship of such regulatory actions to the criteria of Annex II. In that connection, the Intergovernmental Negotiating Committee had noted that article 2 did not exclude preventive action even if a chemical was not proposed for use in the notifying country, and had agreed that the definition of a banned chemical in paragraph (b) of the article included preventive regulatory actions taken to protect human health or the environment from chemicals that might not have been proposed for use in the notifying country.

26. Concerning the second issue, regarding concerns that each country should provide a supporting risk evaluation based on conditions prevailing in that country, the Intergovernmental Negotiating Committee had stressed that, when risk or hazard evaluation information for a notification of final regulatory action was taken from another country, supporting documentation must be provided to show that conditions in the two countries were comparable. Also, the level of detail of such information should be sufficient to enable the Committee to judge whether conditions were comparable. The Intergovernmental Negotiating Committee had requested the Committee to develop guidelines, for review by the Intergovernmental Negotiating Committee at its tenth session, on the scope of information to be contained in the supporting documentation provided by the notifying country. The Secretariat had prepared an initial draft of possible guidance on the scope of such information (UNEP/FAO/PIC/ICRC.4/8).

27. Concerning issues to consider in ensuring consistency between the scope of reported national regulatory actions and the inclusion of the chemical in the interim PIC procedure, in the light of the discussions on various chemicals, the Secretariat had been requested to prepare a “housekeeping paper” (UNEP/FAO/PIC/ICRC.4/9) identifying the inconsistencies in the listing of chemicals within Annex III of the Convention and the inconsistencies between Annex III and decision guidance documents.

IV. OPERATIONAL PROCEDURES FOR THE INTERIM CHEMICAL REVIEW COMMITTEE

A. Status of the work of the task group, established at the third session of the Committee, on development of an environmental incident report form for severely hazardous pesticide formulations – pilot testing

28. The Secretariat introduced the note containing the report of the task group on development of an environmental incident report form for severely hazardous pesticide formulations (UNEP/FAO/PIC/ICRC.4/4), and described the background to the development of the form. The Secretariat had initiated limited pilot testing of the revised draft Environmental Incident Report Form on 30 July 2002, sending the relevant documents to 16 field experts, as well as to task group members for their information and further input. Comments received during the field testing were contained in Appendix 3 of the Secretariat’s note. Editorial comments were directly incorporated by the Secretariat into the Environmental Incident Report Form. The revised Form and comments had been made available to the Committee for consideration.

29. It was stressed that the Environmental Incident Report Form was only one tool within the process for Governments to report on severely hazardous pesticide formulations, providing a simple and short means by which people in the field could report an environmental incident. The Form would be supplemented by supporting information, in line with part 2 of Annex IV, in order to apply the criteria of part 3 of Annex IV of the Convention.

30. An observer, speaking on behalf of Mr. André Mayne (Australia), the coordinator of the task group, expressed concern at some of the amendments introduced on the Form and requested that work to finalize it be continued intersessionally. Another representative, believing that it was necessary to finalize and start using the Form as soon as possible, proposed specific amendments to the transmittal form for a designated national authority, contained in Appendix 2 to the note by the Secretariat. He agreed that an opportunity should be provided for a final round of comments on the Form, before general release.

31. The Committee agreed to set up an intersessional task group, coordinated by Mr. Mayne with the following membership: Ms. Beverley P. Wood (Barbados), Ms. Sandra de Souza Hacon (Brazil), Mr. Mohammed El Zarka (Egypt), Ms. Alfaro, Mr. Marc Debois (Finland), Mr. Achim Holzmann (Germany), Mr. Halimi B. Mahmud (Malaysia), Mr. Jan Linders (Netherlands), Mr. Mike Neale, (CropLife International), Ms. Barbara Dinham, (PAN), Ms. Marília Marreco Cerqueira, (Brazil), and the Secretariat.

32. In consultation, the members of the task group would clarify the wording used in the draft Environmental Incident Report Form by the end of April 2003, with the aim of reaching agreement on the Form by the end of May 2003. The finalized Environmental Incident Report Form would be released at the beginning of June 2003.

33. Once experience had been gained in the implementation of the Environmental Incident Report Form, it would be possible to address the issues raised in section F of the note by the Secretariat, including a guidance document with a worked example.

B. Issues associated with implementation of the operational procedures

(i) Working papers on preparing internal proposals and decision guidance documents

34. The Secretariat introduced the note containing in its annex a revised version of the working paper on preparing internal proposals and decision guidance documents for severely hazardous pesticide formulations, and a brief list of issues for the Committee to consider in its review (UNEP/FAO/PIC/ICRC.4/7). The main issues identified by the Chairs of the drafting group concerned a proposal to include the rationale developed in support of the recommendation to include a given severely hazardous pesticide formulation in the decision guidance document, as well as some aspects of the content of the document. It was agreed that the Co-chairs of the drafting group would work intersessionally to develop a further draft of the working paper.

35. The Secretariat introduced document UNEP/FAO/PIC/ICRC.4/6, which had been prepared with the aim of facilitating the work of drafting groups and to ensure consistency in the preparation of decision guidance documents. Experience gained and concerns raised by the drafting groups for asbestos and DNOC had been taken into account and a list of issues to be considered included for examination by the current session of the Committee. It was emphasized that the working paper was a work in progress and could be further modified based on additional experience gained by current and future drafting groups.

36. An observer from Canada expressed the country's concerns regarding the content of decision guidance documents. He suggested that it would be useful if decision guidance documents contained relevant supplementary information where there were controversial issues associated with a chemical. This could include other information, in particular other national assessments and actions related to the chemical. He added that the disclaimer at the front of the decision guidance document could be enhanced to better define the scope and purpose of the document.

37. Several representatives, while agreeing that there could be improvements to the content of decision guidance documents, were concerned that attempting to include national information beyond the notification of final regulatory action could be inconsistent with the purpose of the decision guidance documents and would open the door to constant updating of decision guidance documents.

38. The Committee reiterated that the decision guidance document served the purpose of providing information on decisions to control a chemical taken by countries submitting notifications of final regulatory actions and was supplemented, where available, by internationally agreed information made on the same chemical. National evaluations and information on risk mitigation could be placed on the Rotterdam Convention website. It was agreed to establish a break-out group to explore the issues raised by Canada, co-chaired by Ms. Cathleen Barnes (United States of America) and Mr. Jan Goede (South Africa).

39. Ms. Barnes, speaking also on behalf of Mr. Goede, reported on the outcome of the work of the break-out group. She said that the group had considered the subject of a generic disclaimer to be included in all future decision guidance documents and had addressed the issues raised by Canada, with a view to determining if they were of a policy or a technical nature. Where they were of a policy nature, the group had resolved the issues relevant to the purpose and intent of the PIC procedure. It had also identified issues of a technical nature, which were referred to the drafting group on asbestos. The group had also developed and improved the introduction to the decision guidance documents to make it a standard text which included background information on the Rotterdam Convention, the role and functions of the Interim Chemical Review Committee and the purpose of the decision guidance document. The improved text also clarified that the decision guidance document was not a sole source of information but that additional information could be found on the Rotterdam Convention website.

40. With some modifications, the Committee agreed to the proposed text for an improved introduction to the decision guidance documents as reproduced in Annex I to the present report.

41. Some Committee members were of the opinion that the proposed addition of the paragraphs on the introduction and purpose of the decision guidance document might have political implications that went beyond the mandate of the Committee.

42. It was agreed that, as far as possible, the structural formula would be included in the decision guidance document.

(ii) Preparation and use of focused summaries

43. The Secretariat introduced document UNEP/FAO/PIC/ICRC.4/5, containing a note on preparation and use of focused summaries. Annexed to the note was a draft working paper, briefly describing the purpose of a focused summary, an outline of what information such a summary should contain, as well as a worked example.

44. In the discussions, attention was drawn to the value of such focused summaries as a useful tool to assist members of the Committee, who were confronted with a very great volume of material accompanying notifications. In addition, focused summaries might also assist in providing further transparency in the processes taking place in the Committee.

45. While concern was expressed that preparation of a focused summary might represent a difficult extra burden for some designated national authorities, it was noted that the summaries were flexible and not mandatory. They should be based on whatever information was already available. A designated national authority was the appropriate body to prepare the focused summary, since it had the relevant information at its disposal. In addition, a focused summary would complement the information contained in the report of a task group set up under the Committee.

46. It was cautioned that efforts by a task group or others to prepare a summary after submission of a notification might prove to be a duplication of effort and a cause of delay. Where it was difficult for a designated national authority to prepare a focused summary, it was proposed that Committee members, particularly the member from the region concerned, be asked to assist the authority in such a task. However, it was stressed that the preparation of a focused summary should in no way hinder the obligatory requirements for information submission under the Convention, nor delay the process of considering the notification.

47. The Committee agreed that focused summaries were complimentary to the process of regulatory action and would facilitate the work of the Committee. The Committee approved the working paper on the preparation and use of focused summaries, as amended, for transmission to the Intergovernmental Negotiating Committee at its tenth session. The Committee requested the Intergovernmental Negotiating Committee to note the working paper and to invite designated national authorities to prepare focused summaries, on a voluntary basis, using the information at their disposal.

(iii) Information to be contained in the supporting documentation provided by a notifying country using a risk evaluation from another country in support of its final regulatory action

48. Introducing the item, the Chair briefly outlined the background and said that the Intergovernmental Negotiating Committee had considered that, where a country wished to make use of a risk evaluation carried out by another body, it was useful to develop guidance on the scope of the “bridging” information to be contained in the supporting documentation provided by the notifying country, in order that the Committee might determine if the regulatory action was based on a risk evaluation involving prevailing conditions in the country. At its ninth session, the Intergovernmental Committee had requested the Committee to develop guidance on the scope of such “bridging” information, for review at its tenth session. The Secretariat’s note (UNEP/FAO/PIC/ICRC.4/8) had been prepared in response to that request.

