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

**Third meeting**

Geneva, 9–13 October 2006

Item 5 (d) of the provisional agenda\*

**Implementation of the Convention: Report of the Chemical Review  
Committee on the work of its second meeting**

## **Report of the Chemical Review Committee on the work of its second meeting**

### **Note by the secretariat**

The second meeting of the Chemical Review Committee was held in Geneva from 13 to 17 February 2006. The secretariat has the honour to submit to the Conference of the Parties, in the annex to the present note, the report of that meeting.

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

Second meeting  
Geneva, 13–17 February 2006

**Report of the Chemical Review Committee on the work of its second  
meeting**

**Introduction**

1. The Chemical Review Committee, hereinafter referred to as the Committee, was established pursuant to decision RC-1/6 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, adopted in September 2004 at the first meeting of the Conference of the Parties to the Convention, with a membership of 31 government-designated experts appointed on the basis of the prior informed consent (PIC) regions identified by the Conference of the Parties at its first meeting.
2. In accordance with paragraph 13 of that decision and pursuant to the provisions of Articles 5, 6, 7 and 9 of the Rotterdam Convention, the functions and responsibilities of the Committee are to make recommendations on the inclusion of chemicals notified as banned and severely restricted, make recommendations for the inclusion of severely hazardous pesticide formulations, prepare, as appropriate, relevant draft decision-guidance documents and make recommendations on the removal of chemicals from Annex III of the Rotterdam Convention.
3. The first meeting of the Committee was held in Geneva from 11 to 18 February 2005. The report of that meeting is contained in document UNEP/FAO/RC/CRC.1/28, which has been circulated and posted on the Convention website ([www.pic.int](http://www.pic.int)).

**I. Opening of the meeting**

4. The second meeting of the Committee was held at the Varembe Conference Centre in Geneva from 13 to 17 February 2006. The meeting was opened at 10.10 a.m. on Monday, 13 February 2006, by Ms. Bettina Hitzfeld (Switzerland), Chair of the Committee, who welcomed the participants to Geneva.
5. The representative of the secretariat also welcomed the participants, in particular those experts who had joined the Committee since its first meeting. He noted with satisfaction that 21 additional countries had become Parties to the Rotterdam Convention over the past year, bringing the total number of Parties to 102. Outlining the tasks that lay before the Committee at its second meeting, he expressed his confidence that the Committee would be able to rise to the challenges before it. He thanked all those who had been involved in the intersessional work in preparation for the meeting and emphasized the

important contribution made by intergovernmental and non-governmental organizations to the work of the Committee and to the implementation of the Convention.

## **II. Organizational matters**

### **A. Confirmation of the appointment of members of the Committee**

6. The Chair recalled that, at its second meeting, held in Rome from 27 to 30 September 2005, the Conference of the Parties had adopted decision RC-2/1, by which it confirmed the appointment of 30 government-designated experts to the Committee and her election as its Chair. She noted that, since its first meeting, there had been changes to the Committee's membership: Mr. Angelo Anthony Valois had replaced Mr. André Mayne as the expert from Australia, Mr. Khashashneh had replaced Mr. Yusef Shuraiki from Jordan and Samoa had nominated Mr. William Cable.

7. In addition, Gabon, which had been identified by the Conference of the Parties in its decision RC-1/6 to designate a member to the Chemical Review Committee, had not submitted the designation of an expert to the secretariat by the date of the second meeting of the Conference of the Parties and, given that situation, the group of African countries had decided that the Democratic Republic of the Congo would designate an expert to serve on the Committee on an interim basis for the same term as would have been served by the expert from Gabon, pending formal confirmation of appointment of the expert by the Conference of the Parties at its third meeting. She informed the Committee that the expert designated by the Democratic Republic of the Congo, in accordance with that decision, was Mr. Alain Donatien Buluku.

8. Finally, she noted with satisfaction that all the experts had signed and submitted conflict of interest forms, in accordance with decision RC-1/7.

9. On the issue of members' terms of office, the representative of the secretariat recalled, by way of clarification, that, in decision RC-1/6 on the establishment of the Chemical Review Committee, the Conference of the Parties had decided that one half of the members of the Committee of each PIC region would be nominated for an initial term of two years, and the remaining members of each region would be nominated for an initial term of four years, commencing from the date of the second meeting of the Conference of the Parties. Accordingly, the members appointed for two years would conclude their term in September 2007 while members appointed for four years would conclude theirs in September 2009. He further recalled that, in its decision RC-2/1, the Conference had decided to elect Ms. Hitzfeld as the Chair of the Committee, bearing in mind the duration of her term, which would end in September 2007.

### **B. Officers**

10. The following officers served on the bureau of the Committee, as agreed by the Committee at its first meeting:

Chair: Ms. Bettina Hitzfeld (Switzerland)

Vice-Chairs: Ms. Norma Ethel Nudelman (Argentina)  
 Ms. Oluronke Ajibike Soyombo (Nigeria)  
 Mr. Mohammed Jamal Hajjar (Syrian Arab Republic)  
 Mr. Yuriy Kundiev (Ukraine)

Ms. Soyombo also agreed to serve as rapporteur.

11. The session was attended by the following 31 experts: Mr. Hamoud Darwish Salim Al-Hasani (Oman), Mr. Leonello Attias (Italy), Mr. Klaus Berend (Netherlands), Ms. Mercedes Bolaños (Ecuador), Mr. Alain Donatien Buluku (Democratic Republic of the Congo), Mr. William Cable (Samoa), Ms. Hyacinth Chin Sue (Jamaica), Ms. Kyunghee Choi (Republic of Korea), Ms. Ana Laura Chouhy Gonella (Uruguay), Mr. Isak Djumaev (Kyrgyzstan), Mr. Cesar Koppe Grisolia (Brazil), Mr. Mohammed Jamal Hajjar (Syrian Arab Republic), Mr. Sibbele Hietkamp (South Africa), Ms. Bettina Hitzfeld (Switzerland), Ms. Supranee Impithuksa (Thailand), Mr. Lars Juergensen (Canada), Mr. Aloys Kamatari (Rwanda), Mr. Mohammed Khashashneh (Jordan), Mr. Mohamed Ammar Khalifa (Libyan Arab Jamahiriya), Mr. Tamás Kömives (Hungary), Ms. Karmen Krajnc (Slovenia), Mr. Yuriy Ilyich Kundiev (Ukraine), Mr. Ernest Mashimba (United Republic of Tanzania), Mr. Halimi Bin Mahmud (Malaysia), Mr. Mario Nichelatti (France), Ms. Norma Ethel Sbarbati

Nudelman (Argentina), Mr. Magnus Nyström (Finland), Mr. John Pwamang (Ghana), Mr. Ousmane Sow (Senegal), Ms. Oluronke Ajibike Soyombo (Nigeria) and Mr. Angelo Anthony Valois (Australia).

12. Observers from the following countries and regional economic integration organizations were present: Australia, Austria, Brazil, Bulgaria, Cameroon, Canada, China, Dominican Republic, European Commission, Germany, Iraq, Israel, Japan, Kazakhstan, Mauritius, Netherlands, Norway, Pakistan, Poland, Qatar, Russian Federation, Sudan, Switzerland, Syrian Arab Republic, Turkey, Ukraine and United States of America.

13. Representatives of the following intergovernmental organizations and United Nations specialized agencies were also present: International Labour Office and World Health Organization (WHO).

14. The following non-governmental organizations were also represented: CropLife International and Indian Chemical Manufacturers Association.

### **C. Adoption of the agenda**

15. At its opening meeting, the Committee adopted the following agenda on the basis of the provisional agenda (UNEP/FAO/RC/CRC.2/1):

1. Opening of the session.
2. Organizational matters:
  - (a) Adoption of the agenda;
  - (b) Organization of work.
3. Review of the outcome of the second meeting of the Conference of the Parties:
  - (a) Outcome of the second meeting of the Conference of the Parties;
  - (b) Risk evaluations under other multilateral environmental agreements and their relevance to chemicals eligible for listing in Annex III of the Rotterdam Convention;
  - (c) Trade restrictions under other multilateral environmental agreements and their relevance to chemicals eligible for listing in Annex III of the Rotterdam Convention.
4. Operational procedures for the Chemical Review Committee:
  - (a) Procedures for the preliminary review of notifications and prioritizing the work of the Chemical Review Committee;
  - (b) Clarification of criteria for accepting information under subparagraphs (b) (i), (b) (ii) and (b) (iii) of Annex II of the Rotterdam Convention.
5. Listing of chemicals in Annex III of the Rotterdam Convention:
  - (a) Report of the bureau on the preliminary review of notifications and proposed priorities for chemicals scheduled for review by the Chemical Review Committee;
  - (b) Review of notifications of final regulatory actions to ban or severely restrict a chemical:
    - (i) Alachlor;
    - (ii) Tributyl tin;
    - (iii) Cyhexatin;
    - (iv) Dibromochloropropane (DBCP);
    - (v) Dicofol;
    - (vi) Mirex;
    - (vii) Endosulfan;
    - (viii) Methyl parathion;
    - (ix) 4-nitrobiphenyl;

- (c) Consideration of the draft decision-guidance document for chrysotile asbestos.
- 6. Other matters.
- 7. Adoption of the report.
- 8. Closure of the meeting.

