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Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade
Chemical Review Committee
Fourth meeting
Geneva, 10–13 March 2008

Report of the Chemical Review Committee on the work of its fourth 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.

2. In accordance with paragraph 13 of decision RC-1/6 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 or severely restricted; to make recommendations on the inclusion of severely hazardous pesticide formulations; to prepare, as appropriate, relevant draft decision guidance documents; and to make recommendations on the removal of chemicals from Annex III of the Convention.

I. Opening of the meeting

3. The fourth meeting of the Committee was held at the Varembé Conference Centre in Geneva from 10 to 13 March 2008. The meeting was opened at 10 a.m. on Monday, 10 March 2008, by Ms. Hyacinth Chin Sue (Jamaica), Chair of the Committee.

4. Mr. Donald Cooper, Co-Executive Secretary of the Rotterdam Convention, welcomed the members of the Committee and observers to the meeting. He said that, thanks to the substantial efforts of many, the Convention had been successfully launched as an important tool for regulating trade in certain chemicals with a view to preserving human health and the environment; the next challenge was to ensure that it became an established tool of first resort. For that to occur, it had to be used actively by the Parties, which should see it as a preferred option among the tools already available. The Chemical

* Reissued for technical reasons.

Review Committee had a critical role to play in that respect, not least by ensuring that the review mechanism of the Convention was used objectively and that science was the cornerstone of the review process. The Committee, and the Convention as a whole, would also play an important role in the achievement of the Millennium Development Goals and the chemicals-related goals of the 2002 Johannesburg World Summit on Sustainable Development. Links between hazardous chemicals, poverty and health problems were well established and the Convention was crucial to efforts to prevent chemicals from adversely affecting human health and the environment.

5. He called on the members of the Committee to continue their hard work and dedication and thanked them for their efforts to date, particularly during the periods between the Committee's meetings. He welcomed the 15 new members of the Committee, outlining the tasks that awaited them, and bid farewell to Ms. Chin Sue, who would step down as Chair at the conclusion of the current meeting, thanking her for her excellent work. In conclusion, he wished the members of the Committee and observers a successful meeting.

II. Organizational matters

A. Officers

6. The following officers, who were elected by the Committee at its third meeting[1] and whose terms commenced at the conclusion of that meeting, served on the bureau of the Committee:

Chair:	Ms. Hyacinth Chin Sue (Jamaica)
Vice-Chairs:	Mr. Klaus Berend (Netherlands) Ms. Karmen Krajnc (Slovenia) Mr. Ernest Mashimba (United Republic of Tanzania) Mr. Mohammed Khashashneh (Jordan)

Mr. Berend agreed to serve also as Rapporteur.

B. Attendance

7. The meeting was attended by the following 26 experts: Mr. Hamoud Darwish Salim Al-Hasani (Oman), Mr. Klaus Berend (Netherlands), Ms. Anja Bartels (Austria), Mr. Hubert Binga (Gabon), Ms. Hyacinth Chin Sue (Jamaica), Ms. Kyunghee Choi (Republic of Korea), Mr. Ignacio Figueroa Cornejo (Chile), Mr. Idris Adamu Goji (Nigeria), Ms. Ana Laura Chouhy Gonella (Uruguay), Mr. Mohammed Jamal Hajjar (Syrian Arab Republic), Mr. Masayuki Ikeda (Japan), Mr. Aloys Kamatari (Rwanda), Mr. Mohamed Ammar Khalifa (Libyan Arab Jamahiriya), Mr. Mohammed Oqlah Hussein Khashashneh (Jordan), Ms. Karmen Krajnc (Slovenia), Mr. Yuriy Ilyich Kundiev (Ukraine), Ms. Darina Liptakova (Czech Republic), Mr. Gamini K. Manuweera (Sri Lanka), Mr. Ernest Mashimba (United Republic of Tanzania), Ms. Norma Ethel Sbarbati Nudelman (Argentina), Mr. Magnus Nyström (Finland), Ms. Marit E. Randall (Norway), Mr. Shri Jasbir Singh (India), Mr. Ousmane Sow (Senegal), Ms. Hang Tang (Canada), Mr. Mario Yarto (Mexico) and Mr. Shan Zhengjun (China).

8. Observers from the following countries and regional economic integration organizations were present: Angola, Argentina, Australia, Brazil, Brunei Darussalam, Canada, China, Democratic Republic of Korea, European Community, Germany, Iran (Islamic Republic of), Japan, Libyan Arab Jamahiriya, Nigeria, Pakistan, Poland, Qatar, Republic of Korea, Russian Federation, Slovakia, Sweden, Switzerland, Turkey, Ukraine, United States of America, Zimbabwe.

9. An observer from the United Nations Institute for Training and Research also attended.

10. The following non-governmental organizations were also represented: CropLife International, Chrysotile Association, European Chemical Industry Council, Hyderabad Industries, Limited, Indian Chemical Council, International Council of Chemical Associations, International Council of Environmental Law, Women in Europe for a Common Future.