49. When risk evaluation information was taken from another country, supporting documentation would be expected to demonstrate that conditions in that country were comparable to those in the notifying country. The Secretariat noted that risk evaluation comprised two components – hazard and exposure. The comparison of the risk evaluation would focus on the exposure component. The Committee might wish to examine what principles might be applied in considering what elements to include in the supporting documentation, for example, a comparison of uses, conditions of use, physical and climatic conditions and risk mitigation measures. The level of detail of that information should be sufficient to enable the Committee to judge whether conditions were comparable, and to meet the specific criteria of Annex II of the Convention.

50. Representatives noted that the bridging information had to be detailed and science-based, setting out the national conditions of use and describing precisely what was compared and how. One representative cautioned that the bridging information required should not be more demanding than what would be required for the submission of a normal notification. It was stressed that, where a country opted to use a risk evaluation and accompany that by bridging information, its notification for final regulatory action would be examined by the Committee on a case-by-case basis.

51. The Committee agreed to set up a break-out group, co-chaired by Ms. Alfaro and Mr. Kömives. The group was requested to use the note of the Secretariat as a basis for preparing the elements that the Committee would need to consider in determining if the risk evaluation was relevant to the prevailing conditions of use in the notifying country. Those elements should, as a priority, address occupational exposure, and then environmental factors.

52. Mr. Kömives presented the findings of the group, which comprised a working paper on adapting risk evaluations. The Committee approved the working paper, as orally amended, for transmission to the Intergovernmental Negotiating Committee at its tenth session, with the understanding that the paper would be updated in the light of actual experience of its use. The Committee requested the Intergovernmental Negotiating Committee to note the working paper and to invite countries to make practical use of it.

(iv) Report on inconsistencies in the listing of chemicals within Annex III and between Annex III and decision guidance documents

53. The Secretariat introduced the note (UNEP/FAO/PIC/ICRC.4/9) that had been prepared in response to a request by the ninth session of the Intergovernmental Negotiating Committee to prepare a housekeeping paper identifying inconsistencies in the listing of chemicals within Annex III of the Convention and inconsistencies between Annex III and decision guidance documents. The aim was to ensure that the scope of the reported national regulatory action was consistent with the inclusion of the chemical in the interim PIC procedure. He noted that in submitting notifications of final regulatory action, countries were encouraged to provide a precise identification of the chemical being notified both by name and CAS numbers. While this was likely to be the case for future notifications, the precise identification of chemicals already listed in Annex III of the Convention needed to be verified.

54. The Secretariat's note laid out the current status comparing the present listing including the chemical description and association CAS number(s) and the information in the decision guidance documents for chemicals both in Annex III and those added since September 1998. Possible measures that the Committee might wish to consider in developing recommendations to the Intergovernmental Negotiating Committee were also included.

55. A break out group was established under the co-chairmanship of Mr. Azhari Abdelbagi (Sudan) and Mr. Julio Monreal (Chile). The group was requested to focus on identifying any inconsistencies and possible ambiguities in the way in which chemicals subject to the interim PIC procedure were identified. The process by which any eventual changes in the listing of chemicals in Annex III would be accommodated would be determined by the Intergovernmental Negotiating Committee or the Conference of the Parties and not by the Interim Chemical Review Committee.

56. Mr. Abdelbagi reported back on the outcome of the break-out group, noting that it had based its work on the Secretariat paper, Annex III of the Convention and the decision guidance documents. The members of the break-out group were of the view that no changes were necessary for the majority of chemicals listed in Annex III.

57. The group proposed changes to the entries of 2,4,5-T, pentachlorophenol, dinoseb and dinoseb salts, and methyl parathion. With regard to the entry for methyl parathion the Committee noted that, while specific levels of active ingredient had been given for the initial listing of that chemical, it would be more appropriate to list it as “at or above” the currently listed minimal formulations of 19.5% for emulsifiable concentrates and 1.5% for dusts. It was noted that the break-out group, while it described its proposals as amendments to Annex III, was of the view that the exact manner of accommodating such changes in a legally sufficient manner was best left to the Intergovernmental Negotiating Committee and the Conference of the Parties.

58. It was agreed that chemical names and CAS numbers for all 2,4,5-T, pentachlorophenol and dinoseb salts and esters should be placed on the Rotterdam Convention website, with a suitable disclaimer noting that it might not be a comprehensive list and should not be used for compliance purposes.

59. The Committee approved the suggested modifications, as orally amended, for transmission to the Intergovernmental Negotiating Committee at its tenth session, the text of which is given in Annex II to the current report.

V. INCLUSION OF CHEMICALS IN THE INTERIM PRIOR INFORMED CONSENT PROCEDURE

A. Review of notifications of final regulatory actions to ban or severely restrict a chemical

Parathion

60. Mr. Debois, Co-Coordinator of the task group on parathion, introduced documents UNEP/FAO/PIC/ICRC.4/10 and addenda 1-4, and presented the work of the task group in analyzing and reviewing the notifications received for parathion from Australia and the European Community. He expressed his appreciation to Mr Mayne, his Co-Coordinator and to other members of the task group for their collaboration. The task group had noted the lack of clear evidence of international trade in parathion. Subsequently, however, information had been received by the Secretariat to confirm that international trade in parathion still remained. He added that some formulations of parathion were already listed in Annex III of the Rotterdam Convention and that the task group assigned to examine inconsistencies in the listing of chemicals within Annex III and between Annex III and decision guidance documents might wish to address the manner in which the formulation under consideration could be included in the interim PIC procedure.

61. The Committee agreed that the information before it in the notifications on parathion met the criteria laid out in Annex II of the Rotterdam Convention for inclusion in the list of chemicals subject to the interim PIC procedure. A draft decision guidance document would consequently be produced.

62. A drafting group to work on the Committee’s recommendations on parathion was established, chaired by Mr. Debois with a membership comprising Mr. Mayne, Mr. Juergensen (Canada), Mr. Moali (Congo, Republic of), Ms. Mercedes Bolaños Granda (Ecuador), Ms. Ndoeye, Mr. Kömives, Mr. Halimi, Mr. Mohamed Ammati (Morocco), Mr. Gijsbertsen (Netherlands), Mr. Al-Obaidly (Qatar), Mr. Matalavea (Samoa), Mr. Abdelbagi, Ms. Nuansri Tayaputch (Thailand) and Ms. Barnes (United States of America).

63. Mr. Debois presented the outcome of the work of the group, which included a modified draft rationale for the recommendation that parathion be included in the interim PIC procedure and a workplan for preparing the draft guidance decision. He noted that the group had not identified any specific issues for the decision guidance document.

64. The recommendations prepared by the drafting group, its rationale, and the workplan as adopted by the Committee are reproduced in Annex III to the present report.

Tetraethyl lead and Tetramethyl lead

65. Mr. Juergensen, Co-coordinator of the task group on tetraethyl lead and tetramethyl lead introduced the documents UNEP/FAO/PIC/ICRC.4/15 and addenda 1-7 and UNEP/FAO/PIC/ICRC.4/16 and addenda 1-7 and presented the work done in reviewing the notifications for the two chemicals from Canada and the European Community. He said that the notifications called for a severe restriction on the use with some exceptions as detailed in the document.

66. Several representatives noted that while there was concern over the use of leaded gasoline there was limited information on alternatives and their risks. The use of unleaded gasoline was not always widespread in developing countries where automotive vehicles had a longer lifespan and where there were insufficient resources to adapt older engines to new technologies.

67. Mr. Willis said that much work was currently being undertaken on lead in international forums. The UNEP Governing Council had, in February 2003, taken note of the progress made in countries' efforts to phase out lead in gasoline. He noted that a meeting of countries of Sub-Saharan Africa in Dakar in June 2001 had called for a complete phase out of lead in gasoline by 2005. In addition, at the World Summit on Sustainable Development in Johannesburg in September 2002, a Global Partnership for Cleaner Fuels and Vehicles for Cleaner Air had been established to address the urgent issue of vehicle-related emissions in developing countries. Decision 22/4 (iii) on lead, taken at the UNEP Governing Council in February 2003, reaffirmed concerns over lead in gasoline and inter alia called for the initiation of an assistance programme to phase out lead in gasoline through information exchange and capacity building. He added that there were technical guidance manuals on eliminating lead in gasoline including impact on motor vehicles and use of alternatives and offered UNEP's help to those countries that required assistance.

68. The Committee agreed that the information before it in the notifications on tetraethyl lead and tetramethyl lead met the criteria laid out in Annex II of the Rotterdam Convention for inclusion in the list of chemicals subject to the interim PIC procedure. A draft decision guidance document would consequently be produced.

69. A drafting group to work on the Committee's recommendations on tetraethyl lead and tetramethyl lead was established, co-chaired by Mr. Juergensen and Mr. Debois with a membership comprising Mr. Mayne, Ms. Wood, Ms. Hacon, Mr. Monreal, Mr. El Zarka, Ms. Alfaro, Mr. Malifu (Ethiopia), Mr. Arndt, Ms. Choi, Mr. Sibartie (Mauritius) and Mr. Fontana (Switzerland).

70. Mr. Juergensen presented the outcome of the work of the group, which included a modified rationale for the recommendation for inclusion of tetraethyl lead and tetramethyl lead in the interim PIC procedure and a workplan for preparing the draft decision guidance document.

71. The recommendations prepared by the drafting group, its rationale, and the workplan as adopted by the Committee on tetraethyl lead and on tetramethyl lead are reproduced in Annex IV to the present report.

Tributyltin compounds

72. Mr. Debois, Coordinator of the task group on tributyltin, introduced documents UNEP/FAO/PIC/ICRC.4/17 and addenda 1-3, and presented the work of the task group in analyzing and reviewing the notifications received for tributyltin from the European Community and Japan. He expressed his appreciation to the members of the task group for their collaboration. He noted that the task group had queried the lack of clear evidence of international trade in tributyltin but that information had been received by the Secretariat to confirm that international trade in tributyltin remained.