#### **D. Organization of work**

16. At its opening meeting, the Committee decided to conduct its work in plenary at meetings each day from 9 a.m. to 12.30 p.m. and from 2 p.m. to 5 p.m., subject to adjustments as appropriate. It also decided that task groups and drafting groups would be formed as necessary.

17. The representative of the secretariat drew the Committee's attention to the meeting documents, which had been circulated to participants prior to the meeting and made available on the Convention website. A list of those documents was circulated as a conference-room paper.

18. The Chair introduced the scenario note for the Committee's second meeting (UNEP/FAO/RC/CRC.2/2), which set out its general objectives and possible outcomes. The main tasks before the Committee were, first, to review the notifications of final regulatory action for nine chemicals (alachlor, cyhexatin, DBCP, dicofol, endosulfan, methyl parathion, mirex, 4-nitrobiphenyl and tributyl tin) to determine whether those chemicals met the requirements for listing in Annex III of the Convention; second, to finalize the decision-guidance document on chrysotile asbestos which had been developed by an intersessional drafting group and to forward it to the Conference of the Parties in accordance with decision RC-2/2, on the preparation of decision-guidance documents; and, third, to respond to the requests made by the Conference of the Parties at its second meeting, including consideration of the papers on risk evaluations completed under the auspices of other multilateral environmental agreements and on trade restrictions under such agreements (UNEP/FAO/RC/CRC.2/4 and UNEP/FAO/RC/CRC.2/5, respectively). The Committee would also consider further measures to enhance the efficiency of its intersessional work.

### **III. Review of the outcome of the second meeting of the Conference of the Parties**

#### **A. Outcome of the second meeting of the Conference of the Parties**

19. The representative of the secretariat introduced the note on the outcome of the second meeting of the Conference of the Parties (UNEP/FAO/RC/CRC.2/3). The Committee took note of the document.

#### **B. Risk evaluations under other multilateral environment agreements and their relevance to chemicals eligible for listing in Annex III of the Rotterdam Convention**

20. The representative of the secretariat introduced the note on risk evaluations carried out under other multilateral environment agreements and their relevance to chemicals eligible for listing in Annex III of the Convention (UNEP/FAO/RC/CRC.2/4), which had been prepared pursuant to a request made by the Conference of the Parties at its second meeting. In particular, the note considered whether those procedures could be used to meet the criteria of Annex II to the Convention, provided that suitable bridging information was made available.

21. Several experts highlighted the difficulties faced by developing countries in undertaking evaluations of risk under prevailing conditions in the notifying country and suggested that existing risk evaluations under other multilateral environmental agreements could be used as a basis for final regulatory action and that subsequent notification of that action could be deemed to meet criterion (b) (iii) of Annex II. The importance of submitting bridging information was reiterated in that context and it was stressed, in particular, that such information did not need to be very complicated. One expert suggested that a possible way forward would be to review criterion (b) (iii).

22. The Committee established a small drafting group, chaired by Mr. Hajjar, to consider the note further, taking into account comments made during the meeting.

23. The drafting group provided comments to the secretariat for inclusion in the revised version of the note, to be forwarded to the Conference of the Parties.

### **C. Trade restrictions under other multilateral environment agreements and their relevance to chemicals eligible for listing in Annex III of the Rotterdam Convention**

24. The representative of the secretariat introduced the note on trade restrictions applicable under other multilateral environment agreements and their relevance to chemicals eligible for listing in Annex III of the Convention (UNEP/FAO/RC/CRC.2/5), which had been prepared pursuant to a request made by the Conference of the Parties at its second meeting. The note considered how substances whose trade had been prohibited or severely restricted or was managed in some way under other multilateral environmental agreements could be treated under the Convention. Some experts proposed additions to the document, with a view to making the text clearer and ensuring that all options had been covered.

25. Following a brief discussion, the Committee requested the small drafting group established to review the note on risk evaluations also to review the document on trade restrictions, taking into account comments made during the meeting.

26. The drafting group provided comments to the secretariat for inclusion in the revised version of the note, to be forwarded to the Conference of the Parties.

## **IV. Operational procedures for the Chemical Review Committee**

### **A. Procedures for the preliminary review of notifications and prioritizing the work of the Chemical Review Committee**

27. The representative of the secretariat introduced the paper prepared by the secretariat setting out a possible procedure for identifying priorities for intersessional work by members of the Committee based on a preliminary review of the notifications of final regulatory action to ban or severely restrict chemicals submitted in line with Article 5 of the Convention (UNEP/FAO/RC/CRC.2/6), explaining that, following the experience at the Committee's first meeting, when it had dealt with 60 notifications for 14 different chemicals, it had been agreed that measures should be adopted to enhance the efficiency of the Committee's work, including the setting of priorities and deadlines.

28. Accordingly, in the paper, the secretariat suggested that, following an initial assessment, it would propose priorities for the work of the Committee by clustering the candidate chemicals into three groups. Thus, chemicals for which it appeared that notifications from at least two PIC regions met the requirements of the Convention would be in the first group and, in accordance with the recommendation of the Committee at its first meeting, intersessional task groups would be established to undertake preliminary assessments of the submitted notifications and supporting documentation for those chemicals. Chemicals for which it appeared that notifications from only one PIC region met the requirements of the Convention would be in the second group and chemicals for which it appeared that none of the notifications met the requirements of the Convention would be in the third. In the case of those chemicals, the Chair, in consultation with the bureau, would identify experts from among the Committee members to be responsible for a preliminary assessment as to how the requirements of the Convention had or had not been met.

29. The Committee agreed in general on the proposed procedure. The Chair confirmed that the paper was a work in progress and would be amended in the light of observations made during the Committee's current meeting. It would be included in the compilation of procedures and policy guidance that was being developed to facilitate the work of the Committee and to help ensure transparency and consistency.

30. Subsequently, in a general discussion on the item, emphasis was placed on the need to encourage a broader range of Committee members and observers to participate in the intersessional work of the Committee. It was agreed that the Chair, working with the bureau, would assign experts to the task groups established for the first group of chemicals and that lead experts assigned to work on the second group of chemicals would be supported by a small group of experts who would comment on the draft review. In addition, the secretariat would contact the lead experts to ascertain their availability. It was also agreed that, in the light of the experience at the current meeting with the third group of chemicals, the Committee would endeavour to deal with them more efficiently in future.

31. Attention was drawn to the need to ensure that relevant documentation was made available to the Committee in a timely manner; translations should be provided of any information submitted in languages other than English; and any information that was submitted at short notice should nevertheless be made available at the meeting itself. Notifying Parties would be further encouraged to provide focused summaries of the information contained in their supporting documentation.

## **B. Clarification of criteria for accepting information under subparagraphs (b) (i), (b) (ii) and (b) (iii) of Annex II of the Rotterdam Convention**

32. The representative of the secretariat introduced the working paper on the application of criteria (b) (i), (b) (ii) and (b) (iii) of Annex II (UNEP/FAO/RC/CRC.2/7) and explained that, given the difficulty of covering every possible scenario, it had been decided to base the paper on actual experience and to continue building on it in the light of future submissions.

33. In the ensuing discussion, experts commended the secretariat on the paper, which, they said, provided very useful guidance to the Committee. It was proposed that further examples identified during the current meeting should be included in revising the document. The Chair confirmed that the paper was a work in progress and would be included in the compilation of procedures and policy guidance that was being developed to facilitate the work of the Committee and to help ensure transparency and consistency.

34. It was agreed that the case of endosulfan, as presented in the notification from the Netherlands, would be included as an example in the section of the paper dealing with incidents involving direct exposure of the environment. It was also agreed that the case of endosulfan, as presented in the notification from Thailand, would be included. Further to some discussion about proposals to include examples relating to threshold carcinogens and the difficulties faced by developing countries in restricting the use of chemicals, it was agreed that the Committee should focus only on examples that were relevant to the notifications that it had reviewed.

35. It was also agreed that further consideration would be given intersessionally to including a reference to the issue of bioaccumulation and a representative example.