11. A complete list of participants was circulated as document UNEP/FAO/RC/CRC.4/INF/9/Rev.1.

1 As noted in paragraph 81 of the report of the Committee's third meeting (UNEP/FAO/RC/CRC.3/15), Ms. Chin Sue served as Chair *ad interim*, subject to confirmation by the Conference of the Parties at its fourth meeting.

C. Adoption of the agenda

12. At its opening session the Committee adopted the following agenda on the basis of the provisional agenda (UNEP/FAO/RC/CRC.4/1):

1. Opening of the meeting.
2. Organizational matters:
   (a) Adoption of the agenda;
   (b) Organization of work.
3. Review of the role and mandate of the Chemical Review Committee.
4. Introduction to the operation of the Chemical Review Committee:
   (a) Intersessional work of the Committee;
   (b) Working papers and policy guidance.
5. Listing of chemicals in Annex III to 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 action to ban or severely restrict chemicals:
      (i) Alachlor;
      (ii) Aldicarb;
      (iii) Carbaryl;
      (iv) Methyl parathion;
      (v) Mirex;
      (vi) Chrysotile asbestos.
6. Other matters.
7. Adoption of the report.
8. Closure of the meeting.

13. At the suggestion of the Chair the Committee agreed to discuss under agenda item 6, “other matters”, the experience gained by the intersessional task groups in preparing for the current meeting in their use of the guidance previously adopted by the Committee, which was outlined in document UNEP/FAO/RC/CRC.4/INF/3. It also agreed to discuss under other matters changes in the composition of the Committee, in particular the need to identify a new representative to the Bureau from the group of Latin American and Caribbean countries and the need to elect a new chair of the Committee, as it would be the last meeting of Ms. Chin Sue.

D. Organization of work

14. At its opening session the Committee decided to conduct its work in plenary each day from 9.30 a.m. to 12.30 p.m. and from 2 p.m. to 6 p.m., subject to adjustments as appropriate. It also decided that task groups and drafting groups would be formed as necessary.

15. The representative of the Secretariat drew the Committee’s attention to the meeting documents, most of which had been circulated to participants prior to the meeting and made available on the Convention website. She highlighted revisions of several documents that had been prepared shortly before the meeting and distributed to the members of the Committee at the start of the meeting.

16. The Chair introduced a scenario note (UNEP/FAO/RC/CRC.4/2) setting out her plans and general expectations for the current meeting. She noted that the main tasks of the Committee at the current meeting would be to determine whether the notifications of final regulatory action for six chemicals (alachlor, aldicarb, carbaryl, methyl parathion, mirex and chrysotile asbestos) met the criteria

of the applicable annexes of the Convention and, for those that did, to prepare rationales and workplans for developing decision guidance documents.

17. Highlighting the fact that the current meeting was being attended by 15 new members of the Committee, the Chair proposed that any task and drafting groups comprise a mix of new and experienced Committee members. She also proposed that much of the first day of the meeting be devoted to a review of the role, mandate and working procedures of the Committee for the benefit of the new members of the Committee. The Committee agreed to the Chair's proposals.

III. Review of the role and mandate of the Chemical Review Committee

18. The representative of the Secretariat introduced a note on the role and mandate of the Committee (UNEP/FAO/RC/CRC.4/4) and made presentations on the Rotterdam Convention, focusing on the prior informed consent (PIC) procedure, the role and mandate of the Chemical Review Committee and the development and use of decision-guidance documents.

19. Following those presentations, members of the Committee asked questions on the scientific basis for notifications; the procedure for obtaining supplementary information from notifying countries; the procedure for dealing with notifications regarding chemicals for which the Committee had already made recommendations but on which the Conference of the Parties had yet to make decisions; the possible updating and refinement of decision guidance documents; action by the Committee in response to new notifications for chemicals already in Annex III of the Convention; the removal of chemicals from Annex III of the Convention; the historical basis for the Convention; and the definition of intentional misuse. The representative of the Secretariat and other members of the Committee answered the questions as time permitted and the Committee agreed that the issues raised could be discussed further as necessary under relevant agenda items.

IV. Introduction to the operation of the Chemical Review Committee

A. Intersessional work of the Committee

B. Working papers and policy guidance

20. The Committee considered sub-items A and B of agenda item 4 together. Several members of the Secretariat and experienced members of the Committee gave an overview of key elements of the intersessional work of the Chemical Review Committee and the working procedures and policy guidance developed by the Committee, which were described in document UNEP/FAO/RC/CRC.4/INF/3. Topics covered included the policy guidance prepared by the Committee on the application of criteria (b) (i), (b) (ii) and (b) (iii) of Annex II to the Convention and on a country's use of bridging information.