73. On examination of the notifications, the task group had noted that, while the notification from the European Community related to tri-organostannic compounds and covered several tributyltin compounds, the notification from Japan appeared to be limited to tributyltin oxide. Under use category, the notification from Japan listed industrial and the notification from the European Community listed pesticide. However in both instances the use was stated as being biocidal. The task group further noted that the notification and supporting documentation from Japan did not include a risk evaluation under prevailing conditions in Japan. The task group had concluded that in the case of the notification from Japan there was insufficient evidence to show that the criteria in Annex II had been met. The task group concluded that the notification and supporting documentation from the European Community met the criteria for inclusion in the list of chemicals in the interim PIC procedure.

74. Taking into consideration the comments received from the task group, the Committee agreed that the notification on tributyltin received from the European Community was complete and met the criteria for inclusion in the interim PIC procedure in the pesticides category but that since the notification from Japan did not meet the criteria there was only one complete notification for tributyltin at this time. The Committee concluded that, pending the receipt of further notifications on tributyltin from a PIC region other than Europe, tributyltin could not be proposed for inclusion in list of chemicals under the interim PIC procedure.

B. Consideration of draft decision guidance documents

Asbestos

75. Ms. Rosemary Sager, speaking on behalf of Mr. Mayne, Chair of the Drafting Group on asbestos, presented the draft decision guidance document on asbestos (UNEP/FAO/PIC/ICRC.4/11) and outlined the process used in its preparation. She noted that, to increase the clarity of the document, the draft covered six forms of asbestos handled within three groups, crocidolite, other amphibole forms and chrysotile. The draft had been circulated several times for comments. A tabular summary of the comments and the manner in which they were addressed were given in document UNEP/FAO/PIC/ICRC.4/INF/4. A range of issues that had been raised were resolved and a reference to the International Labour Organization Convention 162 would be added to the draft. Further, a possible text for a Harmonized System customs code had been suggested and additional information for the Rotterdam Convention website had been provided by the United States of America. She conveyed Mr. Mayne's deep appreciation for the extensive assistance he had received from the members of the Drafting Group.

76. One representative, noting the differences in carcinogenicity of the amphibole and chrysotile forms of asbestos, voiced his concern regarding the grouping together of the two forms in a single decision guidance document. Considering that the Committee had reached a consensus on that issue at its third session, it was agreed that, given the draft decision guidance document on asbestos was distinctly separated into three chapters covering each of the different groups, the format used provided sufficient clarity on the different forms of asbestos and their toxicity.

77. The group established for the purpose of drafting an improved introduction for decision guidance documents was also tasked with consideration of the Committee's recommendations on asbestos, and examination of the issues arising from the draft decision guidance document on asbestos.

78. The Committee approved the draft decision guidance document, as amended by the drafting group.

79. The Chair recalled that, at its third session, the Committee had agreed by consensus that all forms of asbestos met the criteria of Annex III of the Convention and had decided to recommend to the Intergovernmental Negotiating Committee that they should be subject to the interim PIC procedure.

80. The Committee requests the Intergovernmental Negotiating Committee to invite the IPCS to undertake, as soon as possible, an evaluation of the chrysotile form of asbestos and potential substitutes.

81. The Committee decided to forward the draft decision guidance document, the recommendation for inclusion of asbestos in the interim PIC procedure, the rationale from the Interim Chemical Review Committee and the tabular summary of comments on the internal proposal to the Intergovernmental Negotiating Committee for a decision. The text of that recommendation and the rationale of the Committee are attached to the present report as Annex V. The draft decision guidance document will be issued separately.

82. The expert from Canada expressed a reservation concerning the risk evaluation that had been prepared by Chile, particularly the chemical-specific evaluation of the risk associated with chrysotile.

83. The expert from Chile, expressing concern at that reservation, observed that the notification submitted by Chile had been evaluated by the Committee at its third session and had been accepted by all delegates, including the Canadian expert.

DNOC

84. Mr. Debois, Co-chair of the Drafting Group on DNOC, presented the draft decision guidance document on DNOC (UNEP/FAO/PIC/ICRC.4/12) and outlined the process used in its preparation. The draft had been circulated twice for comments. Most comments were editorial and had been taken on board. A tabular summary of the comments and the manner in which they were addressed was given in document UNEP/FAO/PIC/ICRC.4/INF/2.

85. Referring to the request from the third session of the Committee for further clarification on the precise scope of the regulatory actions of Peru and the European Community, he noted that confirmation that the final regulatory actions applied to all forms of DNOC had been received from both Peru and the European Community. The Intergovernmental Negotiating Committee had agreed, at its ninth session, that in the case of a chemical such as DNOC, it would be listed as "DNOC and its salts, such as ammonium salt, potassium salt and sodium salt" along with the relevant CAS numbers and it was so reflected in the draft decision guidance document. He added that the drafting group had included a brief summary of the conclusions of the Environmental Health Criteria document on DNOC published by the International Programme on Chemical Safety and that the availability of that document would be noted on the Rotterdam Convention website. He also noted that no specific information on chemical or non-chemical alternatives to the use of DNOC as a pesticide had been submitted to the Secretariat.

86. He expressed his appreciation for the extensive assistance he had received from his Co-chair Ms. Bolaños and from the other members of the Drafting Group as well as from his colleagues in the European Commission.

87. The Committee decided to forward the draft decision guidance document, the recommendation for inclusion of DNOC in the interim PIC procedure, the rationale from the Interim Chemical Review Committee and the tabular summary of the comments on the internal proposal to the Intergovernmental Negotiating Committee for a decision. The text of that recommendation and the rationale of the Committee are attached to the present report as Annex VI. The draft decision guidance document will be issued separately.

Granox TBC/Spinox T

88. Ms. Barnes, speaking also on behalf of the other Co-chair of the Drafting Group, Mr. Ammati, introduced the draft decision guidance document on Granox TBC/Spinox T (UNEP/FAO/PIC/ICRC.4/13) and expressed thanks to the members of the Drafting Group. In her presentation she described the development of the document and the process of review, noting that a tabular summary of the comments received and how they had been addressed was before the Committee in document UNEP/FAO/PIC/ICRC.4/INF/3. Some comments had questioned the basis for the document and for the inclusion of Granox TBC/Spinox T in the interim PIC procedure. It was thus considered necessary to provide some explanation of the Group's conclusions and recommendations, perhaps by drafting and incorporating in the text a summary of the rationale for the Group's decision, or by including as an addendum the rationale that had already been developed.

89. The Intergovernmental Negotiating Committee at its ninth session had provided guidance on the issue of the formulations and on Granox TBC/Spinox T. The draft decision thus had to explain precisely what would be subject to the interim PIC procedure. She commended the draft decision guidance document to the Committee and said it represented a good basis for a recommendation to the Intergovernmental Negotiating Committee.

90. During the discussion, the Committee agreed that, in line with the guidance provided by the Intergovernmental Negotiating Committee at its ninth session, the title of the decision should be amended to read "dustable powder formulations containing benomyl, at or above 7 per cent; carbofuran, at or above 10 per cent; and thiram, at or above 15 per cent". In order to explain the conclusions of the Committee, the rationale for the decision guidance document would be incorporated into section 2 (Reason for inclusion in the PIC procedure) and a paragraph of that section would be moved to section 1 (Identification), in order to clarify that some formulations with the same trade name were not subject to the interim PIC procedure.

91. The break-out group established for the purpose of drafting an improved introduction for decision guidance documents under agenda item 4 on working papers on preparing internal proposals and decision guidance documents was also requested to consider the status of Granox TBC/Spinox T in Senegal as reflected in the draft decision guidance document. The break-out group had proposed an amendment to the draft decision guidance document to the effect that, at the time the incident occurred in the country, the formulations were registered in Senegal. The group sought to make it clear that no regulatory action had been taken by the Government of Senegal after the incident had taken place and, to the best of its members' knowledge, the formulations were still registered for use in the country. The Committee agreed that any updated information on the status of use of those formulations in Senegal would be transmitted to the Intergovernmental Negotiating Committee.

92. Following consultations in the break-out group, it was agreed to insert at the beginning of section 3 of the decision guidance document the text "At the time the incident occurred" to precede the phrase "the formulations were registered in Senegal".

93. The Committee decided to forward the draft decision guidance document, the recommendation for inclusion of the severely hazardous pesticide formulations contained therein, the rationale from the Interim Chemical Review Committee and the tabular summary of comments on the internal proposal to the Intergovernmental Negotiating Committee at its tenth session for a decision.

The text of the recommendation and the rationale of the Committee are attached to the present report as Annex VII.

VI. OTHER MATTERS

Status report on compliance with decision INC-8/13 on maleic hydrazide

94. The Secretariat introduced the note prepared by the Secretariat (UNEP/FAO/PIC/ICRC.4/14) and explained that, concerning the potassium salt of maleic hydrazide, one of the three producers in the United States of America had provided sufficient data to justify an FAO specification and the two further producers in the country had submitted relevant information, which would be considered later in the year. One producer identified in China, one in the Republic of Korea and one in Japan had considered that, since their product was for domestic use only, an FAO specification was not required. Thus, the terms of decision INC-8/3 with regard to the potassium salt of maleic hydrazide had been fulfilled.

95. A second producer identified in Japan manufactured the choline salt of maleic hydrazide for export to the Republic of Korea. A report submitted to the Secretariat by MAFF, Japan, (UNEP/FAO/PIC/ICRC.4/14, Appendix II) stated that analysis of representative batches showed a level of free hydrazine ranging from 0.2 to 0.5 ppm. It was also noted that analysis of material available in retail stores in Japan showed free hydrazine levels of over 2 ppm. The producer had not applied for an FAO specification. A December 2002 letter from the designated national authority of Japan stated that the manufacturer was considering voluntarily cancelling manufacturing of the choline salt of maleic hydrazide, or improving the manufacturing process to keep the level of free hydrazine below 1 ppm. No further information had been received.