36. The Committee agreed that it would continue to develop the paper in the light of future notifications that were submitted for its consideration.

## **V. Listing of chemicals in Annex III of the Rotterdam Convention**

### **A. Report of the bureau on the preliminary review of notifications and proposed priorities for chemicals scheduled for review by the Chemical Review Committee**

37. In considering the item, the Committee had before it a note by the secretariat setting out the results of the preliminary review of notifications undertaken by the secretariat in consultation with the bureau in accordance with a request made by the Committee at its first meeting and the proposed priorities for the chemicals scheduled for review by the Committee at its second meeting (UNEP/FAO/RC/CRC.2/9).

38. The Chair said that, on the basis of the preliminary review of notifications and in line with the process for drafting decision-guidance documents set out in decision RC-2/2, and following the priorities proposed by the bureau, as set out in document UNEP/FAO/RC/CRC.2/6, the nine chemicals for consideration by the Committee had been clustered into the three proposed groups, as described in paragraph 28 above. Thus, alachlor, endosulfan and tributyl tin had been placed in the first group and intersessional task groups had been established to undertake preliminary assessments of the submitted notifications and supporting documentation on those chemicals. Cyhexatin, dicofol, methyl parathion and mirex had been placed in the second and DBCP and 4-nitrobiphenyl in the third group and, in the case of those chemicals, lead experts had been identified to conduct a preliminary assessment as to how the requirements of the Convention had or had not been met.

39. The Committee agreed that the preliminary review of all nine chemicals would form the basis of further review by the full Committee and comparison with the relevant criteria in Annex II to the Convention.

40. The Committee also agreed to consider the notifications before it in line with the priorities suggested in the note, subject to adjustments if necessary.

## **B. Review of notifications of final regulatory actions to ban or severely restrict a chemical: chemicals for which, following a preliminary review, two notifications appeared to meet the criteria of Annex II**

### **1. Alachlor**

41. Mr. Juergensen presented the report of the intersessional task group which had been established to undertake a preliminary assessment of the submitted notifications and supporting documentation on alachlor and which had comprised himself as coordinator and Mr. Al-Hasani, Mr. Berend, Ms. Bolaños, Mr. Buluku, Mr. Cable, Ms. Chin Sue, Mr. Kundiev, Mr. Mahmud and Mr. Nichelatti as members.

42. The task group had reviewed and analysed notifications on alachlor received from Canada and the Netherlands and the supporting documentation, contained in documents UNEP/FAO/RC/CRC.2/10 and Add.1–3, and had confirmed that both the notifications, relating to regulatory actions that banned all uses of alachlor as a pesticide, complied with the information requirements of Annex I to the Convention.

43. Taking into consideration the work of the task group, the Committee reviewed the criteria for listing banned or severely restricted chemicals as set out in Annex II. It noted that the regulatory decisions dated back some time and did not take into account recent interpretations of data related to the classification of alachlor as a carcinogen. One expert pointed out that, although studies indicated that alachlor caused cancer in rats, the current thinking was that the chemical did not present a significant cancer risk to humans.

44. In the ensuing discussion, concern was expressed that the Canadian regulatory decision had been reviewed by an independent review board and that the full report of the board's finding had initially not been made available to the Committee. It was agreed that, in the future, in the interests of transparency, the full text of such supporting documents should be available to the Committee.

45. Mr. Juergensen further clarified that, with regard to the notification from the Netherlands, the information in the notification had described hazard, carcinogenicity and potential for leaching, but there had been no quantitative indication of exposure through drinking water as a result of that leaching. The Committee noted that the World Health Organization (WHO) had established guideline levels for drinking water.

46. The Committee was also informed of the Netherlands policy that groundwater should remain free of pesticide residues and that, in line with that policy, a cut-off level for acceptable pollution by any pesticide had been established.

47. Further clarification of the actual or expected level of potential exposure was provided during the meeting by the observer from the Netherlands. The view was expressed, however, that such information should ideally be submitted in writing prior to the meeting for the experts to be able to consider it; concerns were also raised as to whether or not information to clarify a notification should be submitted at the meeting at which that notification was being considered, given that not all countries were equally able to send observers to represent them. It was agreed that the Netherlands would be invited to resubmit its notification with additional supporting information to clarify the issue of exposure.

48. The Committee agreed that, on the basis of the information available, the notification from Canada met all the criteria of Annex II and the notification from the Netherlands met all the criteria of Annex II with the exception of criterion (b) (iii), for which the situation remained unclear in the absence of further supporting documentation. Accordingly, as only one regulatory action from one PIC region met the criteria set out in Annex II, it was agreed that alachlor could not be proposed for inclusion in Annex III of the Rotterdam Convention at the current time.

49. The Committee agreed to prepare a rationale for alachlor relating to the notification from Canada. The rationale is set out in annex III to the present report.

### **2. Endosulfan**

50. The secretariat forwarded to the Committee the new notification on endosulfan submitted by Thailand and the notifications from the Netherlands and Côte d'Ivoire that had been previously reviewed. At its fifth meeting, the interim Chemical Review Committee had concluded that the notification from the Netherlands met all the criteria of Annex II, a conclusion which had been endorsed by the Chemical Review Committee at its first meeting. At its first meeting, the Committee had

reviewed the notification from Côte d'Ivoire and had concluded that, on the basis of information available at the time, it did not meet criteria (b) (iii), (c) (i) and (c) (ii) of Annex II. Subsequently, new supporting documentation had been received from Côte d'Ivoire, which had been forwarded to the Committee for consideration at its second meeting.

51. Mr. Nichelatti presented the report of the intersessional task group which had been established to undertake a preliminary assessment of the submitted notifications and supporting documentation on endosulfan and which had comprised himself as coordinator and Mr. Attias, Mr. Berend, Ms. Bolaños, Mr. Buluku, Mr. Cable, Ms. Chin Sue, Mr. Grisolia, Ms. Hitzfeld, Mr. Juergensen, Mr. Khashashneh, Mr. Mashimba, Ms. Nudelman and Mr. Valois as members from the Committee and Mr. Jan Linders as observer from the Netherlands.

52. The task group had reviewed and analysed the new notification on endosulfan received from Thailand and the supporting documentation contained in documents UNEP/FAO/RC/CRC.2/15 and Add.2 and Add.4–6 and had found that the notification, relating to regulatory actions that banned or severely restricted the use of endosulfan as a pesticide, complied with the information requirements of Annex I and met all the criteria of Annex II.

53. Taking into consideration the work of the task group, the Committee reviewed the criteria for listing banned or severely restricted chemicals as set out in Annex II. It considered the new supporting documentation from Côte d'Ivoire contained in document UNEP/FAO/RC/CRC.2/15/Add.3 and found that it did not contain information demonstrating how effective the action taken had been in reducing the risk; accordingly, it confirmed that, in the case of Côte d'Ivoire, criteria (b) (iii), (c) (i) and (c) (ii) of Annex II had not been met.

54. In the light of its consideration of the notification submitted by Thailand, the Committee agreed that Thailand had severely restricted endosulfan as commonly used in the country, by banning emulsifiable concentrate and granular formulations and maintaining the registration for use in a capsulated formulation.

55. Following extensive discussion as to whether use of a pesticide for non-recommended purposes constituted intentional misuse as understood in the Convention, it was agreed that the Conference of the Parties should be informed of how intentional misuse was understood by the Committee. Accordingly, a working paper was prepared for the information of the Conference of the Parties.

56. A drafting group was established to draft a rationale for a decision on endosulfan, to prepare a timetable for the development of a decision-guidance document and to report back to the Committee on its work.

57. Subsequently, the Committee adopted a decision on endosulfan, the rationale for that decision and the timetable for preparing the decision-guidance document. The rationale, decision, timetable and the membership of the drafting group are contained in annex II to the present report.

### **3. Tributyl tin**

58. Mr. Berend presented the report of the intersessional task group which had been established to undertake a preliminary assessment of the submitted notifications and supporting documentation on tributyl tin and which had comprised himself as coordinator and Mr. Al-Hasani, Mr. Attias, Ms. Chin Sue, Ms. Hitzfeld, Mr. Juergensen, Mr. Mahmud and Ms. Nudelman as members from the Committee and Ms. Cathleen Barnes as observer from the United States of America and Mr. Julian Foley and Mr. Paul Rumsby as observers from the European Commission.

59. The secretariat had forwarded to the Committee the new notification on tributyl tin submitted by Canada and the notification from the European Community that had been previously reviewed at the fourth session of the interim Chemical Review Committee. At that session, the interim Chemical Review Committee had concluded that the notification met all the criteria of Annex II and the Committee had endorsed that conclusion at its first session.

60. The task group had reviewed and analysed the new notification on tributyl tin from Canada and the supporting documentation, contained in documents UNEP/FAO/RC/CRC.2/11 and Add.1, and had confirmed that the notification, relating to regulatory action that severely restricted the use of tributyl tin as a pesticide, complied with the information requirements of Annex I and met the criteria of Annex II.

61. There was some discussion about the scope of the proposed listing in Annex III, as both the notifications, although they covered all tributyl tin compounds, made reference to certain specific compounds. It was also pointed out, however, that the supporting documentation and the regulatory

actions that had been taken in regard to tributyl tin were of general scope covering all compounds. It was noted that the predominant use of those compounds was in anti-fouling paints; all other uses were minor. It was agreed that the scope of the proposed listing in Annex III should cover all tributyl tin compounds, including tributyl tin oxide, tributyl tin fluoride, tributyl tin methacrylate, tributyl tin benzoate, tributyl tin chloride, tributyl tin linoleate and tributyl tin naphthenate. The Committee also noted that, while the notification from the European Community covered other triorganostannic compounds, the regulatory actions common to both notifications were limited to all tributyl tin compounds.

62. The issue of the distinction between trade names and the names of preparations for the purposes of the Convention was also raised.

63. A drafting group was established to draft a rationale for a decision on tributyl tin, to prepare a timetable for the development of a decision-guidance document and to report back to the Committee on its work.

64. Subsequently, the Committee adopted the draft decision on tributyl tin, the rationale for that decision and the timetable for preparing the decision-guidance document. The rationale, decision, timetable and the membership of the drafting group are contained in annex II to the present report.

## **C. Review of notifications of final regulatory actions to ban or severely restrict a chemical: chemicals for which, following a preliminary review, only one notification appeared to meet the criteria of Annex II**

### **1. Cyhexatin**

65. Mr. Hietkamp presented the report of the intersessional task group which had been established to undertake a preliminary assessment of the submitted notifications and supporting documentation on cyhexatin, which had comprised himself and Ms. Nudelman.

66. The task group had reviewed and analysed notifications on cyhexatin received from Canada and Japan and the supporting documentation, as contained in documents UNEP/FAO/RC/CRC.2/12 and Add.1–3, and had found that both the notifications, relating to regulatory actions that banned all uses of cyhexatin as a pesticide, complied with the information requirements of Annex I to the Convention.

67. Taking into consideration the work of the task group, the Committee reviewed the criteria for listing banned or severely restricted chemicals as set out in Annex II. It was noted that, after the risk evaluation had been carried out on which the Canadian notification was based, new information showed that cyhexatin actually did not pose a teratological risk. It was agreed that the new information relevant to the teratological effects of cyhexatin should be taken into account before any recommendation for inclusion in Annex III would be made in the future.

68. The Committee agreed that, on the basis of the information available at the time, the notification from Canada met all the criteria of Annex II and the notification from Japan met all the criteria of Annex II with the exception of criterion (b) (iii). Accordingly, as only one regulatory action from one PIC region met the criteria set out in Annex II, the Committee concluded that cyhexatin could not be proposed for inclusion in Annex III of the Rotterdam Convention at the current time.

69. The Committee agreed to prepare a rationale for cyhexatin relating to the notification from Canada. The rationale is set out in annex III to the present report.

### **2. Dicofol**

70. Ms. Choi presented the report of the intersessional task group which had been established to undertake a preliminary assessment of the submitted notifications and supporting documentation on dicofol and which had comprised herself and Mr. Mashimba.

71. The task group had reviewed and analysed three notifications on dicofol and their supporting documentation, as contained in documents UNEP/FAO/RC/CRC.2/14 and Add.1–4. Two of the notifications were from Europe, and had been submitted by the Netherlands and Romania, and the other was from Asia, and had been submitted by Japan. The group had found that all the notifications, relating to regulatory actions that banned all uses of dicofol as a pesticide and, in the case of Japan, also as industrial chemical, complied with the information requirements of Annex I to the Convention.

72. Taking into consideration the work of the task group, the Committee reviewed the criteria for listing banned or severely restricted chemicals as set out in Annex II.

73. It was noted that Parties were obliged to submit notifications of final regulatory action, even if, as in the case of Romania, that action had not been based on a risk evaluation, thereby automatically excluding the notifications from compliance with criterion (b) (iii) of Annex II. It was also noted that Romania's final regulatory action applied to dicofol formulations containing a certain amount of DDT.

74. After some discussion in which questions were raised as to whether the notification from the Netherlands met criterion (b) (iii) of Annex II, it was agreed that the evaluation had been made on the basis of estimated exposure under the prevailing conditions and the notification did meet that criterion. As some of the supporting documentation provided by the Netherlands was in Dutch only, making it difficult for all members of the Committee to assess the situation fully, it was agreed that in the future such information should be made available in English.

75. On the basis on the information currently available, the Committee agreed that, while the notification from the Netherlands met all Annex II criteria, those from Japan and Romania did not. Accordingly, as only one regulatory action from one PIC region met the criteria set out in Annex II, the Committee concluded that dicofol could not be proposed for inclusion in Annex III of the Rotterdam Convention at the current time.

76. The Committee agreed to prepare a rationale on dicofol relating to the notification from the Netherlands. The rationale is set out in annex III to the present report.

### 3. Methyl parathion

77. Ms. Soyombo presented the report of the intersessional task group which had been established to undertake a preliminary assessment of the submitted notifications and supporting documentation on methyl parathion and which had comprised herself and Ms. Impithuksa as coordinators, Mr. Cable, Ms. Krajnc and Mr. Pwamang as members from the Committee and Ms. Miriam Seng as observer from Germany.

78. The task group had reviewed and analysed five notifications on methyl parathion and their supporting documentation, contained in documents UNEP/FAO/RC/CRC.2/17 and Add.1-6. At its first meeting, the Committee had considered notifications from the European Community and Côte d'Ivoire. Since that meeting, additional supporting documentation had been submitted by Côte d'Ivoire and new notifications had been received from Bulgaria, Nigeria and Thailand. The group had found that all the notifications, relating to regulatory actions that banned or severely restricted the use of methyl parathion as a pesticide, complied with the information requirements of Annex I to the Convention.

79. Taking into consideration the work of the task group, the Committee reviewed the criteria for listing banned or severely restricted chemicals as set out in Annex II. It agreed that, on the basis of the information currently available, the notifications had met all the criteria of Annex II with the exception of criterion (b) (iii) for those from Nigeria and Thailand and criteria (b) (i), (b) (ii) and (b) (iii) for those from Bulgaria and Côte d'Ivoire, noting that the additional information submitted by Côte d'Ivoire had not demonstrated how effective the action taken had been in reducing the risk.

80. The Committee further noted that, at its first meeting, it had concluded that the notification from the European Community met all the criteria of Annex II and the supporting rationale was developed.

81. Accordingly, the Committee concluded that methyl parathion could not be proposed for inclusion in Annex III of the Rotterdam Convention at the current time.

### 4. Mirex

82. Mr. Nyström presented the report of the intersessional task group which had been established to undertake a preliminary assessment of the submitted notifications and supporting documentation on mirex and which had comprised himself and Mr. Sow as coordinators and Ms. Chin Sue as member.

83. The task group had reviewed and analysed three notifications on mirex received from Bulgaria, Canada and Japan and the supporting documentation, contained in documents UNEP/FAO/RC/CRC.2/16 and Add. 1-3. The group had found that all the notifications, relating to regulatory actions that banned all uses of mirex as an industrial chemical or pesticide, complied with the information requirements of Annex I to the Convention.

84. Taking into consideration the work of the task group, the Committee reviewed the criteria for listing banned or severely restricted chemicals as set out in Annex II. The Committee noted that the notification from Japan was not clear as to how the supporting information contained in document UNEP/FAO/RC/CRC.2/16/Add.2 had been used as a basis for the final regulatory action and that additional clarification was needed from Japan to explain what was meant by the terms "internal

documents” and “evaluating synthetically” used in the notification. The Committee also noted that Bulgaria had indicated in its notification that it had not conducted a risk evaluation.

85. The Committee agreed that, on the basis of the information currently available, the notification from Canada met all the criteria of Annex II and the notifications from Bulgaria and Japan had met all the criteria of Annex II with the exception of criterion (b) (iii).

86. Accordingly, as only one regulatory action from one PIC region met the criteria set out in Annex II, the Committee concluded that mirex could not be proposed for inclusion in Annex III of the Rotterdam Convention at the current time. It was agreed that Japan would be invited to resubmit its notification with additional supporting information to clarify whether the final regulatory action had been based on a risk evaluation.