96. It was observed that there were two possible courses: to clarify the question of the stability of the choline salt of maleic hydrazide in storage and, if it was found to be stable, to seek an FAO specification; or, if the substance was not stable and represented a chemical with an unavoidable contaminant, to initiate preparation of a decision guidance document for the choline salt of maleic hydrazide. One representative cautioned that the issue of preparation of such a decision guidance document gave rise to other concerns that went beyond the question of levels of free hydrazine.

97. The Committee welcomed the report by the member from the Republic of Korea that the country intended to amend its legislation to comply with the recommended specification of the FAO by the end of the year. The Committee also noted that, where possible, the designated national authority of the Republic of Korea would provide information on the levels of free hydrazine in the choline salt of maleic hydrazide available in the country, and observed that such analysis should also take into account the conditions of storage of the technical material and an indication of the period between its production date and the sampling. On that basis, and perhaps with other information, it would be possible to confirm whether the product was decomposing and the hydrazine represented an unavoidable contaminant.

Regional training workshops on the Rotterdam Convention

98. Summary presentations were made by Committee members who had participated in regional training workshops on the Rotterdam Convention: Ms. Wood for the English speaking countries of the Latin American and Caribbean region (Kingston, Jamaica, April 2002), Mr. Ammati for French speaking African countries (Dakar, Senegal, June 2002), Mr. El Zarka for the Near East (Tehran, Islamic Republic of Iran, October 2002), Mr. Kömives (Kiev, Ukraine, November 2002) and Mr. Abdelbagi for the English speaking African countries (Windhoek, Namibia, February 2003).

99. The workshops, which explained the key provisions of the Convention and provided practical training to designated national authorities, had been considered well structured and very successful.

Clearer understanding of the obligations to be met under the Convention, the benefits of ratifying it, how to complete the different reporting forms and how to use the key information sources were among the results. The main concerns during the workshops were related to the financial and human resources needed to meet Convention obligations, the need for increased cooperation and communication both at national and regional levels and improvement of national regulatory structures.

100. Recommendations from the workshops included: providing guidance to designated national authorities, developing stronger regional networking programmes, sensitizing decision makers, providing adequate training in developing risk assessments and evaluations and increasing the education of local level farmers and pesticide applicators.

101. The host countries, donor countries and Secretariat were thanked for making the workshops a success. It was considered that they would encourage countries to ratify and accede to the Convention.

102. Mr. El Zarka and Mr. Al-Obaidly requested that a regional workshop be organized as soon as possible for Arabic speaking countries.

Presentation on Intergovernmental Forum on Chemical Safety Working Group

103. Ms. Barnes made a brief presentation to the Committee on the Intergovernmental Forum on Chemical Safety working group on acutely toxic pesticides. The group had discussed the extent of the problems with acute pesticidal poisonings and had developed recommendations for risk mitigation measures. The paper prepared by the group would be examined at the next meeting of the Forum in Bangkok in November 2003. A focus of the paper was pesticide poisonings in developing countries and countries with economies in transition. The paper would, among other things, recommend that the information tools provided under the Rotterdam Convention be used for access to information on acutely toxic pesticides and would propose risk mitigation activities as well as measures for integrated pest and product management.

Summary paper by the Chair

104. The Chair further said that, working with the Secretariat, he would prepare a summary paper on what had been achieved by the first four sessions of the Interim Chemical Review Committee, and the lessons learned there from, for submission to the Intergovernmental Negotiating Committee at its tenth session.

VII. ADOPTION OF THE REPORT

105. The Committee adopted its report on the basis of the draft report contained in document UNEP/FAO/PIC/ICRC.4/L.1, which had been circulated during the meeting, as amended, and on the understanding that finalization of the report would be entrusted to the Rapporteur, working in consultation with the Secretariat.

VII. CLOSURE OF THE MEETING

106. Following the customary exchange of courtesies, the Chair declared the session closed at 11.30 a.m. on Friday, 7 March 2003.

Annex I

PROPOSED TEXT FOR AN IMPROVED INTRODUCTION TO THE DECISION GUIDANCE DOCUMENTS

Introduction

The Rotterdam Convention is a multilateral environmental agreement for which the interim Secretariat is provided jointly by the United Nations Environment Programme (UNEP) and the Food and Agriculture Organization (FAO) of the United Nations. The objective of the Convention is to promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm, and to contribute to their environmentally sound use, by facilitating information exchange about their characteristics by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties.

Candidate chemicals for the Rotterdam Convention include those that have been banned or severely restricted by national regulatory actions in two or more Parties in two different regions. Inclusion of a chemical in the Convention is based on regulatory actions taken by Parties that have addressed the risks associated with the chemical by banning or severely restricting it. Other ways might be available to control/reduce such risks. However, inclusion does not imply that all Parties to the Convention have banned or severely restricted this chemical. For each chemical included in the Rotterdam Convention, Parties are requested to make an informed decision whether they consent or not to the future import of the chemical.

In the period before the Convention enters into force, the interim PIC procedure is in operation which follows the obligations of the Convention. During this period chemicals are approved for inclusion in the interim PIC procedure by the Intergovernmental Negotiating Committee (INC).

At its [xxxxx] session, held in [xxxxx] on [xxxxx] the Intergovernmental Negotiating Committee adopted the decision guidance document for [chemical name] with the effect that this chemical became subject to the interim PIC procedure.

The present decision guidance document was communicated to the Designated National Authorities on [xxxx] in accordance with Article 10 paragraph 2 of the Rotterdam Convention.

Purpose of the Decision Guidance Document

For each chemical included in the interim PIC procedure, a decision guidance document has been approved by the Intergovernmental Negotiating Committee. Decision guidance documents are sent to all Parties with a request that they provide a decision regarding future import of the chemical.

The decision guidance document is prepared by the Interim Chemical Review Committee (ICRC). The ICRC is a group of government designated experts established in line with Article 18 of the Convention that evaluates candidate chemicals for possible inclusion in the Convention. The decision guidance document reflects the information provided by two or more Parties in support of the national regulatory actions to ban or severely restrict the chemical. It is not intended as the only source of information on a chemical nor is it updated or revised following its adoption by the Intergovernmental Negotiating Committee.

There may be additional Parties that have taken regulatory actions to ban or severely restrict the chemical as well as others that have not banned or severely restricted it. Such risk evaluations or information on alternative risk mitigation measures submitted by Parties may be found on the Rotterdam Convention web-site.

Under Article 14 of the Convention, Parties can exchange scientific, technical, economic and legal information concerning the chemicals under the scope of the Convention including toxicological, ecotoxicological and safety information. This information may be provided directly to other Parties or through the Secretariat. Information provided to the Secretariat will be posted on the Rotterdam Convention website.

Information on the chemical may also be available from other sources.

Disclaimer

The use of trade names in this document is primarily intended to facilitate the correct identification of the chemical. It is not intended to imply any approval or disapproval of any particular company. As it is not possible to include all trade names presently in use, only a number of commonly used and published trade names have been included in this document.

While the information provided is believed to be accurate according to data available at the time of preparation of this Decision Guidance Document, the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Environment Programme (UNEP) disclaim any responsibility for omissions or any consequences that may flow there from. Neither FAO nor UNEP shall be liable for any injury, loss, damage or prejudice of any kind that may be suffered as a result of importing or prohibiting the import of this chemical.

The designations employed and the presentation of material in this publication do not imply the expression of any opinion whatsoever on the part of FAO or UNEP concerning the legal status of any country, territory, city or area or of its authorities or concerning the delimitation of its frontiers or boundaries.

Annex II

REPORT OF THE BREAK-OUT GROUP ON LISTING OF CHEMICALS WITHIN ANNEX III AND BETWEEN ANNEX III AND DECISION GUIDANCE DOCUMENTS, AS AMENDED AND AGREED BY THE INTERIM CHEMICAL REVIEW COMMITTEE

The break-out group on listing of chemicals within Annex III and between Annex III and decision guidance documents (housekeeping) met on Wednesday 5 March to consider document UNEP/FAO/PIC/ICRC.4/9 and whether there were inconsistencies within Annex III of the Convention and between Annex III and the decision guidance documents that may be sufficiently important to warrant Intergovernmental Negotiating Committee and Conference of the Parties action.

The break-out group was of the view that for the majority of chemicals listed in Annex III, no housekeeping action was necessary. It was noted that there were a number of minor amendments that could be made to clean up the decision guidance documents, in particular by better correlating CAS numbers with the intended scope of the listing. However, because these minor inconsistencies were not understood to have any substantive impact on the implementation of the PIC procedure, the break-out group did not propose housekeeping changes in these cases.

The break-out group noted that, although it might have been the intent of the original expert group to list the severely hazardous pesticide formulations monocrotophos, methamidophos and phosphamidon with the term “that equal or exceed XXX g active ingredient/l”, they were instead listed as “that exceed XXX g active ingredient/l”. However, the break-out group noted that in these cases the decision guidance document and the listing in Annex III are fully consistent with one another. The break-out group was of the view that, rather than the Interim Chemical Review Committee proposing housekeeping steps for these formulations, it may be more appropriate to keep the Annex III listing of decision guidance document as is, and for Parties to propose other formulations of these pesticides under the procedures of Article 6 in the event they are experiencing problems with them.

On the basis of the presentation by the co-chairs and the ensuing discussion, the Interim Chemical Review Committee agreed to make the following recommendations to the Intergovernmental Negotiating Committee:

General Statement

A number of the following recommendations suggest that the Intergovernmental Negotiating Committee should recommend amendments to the entries for chemicals in Annex III. An alternative approach could be the use of a footnote in Annex III clarifying the scope of the entry in Annex III or other appropriate legally sufficient mechanism. In this event it may be necessary to review the decision guidance document titles for consistency.

2,4,5-T

The Interim Chemical Review Committee, in reviewing the documentation before it, understood that the intent of the decision guidance document, and consequently the listing of 2,4,5-T in Annex III, was to cover 2,4,5-T and all of its salts and esters.