87. The Committee agreed to prepare a rationale on mirex relating to the notification from Canada. The rationale is set out in annex III to the present report.

## **D. Review of notifications of final regulatory actions to ban or severely restrict a chemical: chemicals for which, following a preliminary review, no notifications appeared to meet the criteria of Annex II**

### **1. 4-nitrobiphenyl**

88. Mr. Kőmíves presented the report of the intersessional task group established to undertake a preliminary assessment of the submitted notifications and supporting documentation on 4-nitrobiphenyl, which had comprised himself and Mr. Djumaev.

89. The task group had reviewed and analysed notifications on 4-nitrobiphenyl received from Japan and Latvia and the supporting documentation, contained in documents UNEP/FAO/RC/CRC.2/18 and Add.1–2, and had confirmed that both of the notifications, relating to regulatory actions that banned in the case of Japan and severely restricted in the case of Latvia the use of 4-nitrobiphenyl as an industrial chemical, complied with the information requirements of Annex I to the Convention.

90. Taking into consideration the work of the task group, the Committee reviewed the criteria for listing banned or severely restricted chemicals as set out in Annex II. It agreed that, on the basis of the information currently available, the notifications had not met the criteria of Annex II, notably, all the criteria under paragraphs (b) and (c).

91. Accordingly, the Committee concluded that 4-nitrobiphenyl could not be proposed for inclusion in Annex III of the Rotterdam Convention at the current time.

### **2. DBCP**

92. Mr. Hajjar presented the report of the intersessional task group which had been established to undertake a preliminary assessment of the submitted notifications and supporting documentation on DBCP, which had comprised himself and Mr. Mahmud as coordinators and Mr. Al-Hasani, Mr. Berend, Ms. Bolaños, Ms. Chin Sue, Mr. Juergensen, Ms. Krajnc and Mr. Nichelatti as members.

93. The task group had reviewed and analysed notifications on DBCP received from Canada and Thailand and the supporting documentation, contained in documents UNEP/FAO/RC/CRC.2/13 and Add.1–2, and had confirmed that both the notifications, relating to regulatory actions that banned all uses of DBCP as a pesticide, complied with the information requirements of Annex I to the Convention.

94. Taking into consideration the work of the task group, the Committee reviewed the criteria for listing banned or severely restricted chemicals as set out in Annex II. It agreed that, on the basis of the information currently available, the notifications had met all the criteria of Annex II with the exception of criteria (b) (iii) and (c) (iv). The Committee also noted that Canada had indicated in its notification that it had not conducted a risk evaluation.

95. Accordingly, the Committee concluded that DBCP could not be proposed for inclusion in Annex III of the Rotterdam Convention at the current time.

## E. Consideration of the draft decision-guidance document for chrysotile asbestos

96. Mr. Berend presented the work of the drafting group, comprising himself and Mr. Valois as joint coordinators and Mr. Al-Hasani, Ms. Bolaños, Ms. Chin Sue, Ms. Choi, Mr. Djumaeu, Mr. Grisolia, Mr. Hajjar, Ms. Impithuksa, Mr. Juergensen, Mr. Kundiev, Mr. Mashimba, Ms. Nudelman and Mr. Pwamang as members. He outlined the procedure used to prepare the draft decision-guidance document on chrysotile asbestos and confirmed that the drafting group had followed the procedure for the preparation of draft decision-guidance documents adopted at the first meeting of the Committee and endorsed by the Conference of the Parties at its second meeting. Comments received on the decision-guidance document had been taken into account to the extent that there was agreement to do so from members of the drafting group. Those comments related to policy issues had not been incorporated, however, as such matters were the responsibility of the Conference of the Parties and not the Committee. He presented the draft decision-guidance document, as contained in document UNEP/FAO/RC/CRC.2/19, and a table of comments received as contained in document UNEP/FAO/RC/CRC.2/INF/6, for consideration by the Committee.

97. The Chair noted that several members of the Committee had requested additional information on alternatives to chrysotile asbestos. The observer from WHO reported that the Organization had carried out an assessment of substitutes, which might be of relevance in the drafting of the decision-guidance document. WHO had convened a workshop on mechanisms of fibre carcinogenesis and assessment of chrysotile asbestos substitutes in November 2005. While the full report of that workshop was not yet available, an executive summary was before the Committee in document UNEP/FAO/RC/CRC.2/INF/5.

98. Drawing attention to the conference-room paper on chrysotile asbestos submitted by Ukraine, Mr. Kundiev noted that no conclusion on comparative hazards of chrysotile asbestos and its substitutes had been made by WHO and suggested that there should be continued examination of the issue. He further noted that there were no data on epidemiological surveys. He requested that the draft decision-guidance document should be withheld until those gaps were filled.

99. Drawing attention to the conference-room paper on chrysotile asbestos submitted by Kyrgyzstan, Mr. Djumaeu questioned the legality of the draft decision-guidance document, as he considered that it had been based on only one notification, from Australia. In his view, the notifications from the European Community and Chile had lost their legal meaning and effect as they had formed the basis for a proposed amendment that had not been adopted by the Conference of Parties. He recalled that the question of the validity and status of such notifications had been raised at the second meeting of the Conference of the Parties but no conclusion had been reached. He proposed that the Committee should seek guidance from the Conference of the Parties with regard to previously considered notifications and postpone finalization of the decision-guidance document until such guidance was available.

100. It was noted that many comments provided during the drafting, such as those on risk management, lay outside the current scope of the decision-guidance document. It was further pointed out that the information requirements of countries beyond the scope of the decision-guidance document could be taken up under Article 14 of the Convention and that such requirements would be discussed by the Conference of the Parties at its third meeting.

101. Several experts stressed that the acceptability of alternatives was not a requirement for listing a chemical in Annex III. It was recalled that the mandate of the Committee under Article 5 was to review notifications of banned and severely restricted chemicals in the light of the criteria set out in Annex II of the Convention.

102. As the Committee could not reach consensus on the text of the draft decision-guidance document on chrysotile asbestos, several experts requested that the matter be put to a vote. There were no objections to that proposal. As foreseen under Article 18, paragraph 6 (c), of the Convention, the Committee accordingly referred the decision to a vote as per rule 50 of the rules of procedure. At the request of an expert, the vote was taken by secret ballot overseen by the bureau and a representative of the secretariat. The Committee decided to register only whether the conditions of Article 18, paragraph 6 (c), and rule 50 of the rules of procedure had been fulfilled.

103. In accordance with that vote, the Committee decided by two-thirds majority to agree to the text of the draft decision-guidance document. Subsequently, several observers expressed concern that every effort had not been made to reach consensus among Committee members, noting that, according to paragraph 6 (c) of Article 18 of the Convention, recommendations should be put to a vote only as a last resort if all efforts at consensus had been exhausted. They urged the Committee to revisit the matter.

Other participants expressed the view that every effort had been made to reach consensus, but they were nevertheless willing to reopen the discussion.

104. Accordingly, and as per rule 43 of the rules of procedure, the Committee decided, by a two-thirds majority, to revisit the issue of chrysotile asbestos.

105. Following further discussion, the Committee considered that it would be able to agree on the draft text of the decision-guidance document for forwarding to the Conference of the Parties on the understanding that the full report of the WHO workshop referred to in paragraph 97 above would be made available to the Conference; that the Conference would review the mechanisms under the Convention that provided for information exchange on the issue of alternatives; and that the Committee would forward to the Conference the issue of the status of previously considered notifications.

106. Accordingly, the Committee adopted the recommendation on the decision-guidance document on chrysotile asbestos for submission to the Conference of the Parties for consideration at its third meeting. The recommendation is contained in annex I to the present report.

## **VI. Other matters**

### **A. Issues for consideration by the Conference of the Parties: clarification of the term “misuse”**

107. Pursuant to the agreement reached during the discussion of endosulfan to prepare guidance on the term “misuse”, the Committee prepared a working paper on the application of criterion (d) of Annex II and Committee agreed to inform the Conference of the Parties of the further development of that working paper. The working paper, as developed by the Committee at its second meeting, is contained in annex IV to the present report.

### **B. Regional workshops**

108. The experts from Brazil, Jamaica, Jordan and Oman reported on regional workshops that had been held in their respective regions in 2005 aimed at providing guidance on how to implement the Convention, on follow-up action to be taken subsequent to the submission of notifications and on cooperation between the different chemicals-related conventions. They thanked the secretariat for the assistance provided in organizing those workshops.

109. It was suggested that future workshops might focus more specifically on increasing understanding among countries – particularly developing countries – as to how to submit notifications that met the requirements of Annex II. It was also suggested that Committee members should be invited to attend workshops in their own regions with a view to sharing the experience they had gained as Committee members.

110. The representative of the secretariat noted that workshops would be held in southern and eastern Africa in 2006 and that countries were being requested to submit proposals for workshops to be held in 2007 and 2008.

### **C. Dates of the Committee’s next meeting**

111. The Committee agreed to hold its next meeting in March 2007 in Rome. The precise dates of the meeting would be determined subsequently.

## **VII. Adoption of the report**

112. The Committee adopted its report on the basis of the draft report 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.

## **VIII. Closure of the meeting**

113. Following the customary exchange of courtesies, the meeting was declared closed at 2.45 p.m. on Friday, 17 February 2006.

## Annex I

### **Recommendation to the Conference of the Parties on the decision-guidance document for chrysotile asbestos**

*The Chemical Review Committee,*

*Recalling* its decision by consensus, at its first session, in accordance with paragraph 6 of Article 5 of the Convention, to recommend to the Conference of Parties that it should include chrysotile asbestos in Annex III of the Rotterdam Convention,

*Recalling* paragraphs 1 and 2 of Article 7 of the Convention,

*Decides*, in the light of the past practice for drafting decision-guidance documents, to agree on the draft text of the decision-guidance document on chrysotile asbestos, for forwarding to the Conference of Parties with the understanding:

(a) That the full report of the World Health Organization workshop on mechanism of fibre carcinogenesis and assessment of chrysotile asbestos substitutes will be made available to the Conference of the Parties;

(b) That the Conference of the Parties will review the mechanisms under the Convention that provide for information exchange, such as those under Articles 7 and 14 and the clearing-house mechanism, which could address the issue of whether information on alternatives and comparative evaluation of alternatives and chrysotile should be included;

(c) That the Chemical Review Committee will forward the issue of the status of previously considered notifications to the Conference of the Parties for its consideration.

## Annex II

### Rationales, draft decisions and work-plans for chemicals for which two notifications met the criteria of Annex II

#### A. Endosulfan

##### 1. Rationale for the recommendation that endosulfan (CAS No. 115-29-7) should become subject to the prior informed consent procedure and an intersessional drafting group established to prepare a draft decision-guidance document

1. In reviewing the notifications of final regulatory actions by the Netherlands and Thailand, 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 the environment.
2. The Netherlands bans all uses of the chemical on basis of a national risk evaluation. It was found that application of endosulfan according to good agriculture practice would result in surface water concentrations that would significantly affect aquatic organisms (especially fish). Emission of endosulfan to surface water will occur as a result of spraying drift during application. The surface water concentration of endosulfan during application was estimated with a dispersion model. Assuming a drift emission factor of 10 per cent, an endosulfan concentration of 0.014 mg/l was calculated. A comparison of this concentration with the lowest LC50 for fish (0.00017 mg/l) results in a risk quotient of 82, which was considered unacceptable.
3. The Committee confirmed that Thailand had severely restricted endosulfan, as commonly used in Thailand, by banning emulsifiable concentrate and granular formulations, whereas the use of capsule formulation remained registered. This decision was based on a national risk evaluation as follows: a survey in five provinces to assess the use of endosulfan for golden apple snail control in paddy fields showed that approximately 94 per cent of farmers used pesticides and that, of those, 60–76 per cent used endosulfan. Death of fish and other aquatic organisms was reported in every province. Emulsifiable concentrate (EC) and granule (GR) formulations were known to be very toxic to fish and aquatic organisms.
4. 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, and that the data reviews had been performed and documented in accordance with generally recognized 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 Netherlands and Thailand.
5. The Committee concluded that the final regulatory actions provided a sufficiently broad basis to merit including endosulfan in Annex III of the Rotterdam Convention in the pesticide category. It noted that those actions had led to a significant decrease in the quantities of the chemicals used in the notifying Parties. The regulatory decisions taken by the Netherlands and Thailand were expected significantly to reduce the impact on the aquatic environment.
6. There was no indication that there were any industrial uses of endosulfan. The Committee also took into account that the considerations underlying the final regulatory actions were not of limited applicability, since the conditions of use were broadly applicable. On the basis of information provided by members at the second meeting of the Chemical Review Committee and other available information, the Committee concluded also that there was ongoing international trade in endosulfan.
7. The Committee noted that the final regulatory action from the Netherlands had not been based on concerns about intentional misuse of endosulfan.
8. The Committee noted that the Thai notification on the severe restriction of endosulfan had been based on the decision of the Thai authority which had been prompted by the fact that farmers “misused” endosulfan through unapproved use in paddy fields against golden apple snails.
9. While the Committee took into account that, under criteria (d) of Annex II, intentional misuse was not in itself an adequate reason to list a chemical in Annex III, the Committee concluded that the

Thai regulatory action had been directly linked to the adverse environmental impact on aquatic lifeforms associated with endosulfan use under the prevailing conditions described.

10. The Committee concluded that the notifications of final regulatory actions by the Netherlands and Thailand met the information requirements of Annex I and the criteria set out in Annex II to the Convention. It is recommended that endosulfan be included in Annex III of the Rotterdam Convention as a pesticide.

## 2. Recommendation to the Conference of the Parties on the inclusion of endosulfan in Annex III of the Rotterdam Convention

*The Chemical Review Committee,*

*Recalling Article 5 of the Convention,*

*Concluding that the notifications of final regulatory actions by the Netherlands and Thailand 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 Conference of the Parties that it should include endosulfan in Annex III of the Rotterdam Convention.*

## 3. Work-plan for the intersessional drafting group on endosulfan

The drafting group is composed of the following members:

Chair: M. Nichelatti

Co-chair: L. Juergensen

Members: A. Valois  
H. AL-Hasani  
E. Mashimba  
C. K. Grisolia  
K. Krajnc

The group agreed to the following work-plan:

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

<i>Task</i>	<i>Responsible persons</i>	<i>Deadline</i>
Draft an internal proposal on endosulfan based on the information available to CRC	Chair Co-chair	15 April 2006
Send draft internal proposal to drafting group members for comments via e-mail	Chair Co-chair	15 April 2006
Replies	All DG members	16 May 2006
Update internal proposal based on the comments from drafting group members	Chair Co-chair	17 June 2006
Send updated internal proposal to CRC and its observers for comments via e-mail	Chair Co-chair	17 June 2006
Replies	All CRC members and observers	1 August 2006
Draft a decision guidance document (DGD) based on the comments from CRC and its observers	Chair Co-chair	1 September 2006
Send draft DGD to drafting group members for comments via e-mail	Chair Co-chair	1 September 2006
Replies	All DG members	22 September 2006.
Finalize draft DGD based on the comments of the group	Chair Co-chair	1 October 2006
Send draft DGD to secretariat	Chair Co-chair	1 October 2006
CRC meeting		March 2007

## B. Tributyl tin

### 1. Rationale for the recommendation that all tributyl tin compounds should become subject to the prior informed consent procedure and to establish an intersessional drafting group to prepare a draft decision-guidance document

1. In reviewing the notifications of final regulatory action by the European Community and Canada to severely restrict tributyl tin compounds, together with the supporting documentary information provided by those Parties, the Chemical Review Committee was able to confirm that the regulatory actions had been taken in order to protect both human health and the environment in the case of the European Community and the environment in that of Canada. The European Community action was based on an international environmental health criteria document, an independent risk assessment and expert opinion within the European Community. These reviews concluded that immune system toxicity of tributyltin compounds represented the main concern for human health, and that tributyl tin compounds were highly toxic to aquatic organisms, including imposex in dogwhelks and effects on shell development in Pacific oysters.

2. The Canadian regulatory action was based on two environmental risk assessment reviews, which concluded that tributyl tin compounds were highly toxic to aquatic organisms, including imposex in dogwhelks, effects on molluscs and benthic invertebrates. Both notifications indicated the persistence of tributyl tin compounds in sediment and identified anti-fouling paints as the main source of tributyl tin compounds toxicity in the marine environment.

3. 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 and that the data reviews had been performed and documented in accordance with generally recognized 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 (including exposure scenarios from European Union dockyards, ports, and major North Sea shipping lanes) and Canada (monitoring of effects as a consequence of exposure in the environment – in particular imposex in molluscs – on Canada's Pacific and Atlantic coasts).

4. The Committee concluded that the final regulatory actions provided a sufficiently broad basis to merit including tributyl tin compounds in Annex III of the Rotterdam Convention in the pesticide category. As there was no indication that there were any significant other pesticidal or industrial uses for tributyl tin compounds, it noted that the actions by the European Community and Canada would lead to a significant decrease in the quantities and uses of tributyl tin compounds, and the risk to human health and the environment in the European Community and the environment in Canada was expected to be significantly reduced.