The Interim Chemical Review Committee recommends that:

- (a) The Intergovernmental Negotiating Committee recommend to the Conference of the Parties that the entry in Annex III for 2,4,5-T be amended to read “2,4,5-T and its salts and esters”

- (b) The Intergovernmental Negotiating Committee recommend to the Conference of the Parties that section 1.1 of the decision guidance document for 2,4,5-T be amended to read “2,4,5-T and its salts and esters”
- (c) During the voluntary procedure that the listing for 2,4,5-T be interpreted to include the salts and esters of 2,4,5-T.

Pentachlorophenol

The Interim Chemical Review Committee, in reviewing the documentation before it, understood that the intent of the decision guidance document, and consequently the listing of pentachlorophenol in Annex III, was to cover pentachlorophenol and all of its salts and esters.

The Interim Chemical Review Committee recommends that:

- (a) The Intergovernmental Negotiating Committee recommend to the Conference of the Parties that the entry in Annex III for pentachlorophenol be amended to read “Pentachlorophenol and its salts and esters”
- (b) The Intergovernmental Negotiating Committee recommend to the Conference of the Parties that section 1.1 of the decision guidance document for pentachlorophenol be amended to read “Pentachlorophenol and its salts and esters”
- (c) During the voluntary procedure that the listing for pentachlorophenol be interpreted to include the salts and esters of pentachlorophenol.

Dinoseb and dinoseb salts

The Interim Chemical Review Committee, in reviewing the documentation before it, understood that the intent of the decision guidance document, and consequently the listing of dinoseb and dinoseb salts in Annex III, was to cover dinoseb and all of its salts and esters.

The Interim Chemical Review Committee recommends that:

- (a) The Intergovernmental Negotiating Committee recommend to the Conference of the Parties that the entry in Annex III for dinoseb and dinoseb salts be amended to read “Dinoseb and its salts and esters”
- (b) That the title of the decision guidance document be amended to read “Dinoseb”.
- (c) The Intergovernmental Negotiating Committee recommend to the Conference of the Parties that section 1.1 of the decision guidance document for dinoseb and dinoseb salts be amended to read “Dinoseb and its salts and esters”
- (d) During the voluntary procedure that the listing for dinoseb and dinoseb salts be interpreted to include the salts and esters of dinoseb.

Methyl parathion (emulsifiable concentrates (EC) with 19.5%, 40%, 50%, 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient)

The Interim Chemical Review Committee recommends that:

- (a) The Intergovernmental Negotiating Committee recommend to the Conference of the Parties that the entry in Annex III for methyl parathion (emulsifiable concentrates (EC) with 19.5%,

40%, 50%, 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient) be amended to read “Methyl parathion (emulsifiable concentrates (EC) at or above 19.5% active ingredient and dusts at or above 1.5% active ingredient)”

- (b) The Intergovernmental Negotiating Committee recommend to the Conference of the Parties that the title and section 1.1 of the decision guidance document be amended to read “Methyl parathion (emulsifiable concentrates (EC) at or above 19.5% active ingredient and dusts at or above 1.5% active ingredient)”
- (c) During the voluntary procedure that the listing for methyl parathion (emulsifiable concentrates (EC) with 19.5%, 40%, 50%, 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient) be interpreted to mean “Methyl parathion (emulsifiable concentrates (EC) at or above 19.5% active ingredient and dusts at or above 1.5% active ingredient)”

Annex III

RATIONALE FOR THE RECOMMENDATION THAT PARATHION (PARATHION ETHYL) (CAS NO. 56-38-2) SHOULD BECOME SUBJECT TO THE INTERIM PRIOR INFORMED CONSENT PROCEDURE AND TO ESTABLISH AN INTERSESSIONAL DRAFTING GROUP TO PREPARE A DRAFT DECISION GUIDANCE DOCUMENT

In reviewing the notifications of final regulatory actions by Australia and the European Community, together with the supporting documentary information provided by those Parties, the Committee was able to confirm that those actions had been taken in order to protect human health and the environment. The European Community action was based on a risk evaluation, which concluded that there were concerns about the safety of operators and environmental fate and behaviour and the possible impact on non-target organisms. The action by Australia was based on a risk evaluation of pesticide uses of parathion (parathion ethyl) that concluded that there were unacceptable risks to operators, to aquatic ecosystems and bees. In both cases the main concerns related to the acute toxic effect of the substance as a result of inhibition of acetylcholinesterase activity in the nervous system.

The Committee established that the final regulatory actions had been taken on the basis of risk evaluations and that those evaluations had been based on a review of scientific data. The available documentation demonstrated that the data had been generated in accordance with scientifically recognised methods, and that the data reviews had been performed and documented in accordance with generally recognised scientific principles and procedures. It also showed that the final regulatory actions had been based on chemical-specific risk evaluations taking into account the conditions prevailing within Australia and the European Community.

The Committee concluded that the final regulatory actions provided a sufficiently broad basis to merit including all formulations of parathion (parathion ethyl) in the interim PIC procedure in the category of pesticide. It noted that those actions had led to a significant decrease in the quantities and uses of the chemical and the risks for human health and the environment. There was no indication that there were any industrial chemical uses of parathion (parathion ethyl). The Committee also took into account that the considerations underlying the final regulatory actions were not of limited applicability but of broader relevance. On the basis of information provided by the Secretariat at the fourth session of the Interim Chemical Review Committee, the Committee concluded also that there was ongoing international trade in parathion (parathion ethyl).

The Committee noted also that concern about intentional misuse of parathion (parathion ethyl) had not been a reason for the final regulatory actions.

The Committee concluded that the notifications of final regulatory actions by Australia and the European Community met the information requirements of Annex I and the criteria set out in Annex II to the Convention. It recommended that all formulations of parathion (parathion ethyl) (CAS No. 56-38-2) be included in the interim PIC procedure as a pesticide.

RECOMMENDATION TO THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE ON
THE INCLUSION OF PARATHION (PARATHION ETHYL) IN THE INTERIM PRIOR
INFORMED CONSENT PROCEDURE

The Interim Chemical Review Committee

Recalling Article 5 of the Convention and paragraphs 4 and 8 of the resolution on interim arrangements adopted by the Conference of Plenipotentiaries;

Concluding that the notifications of final regulatory actions by Australia and the European Community meet the criteria set forth in Annex II to the Convention;

Decides, in accordance with paragraph 6 of Article 5 of the Convention, to recommend to the Intergovernmental Negotiating Committee that it should make all formulations of parathion (parathion ethyl) (CAS No. 56-38-2) subject to the interim prior informed consent procedure.

WORKPLAN FOR THE INTERSESSIONAL DRAFTING GROUP ON PARATHION (PARATHION ETHYL)

The drafting group is composed of the following members:

Chair: Mr. M. Debois

Co-chair: Mr. A. Mayne

Members: Mr. A. Abdelbagi, Mr. M. Ammati, Ms. C. Barnes, Ms. M. Bolaños, Mr. K. Gijssbertsen, Mr. Halimi, Mr. L. Juergensen, Mr. T. Kömives, Mr. S. Matalavea, Mr. J. Moali, Ms. F. Ndoeye, Mr. H. Al-Obaidly, Ms. N. Tayaputch.

The group agreed to the following schedule:

Tasks to be carried out, responsible persons, and deadlines:

<i>Task</i>	<i>Responsible persons</i>	<i>Deadline</i>
Draft an "internal proposal" on parathion (parathion ethyl) based on the information available to ICRC-4.	Chair Co-chair	15 May 2003
Send draft "internal proposal" to group members for comments via e-mail.	Chair Co-chair	15 May 2003
Replies	All DG members	15 June 2003
Update "internal proposal" based on the comments from group members.	Chair Co-chair	15 July 2003
Send updated "internal proposal" to the ICRC and its observers for comments via e-mail	Chair Co-chair	15 July 2003
Replies	All ICRC members and observers	1 September 2003
Draft a decision guidance document (DGD) based on the comments from the ICRC and its observers	Chair Co-chair	1 October 2003
Send draft DGD to group members for comments via e-mail	Chair Co-chair	1 October 2003
Replies	All DG members	1 November 2003
Finalize draft DGD based on the comments of the group	Chair Co-chair	15 November 2003
Send the draft DGD to Secretariat	Chair Co-chair	15 November 2003
ICRC meeting		March 2004

Annex IV

RATIONALE FOR THE RECOMMENDATION THAT TETRAMETHYL LEAD
(CAS NO. 75-74-1) AND TETRAETHYL LEAD (CAS NO. 78-00-2) SHOULD BECOME
SUBJECT TO THE INTERIM PRIOR INFORMED CONSENT PROCEDURE AND TO
ESTABLISH AN INTERSESSIONAL DRAFTING GROUP TO PREPARE A DRAFT DECISION
GUIDANCE DOCUMENT

In reviewing the notifications of final regulatory actions by the European Community and Canada, together with the supporting documentary information provided by those Parties, the Committee was able to confirm that those actions had been taken in order to protect human health. Both the European Community and Canadian actions were taken on the basis of the health effects of lead, which is considered highly toxic. Tetraethyl lead and tetramethyl lead are used as additives in gasoline as anti-knock agents. As a result of this use, lead is released in the exhaust fumes, leading to increases in the lead levels in the environment. Both Parties recognised that this increase was a significant contributor of lead in the blood of humans.

The Committee established that the final regulatory actions had been taken on the basis of risk evaluations and that those evaluations had been based on a review of scientific data. The available documentation demonstrated that the data had been generated in accordance with scientifically recognised methods, and that the data reviews had been performed and documented in accordance with generally recognised scientific principles and procedures. It also showed that the final regulatory actions had been based on chemical-specific risk evaluations taking into account the conditions of exposure within the European Community and Canada.