5. The Committee also took into account that the considerations underlying the final regulatory action were not of limited applicability but of wider relevance, since the use of anti-fouling paints containing tributyl tin compounds on the hulls of ships could lead to risk to the marine environment in any area of the world. On the basis of information provided to the members at the second session of the Chemicals Review Committee and other available information, the Committee concluded also that there was evidence of ongoing international trade in tributyl tin compounds.

6. The Committee noted that the final regulatory actions were not based on concerns about intentional misuse of tributyl tin compounds.

7. At its second meeting, the Committee concluded that the notification 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 was recommended that tributyl tin compounds should be included in Annex III to the Rotterdam Convention as a pesticide. Compounds that would be covered by the decision-guidance document would be:

“All tributyl tin compounds, including:

Tributyl tin oxide (CAS 56-35-9)  
 Tributyl tin fluoride (CAS 1983-10-4)  
 Tributyl tin methacrylate (CAS 2155-70-6)  
 Tributyl tin benzoate (CAS 4342-36-3)  
 Tributyl tin chloride (CAS 1461-22-9)  
 Tributyl tin linoleate (CAS 24124-25-2)  
 Tributyl tin naphthenate (CAS 85409-17-2) ...”

## 2. Recommendation to the Conference of the Parties on the inclusion of tributyltin compounds in Annex III of the Rotterdam Convention

*The Chemical Review Committee,*

*Recalling Article 5 of the Convention,*

*Concluding that the notifications of final regulatory actions by the European Community and Canada 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 Conference of the Parties that it should include all tributyl tin compounds, including:*

Tributyl tin oxide (CAS 56-35-9)  
 Tributyl tin fluoride (CAS 1983-10-4)  
 Tributyl tin methacrylate (CAS 2155-70-6)  
 Tributyl tin benzoate (CAS 4342-36-3)  
 Tributyl tin chloride (CAS 1461-22-9)  
 Tributyl tin linoleate (CAS 24124-25-2)  
 Tributyl tin naphthenate (CAS 85409-17-2)

in Annex III of the Rotterdam Convention.

## 3. Work-plan for the intersessional drafting group on tributyltin compounds

The drafting group is composed of the following members:

Chair: Klaus Berend  
 Co-chair: Lars Juergensen  
 Members: Kyunghee Choi  
 Mohamed Hajjar  
 Sibbele Hietkamp  
 Karmen Krajnc  
 Norma Nudelman

The group agreed to the following work-plan:

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

<i>Task</i>	<i>Responsible persons</i>	<i>Deadline</i>
Draft an internal proposal on tributyltin compounds based on the information available to CRC.	Chair Co-chair	18 April 2006
Send draft internal proposal to drafting group members for comments via e-mail	Chair Co-chair	18 April 2006
Replies	All DG members	19 May 2006
Update internal proposal based on the comments from drafting group members	Chair Co-chair	19 June 2006
Send updated internal proposal to CRC and its observers for comments via e-mail	Chair Co-chair	19 June 2006
Replies	All CRC members and observers	4 August 2006
Draft a decision guidance document (DGD) based on the comments from CRC and its observers	Chair Co-chair	4 September 2006
Send draft DGD to drafting group members for comments via e-mail	Chair Co-chair	4 September 2006
Replies	All DG members	25 September 2006.
Finalize draft DGD based on the comments of the group	Chair Co-chair	9 October 2006
Send draft DGD to secretariat	Chair Co-chair	9 October 2006
CRC meeting		March 2007

## Annex III

### **Rationales for those chemicals for which only one notification met the criteria of Annex II**

#### **A. Alachlor: rationale for the conclusion by the Committee that notification for alachlor (CAS No. 15972-60-8) from Canada meets the criteria of Annex II of the Rotterdam Convention**

1. In reviewing the notification of final regulatory action by Canada, together with the supporting documentary information provided by the Party, the Committee was able to confirm that the action had been taken in order to protect human health.
2. The notification and supporting documentation identified alachlor as an animal carcinogen and a probable human carcinogen. It was used in Canada as a herbicide for control of annual grasses and broadleaf weeds in corn and soybeans. Exposure occurs to workers during application of pesticides containing alachlor.
3. The Committee established that the final regulatory action had been taken on the basis of a risk evaluation and that the evaluation had been based on a review of scientific data. The available documentation demonstrated that the data had been generated in accordance with scientifically recognized methods and that the data reviews had been performed and documented in accordance with generally recognized scientific principles and procedures. It also showed that the final regulatory action had been based on chemical-specific risk evaluations taking into account the conditions of exposure within Canada.
4. The risk evaluation included an assessment of the hazard (carcinogenicity) and the exposure (primarily occupational exposure, namely, exposure of applicators), and therefore meets the criteria for a risk evaluation.
5. The Committee concluded that the final regulatory action taken by Canada on the basis of the available supporting documentation provided a sufficiently broad basis to merit including alachlor in Annex III of the Rotterdam Convention in the pesticide category. It noted that the action had led to a decrease in the quantities of the chemicals used in the notifying Party. All uses had been banned in Canada and therefore continued exposure did not occur in Canada. Hence, the risk for human health in the notifying Party had been significantly reduced.
6. There was no indication that there were any industrial uses of alachlor in Canada. The Committee also took into account that the considerations underlying the final regulatory action were not of limited applicability since all uses had been banned. On the basis of information provided to the members at the second meeting of the Chemical Review Committee and other available information, the Committee concluded also that there was evidence of ongoing international trade in alachlor.
7. The Committee noted that the final regulatory action was not based on concerns about intentional misuse of alachlor.
8. The Committee noted that the regulatory decision was reviewed by an independent board for review that concluded that the risk to applicators was overstated. The Minister of Agriculture considered the recommendations and upheld the regulatory action.
9. The Committee also noted that the regulatory decision had been taken in 1985 and that recent interpretations of data related to classification of carcinogens had not been available at the time that the regulatory decisions had been taken.
10. At its second meeting, the Committee concluded that the notification of final regulatory action by Canada met the information requirements of Annex I and the criteria set out in Annex II to the Convention. When a second notification for the same chemical from a Party in a region other than North America has been found by the Committee as meeting the criteria of Annex II, the Committee will recommend to the Conference of the Parties that alachlor be included in Annex III to the Rotterdam Convention.

**B. Cyhexatin: rationale for the conclusion by the Committee that notification for Cyhexatin (CAS No. 13121-70-5) from Canada meets the criteria of Annex II of the Rotterdam Convention**

1. In reviewing the notification of final regulatory action by Canada, together with the supporting documentary information provided by the Party, the Committee was able to confirm that the action had been taken in order to protect human health.
2. Cyhexatin was found to be teratogenic in rats and rabbits at low doses according to the information available to Canada at the time. It is used in orchards and greenhouses to control mites on apples, pears, peaches, nectarines, strawberries, hops, non-bearing raspberries and ornamental plants. Exposure occurs to workers in treated orchards or fields.
3. The Committee established that the final regulatory action had been taken on the basis of a risk evaluation and that the evaluation had been based on a review of scientific data. The available documentation demonstrated that the data had been generated in accordance with scientifically recognized methods and that the data reviews had been performed and documented in accordance with generally recognized scientific principles and procedures. It also showed that the final regulatory action had been based upon estimated exposure of farm workers under different use scenarios.
4. A review of teratology studies in rats and rabbits at the time indicated cyhexatin to be teratogenic; margins of safety were considered to be low even in cases where rubber suits and gloves had been used.
5. The Committee concluded that the final regulatory action taken by Canada on the basis of the available supporting documentation at the time provided a sufficiently broad basis to merit including cyhexatin in Annex III of the Rotterdam Convention in the pesticide category. The Committee noted, however, the age of the decision and that subsequently new internationally peer-reviewed information had become available that called into question the basis for the regulatory action.
6. It noted that the action had led to a decrease in the quantities of the chemicals used in the notifying Party. All uses had been banned in Canada and therefore continued exposure did not occur in Canada. Accordingly, the risk for human health in the notifying Party had been significantly reduced.
7. There was no indication that there were any industrial uses of cyhexatin in Canada. The Committee also took into account that the considerations underlying the final regulatory action were not of limited applicability since all uses had been banned. On the basis of information provided to the members at the second session of the Chemical Review Committee and other available information, the Committee concluded also that there was evidence of ongoing international trade in cyhexatin.
8. The Committee noted that the final regulatory action had not been based on concerns about intentional misuse of cyhexatin.
9. At its second meeting, the Committee concluded that the notification of final regulatory action by Canada met the information requirements of Annex I and the criteria set out in Annex II to the Convention. Because new internationally peer-reviewed information had subsequently become available, showing that teratogenicity was not of concern for cyhexatin, the Committee considered that that fact should be taken into account before any recommendation for inclusion of the substance into Annex III of the Convention would be made in the future.