The Committee concluded that the final regulatory actions provided a sufficiently broad basis to merit including tetramethyl lead and tetraethyl lead in the interim PIC procedure in the industrial category. It noted that those actions led to at least a 98% decrease in the quantities of the chemicals used in the notifying Parties. Several studies showed that this decrease was associated with a significant decrease in blood lead levels. Hence, the risk for human health in each notifying Party had been significantly reduced.

There was no indication that there were any pesticide uses of tetramethyl lead or tetraethyl lead. The Committee also took into account that the considerations underlying the final regulatory actions were not of limited applicability since leaded gasoline continues to be used in other countries. Many countries have taken action to reduce the use of leaded gasoline due to health concerns. On the basis of information provided by members at the fourth session of the Interim Chemical Review Committee and other available information, the Committee concluded also that there was ongoing international trade in tetramethyl lead and tetraethyl lead.

The Committee noted that the final regulatory actions were not based on concerns about intentional misuse of tetramethyl lead or tetraethyl lead.

The Committee concluded that the notifications of final regulatory actions by the European Community and Canada met the information requirements of Annex I and the criteria set out in Annex II to the Convention. It is recommended that tetramethyl lead (CAS No. 75-74-1) and tetraethyl lead (CAS No. 78-00-2) be included in the interim PIC procedure as industrial chemicals.

RECOMMENDATION TO THE
INTERGOVERNMENTAL NEGOTIATING COMMITTEE ON THE INCLUSION OF
TETRAETHYL LEAD IN THE INTERIM PRIOR INFORMED CONSENT PROCEDURE

The Interim Chemical Review Committee

Recalling Article 5 of the Convention and paragraphs 4 and 8 of the resolution on interim arrangements adopted by the Conference of Plenipotentiaries;

Concluding that the notifications of final regulatory actions by Canada and the European Community meet the criteria set forth in Annex II to the Convention;

Decides, in accordance with paragraph 6 of Article 5 of the Convention, to recommend to the Intergovernmental Negotiating Committee that it should make tetraethyl lead (CAS No. 78-00-2) subject to the interim prior informed consent procedure.

RECOMMENDATION TO THE
INTERGOVERNMENTAL NEGOTIATING COMMITTEE ON THE INCLUSION OF
TETRAMETHYL LEAD IN THE INTERIM PRIOR INFORMED CONSENT PROCEDURE

The Interim Chemical Review Committee

Recalling Article 5 of the Convention and paragraphs 4 and 8 of the resolution on interim arrangements adopted by the Conference of Plenipotentiaries;

Concluding that the notifications of final regulatory actions by Canada and the European Community meet the criteria set forth in Annex II to the Convention;

Decides, in accordance with paragraph 6 of Article 5 of the Convention, to recommend to the Intergovernmental Negotiating Committee that it should make tetramethyl lead (CAS No. 75-74-1) subject to the interim prior informed consent procedure.

WORKPLAN FOR THE INTERSESSIONAL DRAFTING GROUP ON TETRAETHYL LEAD AND TETRAMETHYL LEAD

The drafting group is composed of the following members:

Chair: Mr. L. Juergensen

Co-chair: Mr. M. Debois

Members: Mr. R. Arndt, Ms. K. Choi, Mr. M. El Zarka, Mr. P. Fontana, Ms. S. Hacon,
Mr. A. Mayne, Mr. J. Monreal Urrutia, Mr. R. Sibartie, Ms. B. P. Wood.

The group agreed to the following workplan:

Tasks to be carried out, responsible persons, and deadlines:

<i>Task</i>	<i>Responsible persons</i>	<i>Deadline</i>
Draft a single "internal proposal" on TEL and TML based on the information available to ICRC-4.	Chair Co-chair	15 May 2003
Send draft "internal proposal" to group members for comments via e-mail.	Chair Co-chair	15 May 2003
Replies	All DG members	15 June 2003
Update "internal proposal" based on the comments from group members.	Chair Co-chair	15 July 2003
Send updated "internal proposal" to the ICRC and its observers for comments via e-mail	Chair Co-chair	15 July 2003
Replies	All ICRC members and observers	1 September 2003
Draft a decision guidance document (DGD) based on the comments from the ICRC and its observers	Chair Co-chair	1 October 2003
Send draft DGD to group members for comments via e-mail	Chair Co-chair	1 October 2003
Replies	All DG members	22 October 2003.
Finalize draft DGD based on the comments of the group	Chair Co-chair	1 November 2003
Send the draft DGD to secretariat	Chair Co-chair	1 November 2003
ICRC meeting		March 2004

Annex V

**RATIONALE FOR THE RECOMMENDATION THAT ASBESTOS (AMPHIBOLE FORMS AND
CHRYSOTILE) SHOULD BECOME SUBJECT TO THE INTERIM PRIOR INFORMED
CONSENT PROCEDURE**

In reviewing the notifications of final regulatory actions from the European Community, Chile and Australia that cover amphibole forms of asbestos (crocidolite, amosite, actinolite, anthophyllite, tremolite), and the notifications from the European Community and Chile that also cover chrysotile, and considering the supporting documentation and supplementary information provided at the meeting by the notifying Parties, the Interim Chemical Review Committee was able to confirm that the regulatory actions had been taken in order to protect human health. The European Community action was based on a risk evaluation made by an independent scientific committee. Its conclusions were that all forms of asbestos were carcinogenic to humans and that there was no threshold of exposure below which asbestos did not pose carcinogenic risks. The Chilean regulatory action was taken on the basis of a review of the health effects of asbestos, the evaluation of occupational exposure and the fact that there were no thresholds for the carcinogenic effect of asbestos. The basis of the Australian regulatory actions was human health risk assessments, taken at national and state level that focused on the carcinogenicity of inhaled asbestos and conditions of exposure in that country.

The Committee established that the final regulatory actions had been taken on the basis of risk evaluations and that those evaluations had been based on a review of scientific data. The available documentation demonstrated that the data had been generated in accordance with scientifically recognized methods, that the data reviews had been performed and documented in accordance with generally recognized scientific principles and procedures, and that the final regulatory actions had been based on chemical-specific risk evaluations taking into account the conditions prevailing within the European Community, Chile and Australia respectively.

The Committee established that the final regulatory actions provided a sufficiently broad basis to merit including amphibole forms of asbestos and chrysotile in the interim PIC procedure, and that those actions had led to a significant decrease in the quantities and uses of asbestos and the risks for human health in each notifying Party. The Committee also took into account that the considerations underlying the final regulatory actions were not of limited applicability but of broader relevance and that on the basis of information from Chile and Australia, and other relevant information provided by members at the meeting, there was ongoing international trade in asbestos.

The Committee noted that intentional misuse was not relevant to this chemical and that one of the forms of asbestos, crocidolite, was already listed in Annex III to the Convention.

The Committee concluded that the notifications of final regulatory actions by the European Community, Chile and Australia in respect of amphibole forms of asbestos met the criteria set out in Annex II to the Convention and that the notifications of final regulatory action from the European Community and Chile in respect of chrysotile also met those criteria.

RECOMMENDATION TO THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE ON ASBESTOS

The Interim Chemical Review Committee,

Noting that at its third session it had reviewed the notifications of final regulatory actions by Australia, the European Community and Chile on asbestos and, taking into account the requirements set forth in Annex II of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and had come to the conclusion that the requirements of that Annex had been met,

Recalling that, in line with paragraph 6 of Article 5 of the Convention, at its third session it had accordingly decided to recommend to the Intergovernmental Negotiating Committee that five additional forms of asbestos (actinolite, anthophyllite, amosite, tremolite and chrysotile) should become subject to the interim prior informed consent procedure and noting (Annex III of its report of its third session UNEP/FAO/PIC/ICRC.3/19) that it was to develop a draft decision guidance document and forward it to the Intergovernmental Negotiating Committee in accordance with Article 7 of the Convention,

Recalling also that, in accordance with the operational procedures for the Interim Chemical Review Committee, set forth in decision INC-7/6 of the Intergovernmental Negotiating Committee on the process for drafting decision guidance documents, it had established a task group to draft a decision guidance document on asbestos and that that task group, upon fulfilling the requirements of the operational procedures and in accordance with paragraph 1 of Article 7 of the Convention, had developed a draft decision guidance document on asbestos (UNEP/FAO/PIC/ICRC.4/11) and had submitted it to the Committee at its fourth session for further action,

Noting that the draft decision guidance document was based on the information specified in Annex I of the Convention, as required by paragraph 1 of Article 7 of the Convention,

Recalling that in accordance with step 7 of the process for drafting decision guidance documents, final documentation forwarded by the Secretariat to all Parties and observers in advance of Intergovernmental Negotiating Committee sessions must include a draft decision guidance document, a recommendation by the Interim Chemical Review Committee for inclusion in the prior informed consent procedure, a summary of the deliberations of the Interim Chemical Review Committee including a rationale for inclusion based on the criteria listed in Annex II to the Convention, and a tabular summary of comments received by the Secretariat and how they had been addressed,

Adopts the following recommendation to the Intergovernmental Negotiating Committee:

Recommendation ICRC-4/1: Inclusion of five forms of asbestos in the interim prior informed consent procedure

The Interim Chemical Review Committee

Recommends, in line with paragraph 6 of Article 5 of the Convention, that the Intergovernmental Negotiating Committee should make the following subject to the interim prior informed consent procedure:

<u>Chemical</u>	<u>Relevant CAS Number(s)</u>	<u>Category</u>
Actinolite	77536-66-4;	Industrial
Anthophyllite	77536-67-5;	Industrial
Amosite	12172-73-5	Industrial
Tremolite	77536-68-6;	Industrial
Chrysotile	12001-29-5/132207-32-0;	Industrial

Notes, that the draft decision guidance document also covers crocidolite and will replace the existing decision guidance document for that chemical, when adopted by the Committee;

Forwards, in line with paragraph 2 of Article 7 of the Convention, this recommendation, together with the draft decision guidance document on asbestos, to the Intergovernmental Negotiating Committee for a decision on the inclusion of asbestos in the interim prior informed consent procedure and adoption of the draft decision guidance document.