### **C. Dicofol: rationale for the recommendation that the notification for dicofol (CAS No. 115-32-2) from the Netherlands meets the criteria of Annex II of the Rotterdam Convention**

1. In reviewing the notification of final regulatory action by the Netherlands, together with the supporting documentary information provided by the Party, the Chemical Review Committee was able to confirm that the regulatory action had been taken in order to protect the environment. Dicofol is a persistent chemical. Laboratory experiments found the chemical to be highly accumulative (bioconcentration factor (BCF) of about 10,000), a property that might lead to effects via the food chain (secondary poisoning). In addition, further experiments revealed effects on the reproduction of owls and pigeons where eggshell thinning at a concentration of 3 mg/kg feed was demonstrated. Modelling estimations indicated that application (according to good agriculture practice) of dicofol would lead to exposure of fish-eating birds. Based on the BCF there is an estimation of about 30 mg/kg feed, assuming a diet of 100 per cent contaminated fish to be eaten by predatory birds. Concentration in fish and predatory birds may reach levels as a result of continuous build-up in the tissues which lead to significant adverse effects. This is clearly deemed unacceptable.
2. The Netherlands notification therefore demonstrated that final regulatory action had been based on estimated concentrations of the chemical in the environment taking into account the prevailing conditions in the Netherlands. The risk evaluation concluded that, on the basis of the results of modelled exposure there were unacceptable risks to non-target organisms (predatory birds feeding on fish) due to persistence and bioaccumulation of dicofol.
3. The Committee established that the final regulatory action had been taken on the basis of risk evaluation and that the evaluation had been based on a review of scientific data. The available documentation demonstrated that the data had been generated in accordance with scientifically recognized methods, and that the data reviews had been performed and documented in accordance with generally recognized scientific principles and procedures.
4. The Committee concluded that the final regulatory action provided a sufficiently broad basis to merit including dicofol in Annex III of the Rotterdam Convention in the pesticide category. It noted that the action had led to a significant decrease in the quantities of the chemicals used in the notifying Party. The regulatory decision taken by the Netherlands is expected significantly to reduce the impact on the environment.
5. The Committee also took into account that the considerations underlying the final regulatory action were not of limited applicability. On the basis of information provided by members at the second meeting of the Chemical Review Committee and other available information, the Committee also concluded that there was indication of potential international trade in dicofol.
6. The Committee noted that the final regulatory action was not based on concerns about intentional misuse of dicofol.
7. At its second meeting, the Committee concluded that the notification of final regulatory action by the Netherlands met the information requirements of Annex I and the criteria set out in Annex II to the Convention. When a second notification for the same chemical from a Party in a region other than Europe will be found by the Committee as meeting the criteria of Annex II, the Committee will recommend to the Conference of the Parties that dicofol should be included in Annex III to the Rotterdam Convention.

### **D. Mirex: rationale for the conclusion that the notification for mirex (CAS No. 2385-85-5) from Canada meets the criteria of Annex II of the Rotterdam Convention**

1. In reviewing the notification of final regulatory action by Canada, together with the supporting documentary information provided by the Party, the Committee was able to confirm that the action had been taken in order to protect human health and the environment. Mirex is persistent and bioaccumulative (stored mainly in fat tissues) and it is subject to long-range transport. It has been demonstrated to cause cancer in experimental animals and it is possibly carcinogenic to humans. Mirex was never registered for use as an agricultural pesticide in Canada. The notified decision concerns industrial uses. It has mainly been used as a fire-retardant agent in plastics, rubber, paint paper and electrical goods. It has also been used as a pyrotechnic for generating white smoke. Mirex contaminates several ecosystems in Canada. Human dietary exposure to mirex is generally low, with the possible

exception of the group dependant on a diet of fish or fish-eating birds from Lake Ontario and the St. Lawrence River and of hunters eating game birds.

2. The Committee established that the final regulatory action had been taken on the basis of risk evaluation and that the evaluation had been based on a review of scientific data. The available documentation demonstrated that the data had been generated in accordance with scientifically recognized methods and that the data reviews had been performed and documented in accordance with generally recognized scientific principles and procedures. It also showed that the final regulatory action had been based on chemical-specific risk evaluations, taking into account the conditions of exposure within Canada. A task force had evaluated the risks in 1997. The main conclusions were:

- (a) Mirex contaminates several ecosystems in Canada;
- (b) Mirex is not known to occur in the environment as a natural product;
- (c) The main sources of mirex in Canada are located in New York State (US) in the Niagara River and the Oswego River where chemical manufacturing and fire retardant plants were located;
- (d) The transboundary movement of mirex in the Lake Ontario ecosystem has resulted in the contamination of fish and fish feeding birds in Canada;
- (e) Human dietary exposure to mirex is generally very low in Canada with the possible exception of a critical subpopulation partly or wholly dependent on a diet of fish or fish-feeding birds from Lake Ontario and the St. Lawrence River;
- (f) Mirex is biologically active, accumulates in food chains, is extremely persistent and dispersed in the environment.

3. The Committee concluded that the final regulatory action provided a sufficiently broad basis to merit including mirex in Annex III of the Rotterdam Convention in the industrial category. It noted that the action had led to a decrease in the quantities of the chemicals used in the notifying Party. The chemical has not been registered or used as an insecticide in Canada and had never been produced. By the notified decision, all other uses had been banned. Over the period 1963–1973, about 146 metric tonnes had been imported to Canada for industrial uses. The Stockholm Convention to which Canada is a Party prohibits both production and use. Accordingly, the risk for human health or environment in the notifying Party had been significantly reduced.

4. The Committee took into account that the considerations underlying the final regulatory action were not of limited applicability since mirex was subject to long-range transport and persistent; therefore found in monitoring also in areas where it had never been used. Two Parties to the Stockholm Convention on Persistent Organic Pollutants (which covers mirex) had requested exemptions from the restrictions of production and use of mirex, which indicated that there were possibilities also for trade. On the basis of information provided to the members at the second meeting of the Chemical Review Committee and other available information, the Committee also concluded that there were indications of potential international trade in mirex.

5. The Committee noted that the final regulatory action had not been based on concerns about intentional misuse of mirex.

6. At its second session, the Committee concluded that the notification of final regulatory action by Canada met the information requirements of Annex I and the criteria set out in Annex II to the Convention. When a second notification for the same chemical from a Party in a region other than North America will be found by the Committee as meeting the criteria of Annex II, the Committee will recommend to the Conference of the Parties that mirex should be included in Annex III to the Rotterdam Convention.

## Annex IV

### Working paper on the application of criterion (d) of Annex II

1. At the second meeting of the Chemical Review Committee, the experts considered a notification of a severely restricted chemical, where unapproved use was described as “misuse”. The notification was found to meet criteria (a)–(c) of Annex II. During the discussion, however, the question arose as to the application of the term “intentional misuse” as set forth in criterion (d) of Annex II

2. Annex II of the Convention sets out criteria for listing banned or severely restricted chemicals in Annex III, and states that, in reviewing the notifications forwarded to it, the Chemical Review Committee shall:

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

(b) Establish that the final regulatory action has been taken as a consequence of a risk evaluation;

(c) Consider whether the final regulatory action provides a sufficient decrease in the quantity of the chemical used or the number of its uses;

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

3. In the course of the discussion the Committee noted that there were varying views on what constituted misuse, as compared to common and recognized patterns of use of pesticides, largely as a result of the varying levels of controls over pesticide uses that existed under different regulatory systems. It was noted that, in developed countries, “common use” might be considered equivalent to the legal use, in other words, those uses listed on the product label. In countries with a less developed regulatory structure, however, the degree to which the pesticides were regulated and the role of the label in the national regulatory process varied widely, such that the difference between what constituted common use or misuse practices could be difficult to define.

4. The Committee also noted that pesticides were frequently used for suicide and for the intentional poisoning of fish and that such a use could be qualified as an “intentional” misuse.

5. In taking its decision the Committee noted that the case under consideration was the first notification where a final regulatory action had been taken to combat an environmental or health risk, as a result of a common and recognized pattern of crop protection use that was described as a misuse. While the Committee took into account criterion (d) of Annex II, in this particular case, the notification clearly met criteria (a)–(c), and in particular criterion (b) (iii). It was clear that intentional misuse was not the only reason proposed for listing the chemical in Annex III.

6. The Committee felt that future notifications of this kind relating to “misuse” should be considered on a case-by-case basis and the working paper should evolve as further experience was gained. It was agreed to inform the Conference of the Parties of the further development of the present working paper.

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