Annex VI

RATIONALE FOR THE RECOMMENDATION THAT DNOC SHOULD BECOME SUBJECT TO THE INTERIM PRIOR INFORMED CONSENT PROCEDURE

In reviewing the notifications of final regulatory actions by the European Community and Peru together with the supporting documentary information and supplementary information provided by those Parties, the Committee was able to confirm that those actions had been taken in order to protect human health, (particularly as regards operator exposure) and the environment (risks to non-target species). The European Community action stemmed from a risk evaluation based on data that contained some gaps. However, the unaddressed endpoints were not relevant for the evaluation, which concluded that there were concerns about human health and the environment. The action by Peru was based on hazard data supplemented by a study of poisoning incidents in the country. Taken together, that material demonstrated that there had been a risk evaluation that took into account prevailing conditions in that country.

The Committee established that the final regulatory actions had been taken on the basis of risk evaluations and that those evaluations had been based on a review of scientific data. The available documentation demonstrated that the data had been generated in accordance with scientifically recognized methods, that the data reviews had been performed and documented in accordance with generally recognized scientific principles and procedures, and that the final regulatory actions had been based on chemical-specific risk evaluations taking into account the conditions prevailing within the European Community and Peru.

The Committee concluded that the final regulatory actions provided a sufficiently broad basis to merit including DNOC in the interim PIC procedure. It noted that those actions had led to a significant decrease in the quantities and uses of the chemical and the risks for human health and the environment. The Committee also took into account that the considerations underlying the final regulatory actions were not of limited applicability but of broader relevance. On the basis of information from Peru and other available information, the Committee concluded also that there was ongoing international trade in DNOC.

The Committee noted also that concern about intentional misuse of DNOC had not been a reason for the final regulatory actions.

The Committee concluded that the notifications of final regulatory actions by the European Community and Peru met the criteria set out in Annex II to the Convention.

RECOMMENDATION TO THE
INTERGOVERNMENTAL NEGOTIATING COMMITTEE
ON DNOC

The Interim Chemical Review Committee,

Noting that at its third session it had reviewed the notifications of final regulatory actions by the European Community and Peru on DNOC and, taking into account the requirements set forth in Annex II of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and had come to the conclusion that the requirements of that Annex had been met,

Recalling that, in line with paragraph 6 of Article 5 of the Convention, at its second session it had accordingly recommended to the Intergovernmental Negotiating Committee that DNOC should become subject to the interim prior informed consent procedure and noting (Annex II of its report of its third session (UNEP/FAO/PIC/ICRC.3/19)) that it was to develop a draft decision guidance document and forward it to the Intergovernmental Negotiating Committee in accordance with Article 7 of the Convention,

Recalling also that, in accordance with the operational procedures for the Interim Chemical Review Committee, set forth in decision INC-7/6 of the Intergovernmental Negotiating Committee on the process for drafting decision guidance documents, it had established a task group to draft a decision guidance document on DNOC and that the task group, upon fulfilling the requirements of the operational procedures and in accordance with paragraph 1 of Article 7 of the Convention, had developed a draft decision guidance document on DNOC (UNEP/FAO/PIC/ICRC.4/12) and had submitted it to the Committee at its fourth session for further action,

Noting that the draft decision guidance document was based on the information specified in Annex I of the Convention, as required by paragraph 1 of Article 7 of the Convention,

Recalling that in accordance with step 7 of the process for drafting decision guidance documents, final documentation forwarded by the Secretariat to all Parties and observers in advance of Intergovernmental Negotiating Committee sessions must include a draft decision guidance document, a recommendation by the Interim Chemical Review Committee for inclusion in the prior informed consent procedure, a summary of the deliberations of the Interim Chemical Review Committee including a rationale for inclusion based on the criteria listed in Annex II to the Convention, and a tabular summary of comments received by the Secretariat and how they had been addressed,

Adopts the following recommendation to the Intergovernmental Negotiating Committee:

Recommendation ICRC-4/2: Inclusion of DNOC in the interim prior informed consent procedure

The Interim Chemical Review Committee

Recommends, in line with paragraph 6 of Article 5 of the Convention, that the Intergovernmental Negotiating Committee should make DNOC and its salts (such as ammonium salt, potassium salt and sodium salt), subject to the interim prior informed consent procedure;

<u>Chemical</u>	<u>Relevant CAS Number(s)</u>	<u>Category</u>
DNOC and its salts (such as ammonium salt, potassium salt and sodium salt)	534-52-1; 2980-64-5; 5787-96-2; 2312-76-7	Pesticide

Forwards, in line with paragraph 2 of Article 7 of the Convention, this recommendation, together with the draft decision guidance document on DNOC, to the Intergovernmental Negotiating Committee for a decision on the inclusion of DNOC in the interim prior informed consent procedure.

Annex VII

RATIONALE FOR THE RECOMMENDATION THAT DUSTABLE POWDER FORMULATIONS CONTAINING BENOMYL AT OR ABOVE 7%, CARBOFURAN AT OR ABOVE 10% AND THIRAM AT OR ABOVE 15% SHOULD BECOME SUBJECT TO THE INTERIM PRIOR INFORMED CONSENT PROCEDURE

- (a) *The reliability of the evidence indicating that the use of the formulations, in accordance with common or recognized patterns of use within the proposing party result in the reported incidents.*

The reported poisoning incidents were well documented; documents available were the completed incident report forms, a separate epidemiological study undertaken by representatives of the Senegalese government, the World Health Organization and others. They were further supported by information on the individual active ingredients collected from internationally recognized sources.

In reviewing this documentation there was concern that the onset of symptoms was not consistent with carbamate intoxication, given that it appeared that the majority of symptoms, including fatalities, occurred 45 to 120 days after the first exposure. However, it was recognized that this may be an artefact of the way in which the data were reported and probably reflected the time from when users first started applying the formulation, rather than the time between the last exposure and the onset of symptoms. In all cases, a precise link between the time of exposure and the onset of symptoms was difficult to establish. The reasons include: the data were collected retrospectively; the principal exposure occurred during sowing of treated seeds, an activity that takes place over a period of 5 to 10 days and may occur from May through August; and, written records of pesticide use are not typically maintained in the region. However, in some cases symptoms were reported from within a few hours to two days after exposure.

It was also noted that symptoms reported did not reflect the full range of those typically associated with cholinesterase inhibition. For carbamates, such symptoms as miosis and excess salivation are typically of short duration. Given that the data were collected some time after exposure, those symptoms would not be expected to be observed. In addition, it was noted that the forms used to collect the data may have influenced the symptoms reported, since it did not list the full range of symptoms representative of cholinesterase inhibition. The reported respiratory problems were considered to be indicative of lung oedema, normally a symptom of severe carbamate poisoning, and possibly a pre-condition to the reported limb oedemas. In addition, supplementary information relevant to the nature and scope of the illness related to the use of the formulations was not available due to inadequate record keeping in health centres and posts in the region.

In the design of the supporting epidemiological study there was a potentially confounding case controls selection, in that the controls may have also been exposed to pesticides. It was determined that while this was a potential weakness in the study it should not lead to discounting the overall results. The reasons for this include the following:

“There was no difference between cases and controls regarding their participation in farm work. Nonetheless, distribution of sick cases in space and time shows that they were concentrated in the peanut farming areas soon after the beginning of the rainy season and during the season of agricultural labour, with a major peak in August, when all farmers started or ended sowing. ... Most controls were less exposed because they were ill during the period of sowing.” (UNEP/FAO/PIC/ICRC.3/17/Add.3, Annex II, section 6, third para.)

The reported incidents were limited to the Kolda region of Senegal. The formulations were not evenly distributed across the region, thus some areas had no exposure to the formulation and no incidents were reported in those areas. Kolda was the region in which it was also reported that as a result of a new agricultural policy there was an increase in the yield of peanuts associated with more intensive

farming practices. This increased intensity of production was associated with increased pesticide use. It was reported that associated with the increased peanut production the quantities of pesticides available to farmers doubled and even tripled (see *ibid.*, section 5.4.3).

It was confirmed that the 22 incident reports considered by the Committee involved exposure to the Granox TBC¹/Spinox T¹ formulations only. In addition a representative from PAN Africa confirmed that the Granox TBC¹ and Spinox T¹ were the only pesticide formulations directly available to farmers in the region. This information was considered to reinforce the link between exposure to these formulations and the observed effects.

While it was recognized that some elements of the data available to the Committee could be challenged, it was agreed that the overall weight of evidence clearly indicated that the use of the formulations in accordance with common and recognized practices within Senegal resulted in the reported incidents.

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

It was agreed that the information about the reported incidents and the formulation was relevant to other Parties particularly those with similar climatic conditions and levels of awareness among agricultural workers and that are producing peanuts using similar cropping systems.

(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.*

Information on restrictions about this specific formulation is not available. However, for carbofuran most formulations are restricted to trained personnel wearing suitable protective clothing (e.g. protective impermeable boots, clean overalls, gloves and a respirator or other technology designed to minimize applicator exposure such as closed cabs or closed systems of mixing, loading and application). It was also noted that based on the request for information on these formulations no powdered formulations of carbofuran were approved in 25 countries or the European Community.

It was agreed that such techniques and technologies considered necessary to reduce exposure to acceptable levels in developed countries would not be expected to be available or feasible in developing countries lacking the necessary infrastructure and with a hot and humid climate.

(d) *The significance of reported effects in relation to the quantity of pesticide used.*

The reported effects included mortality and were observed with increased frequency in the region where there was increased use of the formulations.

(e) *Intentional misuse is not in itself an adequate reason to include a formulation in the interim PIC procedure.*

The incidents reported were not the result of intentional misuse but occurred as a result of using the formulations in accordance with common or recognized practices in Senegal.

¹ Granox TBC and Spinox T are the trade names of dustable powder formulations containing benomyl 7%, carbofuran 10% and thiram 15%

RECOMMENDATION
TO THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE
ON DUSTABLE POWDER FORMULATIONS CONTAINING BENOMYL AT OR ABOVE 7%,
CARBOFURAN AT OR ABOVE 10% AND THIRAM AT OR ABOVE 15%

The Interim Chemical Review Committee,

Noting that at its third session it had reviewed the proposals submitted by Senegal and, taking into account the requirements set forth in part III of Annex IV of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and had come to the conclusion that the requirements of that Annex had been met,

Recalling that, in line with paragraph 5 of Article 6 of the Convention, at its third session it had accordingly recommended to the Intergovernmental Negotiating Committee that dustable powder formulations containing benomyl at or above 7%, carbofuran at or above 10% and thiram at or above 15%, should become subject to the interim prior informed consent procedure and noting (Annex IV of its report of its third session UNEP/FAO/PIC/ICRC.3/19) that it was to develop a draft decision guidance document and forward it to the Intergovernmental Negotiating Committee in accordance with Article 7 of the Convention,

Recalling also that, in accordance with the operational procedures for the Interim Chemical Review Committee, set forth in decision INC-7/6 of the Intergovernmental Negotiating Committee on the process for drafting decision guidance documents, it had established a task group to draft a decision guidance document on dustable powder formulations containing benomyl at or above 7%, carbofuran at or above 10% and thiram at or above 15%, and that the task group, upon fulfilling the requirements of the operational procedures and in accordance with paragraph 1 of Article 7 of the Convention, had developed a draft decision guidance document on dustable powder formulations containing benomyl at or above 7%, carbofuran at or above 10% and thiram at or above 15%, (UNEP/FAO/PIC/ICRC.4/13) and had submitted it to the Committee at its fourth session for further action,

Noting that the draft decision guidance document was based on the information specified in parts 1 and 2 of Annex IV of the Convention, as required by paragraph 1 of Article 7 of the Convention,

Recalling that in accordance with step 7 of the process for drafting decision guidance documents, final documentation forwarded by the Secretariat to all Parties and observers in advance of Intergovernmental Negotiating Committee sessions must include a draft decision guidance document, a recommendation by the Interim Chemical Review Committee for inclusion in the prior informed consent procedure, a summary of the deliberations of the Interim Chemical Review Committee including a rationale for inclusion based on the criteria listed in part 1 of Annex IV to the Convention, and a tabular summary of comments received by the Secretariat and how they had been addressed,

Adopts the following recommendation to the Intergovernmental Negotiating Committee:

Recommendation ICRC-4/3: Inclusion of dustable powder formulations containing benomyl at or above 7%, carbofuran at or above 10% and thiram at or above 15%, in the interim prior informed consent procedure.

The Interim Chemical Review Committee

Recommends, in line with paragraph 5 of Article 6 of the Convention, that the Intergovernmental Negotiating Committee should make dustable powder formulations containing

benomyl at or above 7%, carbofuran at or above 10% and thiram at or above 15%, subject to the interim prior informed consent procedure;

<u>Chemical</u>	<u>Relevant CAS Number(s)</u>	<u>Category</u>
dustable powder formulations containing benomyl at or above 7%, carbofuran at or above 10% and thiram at or above 15%,	17804-35-2, 1563-66-2, 137-26-8	SHPF

Forwards, in line with paragraph 2 of Article 7 of the Convention, this recommendation, together with the draft decision guidance document on dustable powder formulations containing benomyl at or above 7%, carbofuran at or above 10% and thiram at or above 15%, to the Intergovernmental Negotiating Committee for a decision on the inclusion of dustable powder formulations containing benomyl at or above 7%, carbofuran at or above 10% and thiram at or above 15%, in the interim prior informed consent procedure.

Annex VIII

LIST OF DOCUMENTS

UNEP/FAO/PIC/ICRC.4/1	Provisional Agenda
UNEP/FAO/PIC/ICRC.4/1/ Add.1	Annotated Provisional Agenda
UNEP/FAO/PIC/ICRC.4/2	Scenario Note for the Fourth Session of the Interim Chemical Review Committee
UNEP/FAO/PIC/ICRC.4/3	Issues arising out of the Ninth Session of Intergovernmental Negotiating Committee
UNEP/FAO/PIC/ICRC.4/4	Status of the work of the Task Group, established at the Third Session of the Committee, on development of an Environmental Incident Report Form for Severely Hazardous Pesticide Formulations - Pilot Testing
UNEP/FAO/PIC/ICRC.4/5	Operational procedures for the Interim Chemical Review Committee: Issues associated with implementation of the operational procedures: Preparation and use of Focused Summaries
UNEP/FAO/PIC/ICRC.4/6	Operational procedures for the Interim Chemical Review Committee - Issues associated with the implementation of the operational procedures: Draft working paper on preparing internal proposals and decision guidance documents for banned or severely restricted chemicals
UNEP/FAO/PIC/ICRC.4/7	Operational procedures for the Interim Chemical Review Committee - Issues associated with the implementation of the operational procedures: Draft working paper on preparing internal proposals and decision guidance documents for severely hazardous pesticide formulations
UNEP/FAO/PIC/ICRC.4/8	Operational procedures for the Interim Chemical Review Committee - Issues associated with the implementation of the operational procedures: Information to be contained in the supporting documentation provided by a notifying country using a risk evaluation from another country in support of their final regulatory action
UNEP/FAO/PIC/ICRC.4/9	Report on inconsistencies in the listing of chemicals within Annex III and between Annex III and decision guidance documents
UNEP/FAO/PIC/ICRC.4/10	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Review of notifications of final regulatory actions to ban or severely restrict a chemical – Parathion
UNEP/FAO/PIC/ICRC.4/10/ Add.1	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation - Parathion
UNEP/FAO/PIC/ICRC.4/10/ Add.2	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation - Parathion
UNEP/FAO/PIC/ICRC.4/10/ Add.3	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation - Parathion
UNEP/FAO/PIC/ICRC.4/10/ Add.4	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation - Parathion
UNEP/FAO/PIC/ICRC.4/11	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Consideration of draft decision guidance documents – Asbestos
UNEP/FAO/PIC/ICRC.4/12	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Consideration of draft decision guidance documents – DNOC
UNEP/FAO/PIC/ICRC.4/ 13	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Consideration of draft decision guidance documents - Spinox T/Granox TBC
UNEP/FAO/PIC/ICRC.4/14	Status report on compliance with decision INC-8/3 on Maleic hydrazide
UNEP/FAO/PIC/ICRC.4/15	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Review of notifications of final regulatory actions to ban or severely restrict a chemical- Tetraethyl lead
UNEP/FAO/PIC/ICRC.4/15/ Add.1	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation - Tetraethyl lead
UNEP/FAO/PIC/ICRC.4/15/ Add.2	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation - Tetraethyl lead
UNEP/FAO/PIC/ICRC.4/15/ Add.3	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation - Tetraethyl lead
UNEP/FAO/PIC/ICRC.4/15/ Add.4	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation - Tetraethyl lead
UNEP/FAO/PIC/ICRC.4/15/ Add.5	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation - Tetraethyl lead

UNEP/FAO/PIC/ICRC.4/15/Add.6	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation - Tetraethyl lead
UNEP/FAO/PIC/ICRC.4/15/Add.7	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation - Tetraethyl lead
UNEP/FAO/PIC/ICRC.4/16	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Review of notifications of final regulatory actions to ban or severely restrict a chemical- Tetramethyl lead
UNEP/FAO/PIC/ICRC.4/16/Add.1	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation – Tetramethyl lead
UNEP/FAO/PIC/ICRC.4/16/Add.2	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation – Tetramethyl lead
UNEP/FAO/PIC/ICRC.4/16/Add.3	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation – Tetramethyl lead
UNEP/FAO/PIC/ICRC.4/16/Add.4	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation – Tetramethyl lead
UNEP/FAO/PIC/ICRC.4/16/Add.5	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation – Tetramethyl lead
UNEP/FAO/PIC/ICRC.4/16/Add.6	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation – Tetramethyl lead
UNEP/FAO/PIC/ICRC.4/16/Add.7	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation – Tetramethyl lead
UNEP/FAO/PIC/ICRC.4/17	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Review of notifications of final regulatory actions to ban or severely restrict a chemical – Tributyltin compounds
UNEP/FAO/PIC/ICRC.4/17. rev.1	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Review of notifications of final regulatory actions to ban or severely Restrict a chemical – Tributyltin compounds
UNEP/FAO/PIC/ICRC.4/17/Add.1	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation - Tributyltin compounds
UNEP/FAO/PIC/ICRC.4/17/Add.2	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation - Tributyltin compounds
UNEP/FAO/PIC/ICRC.4/17/Add.3	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Supporting documentation - Tributyltin compounds
UNEP/FAO/PIC/ICRC.4/INF/1	Confirmation of experts designated for the Interim Chemical Review Committee
UNEP/FAO/PIC/ICRC.4/INF/2	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Consideration of draft decision guidance documents: Tabular summary of comments on the internal proposal for DNOC
UNEP/FAO/PIC/ICRC.4/INF/3	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Consideration of draft decision guidance documents: Tabular summary of comments on the internal proposal for SpinoxT/GranoxTBC
UNEP/FAO/PIC/ICRC.4/INF/4	Inclusion of chemicals in the Interim Prior Informed Consent Procedure - Consideration of draft decision guidance documents: Tabular summary of comments on the internal proposal for Asbestos
UNEP/FAO/PIC/ICRC.4/INF/5	Operational procedures for the Interim Chemical Review Committee – Process for drafting decision guidance documents
UNEP/FAO/PIC/ICRC.4/INF/6	New experts on the Interim Chemical Review Committee
UNEP/FAO/PIC/ICRC.4/INF/7	New experts on the Interim Chemical Review Committee
UNEP/FAO/PIC/ICRC.4/INF/8	List of Participants