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

21. In considering the item, the Committee had before it a note by the Secretariat setting out the results of the bureau's preliminary review of the notifications of final regulatory action scheduled for review by the Committee at its fourth meeting and proposed priorities for examining them (UNEP/FAO/RC/CRC.4/3).

22. The Chair said that the six chemicals for consideration by the Committee had been clustered into the three proposed groups: alachlor and aldicarb had been placed in the first, which included chemicals for which it was possible that notifications from at least two PIC regions would meet the criteria of the Convention; carbaryl, methyl parathion and mirex had been placed in the second, for which there might only be a notification from a single PIC region meeting the criteria of the Convention; and chrysotile asbestos constituted the third, in that there did not appear to be any notification for it that met the criteria of the Convention.

23. The Committee agreed to consider the notifications before it in line with the priorities suggested in the note.

B. Review of notifications of final regulatory action to ban or severely restrict chemicals

1. Chemicals for which, following a preliminary review, at least two notifications appeared to meet the criteria of Annex II

(a) Alachlor

24. The Committee had before it a notification and supporting documentation on alachlor submitted by the European Community (UNEP/FAO/RC/CRC.4/8 and Add. 1–3). It also had before it the notification from Canada which it had reviewed at its second meeting (UNEP/FAO/RC/CRC.2/10), for which it had prepared a rationale for its decision that the notification met the requirements of the Convention.

25. Mr. Berend reported on the work of the intersessional task group that had undertaken a preliminary assessment of the submitted notification and supporting documentation on alachlor. The group had comprised him as coordinator and Mr. Al-Hasani, Ms. Bartels, Ms. Chin Sue, Mr. Ikeda, Mr. Khalifa, Mr. Khashashneh, Ms. Krajnc, Ms. Liptakova, Mr. Mashimba, Mr. Nichellati, Mr. Nyström and Ms. Tang as members. The group had found that the new notification received from the European Community relating to regulatory actions that banned or severely restricted the use of alachlor as a pesticide complied with the information requirements of Annex I as well as the criteria of Annex II to the Convention.

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

27. During the discussion one member, referring to the European Community notification, stated his view that the contamination of ground water with alachlor did not result from innate characteristics of the substance but was instead a function of local geographical features and that the Committee therefore lacked a sufficient basis for including alachlor in Annex III. Another member questioned whether sufficient supporting documentation had been provided in the notification from Canada; the Committee confirmed that it had. Responding to the first point one member said that the regulatory action by the European Community was not based on failure to meet groundwater regulatory standards but on concerns related to unacceptable risks to workers and aquatic organisms. Several other members said that the Committee should not revisit notifications which had already been found to meet the criteria of Annex II and that the Committee should therefore not revisit the Canadian notification and should focus on the notification currently under consideration.

28. The Committee agreed that, on the basis of the information available, the notification from the European Community met all the criteria of Annex II and that, as the notification from Canada had previously been found to meet those criteria, the Committee should recommend to the Conference of the Parties that alachlor be included in Annex III to the Convention.

29. A drafting group was established to draft a rationale as to how the criteria of Annex II had been met, to prepare a timetable for the development of the decision guidance document, to draft a recommendation to the Conference of the Parties on the inclusion of alachlor in Annex III and to report to the Committee on its work.

30. Subsequently the Committee adopted a decision on alachlor, the rationale for that decision and a timetable for preparing a decision guidance document for the substance, as amended. The rationale, the decision and the timetable are set out in annex I to the present report.

(b) Aldicarb

31. The Committee had before it two notifications and supporting documentation on aldicarb submitted by the European Community and Jamaica (UNEP/FAO/RC/CRC.4/10 and Add.1–3).

32. Ms. Chin Sue reported on the work of the intersessional task group that had undertaken a preliminary assessment of the notifications and supporting documentation. The group had comprised her as coordinator and Mr. Al-Hasani, Ms. Bartels, Mr. Berend, Ms. Choi, Mr. Goji, Mr. Ikeda, Mr. Khalifa, Mr. Khashashneh, Ms. Krajnc, Ms. Liptakova, Mr. Mashimba, Ms. Nudelman, Mr. Nyström, Ms. Tang and Mr. Valois as members. The task group had found that both notifications, which related to regulatory actions that banned the use of aldicarb as a pesticide, complied with the information requirements of Annex I, as well as the criteria of Annex II to the Convention.

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

34. One observer was of the view that Jamaica's notification had not met criterion (b) (iii) of Annex II because the risk evaluation had been undertaken after the final regulatory action. Aldicarb, he said, had been banned in Jamaica in 1975 and the risk evaluation had not been undertaken until 1991. In response, Ms. Chin Sue explained that the 1975 ban had not been enforced and that the 1991 risk evaluation had been undertaken in support of a re-registration process and enforcement action that had not taken place until 1994.

35. The same observer also said that the notification was not acceptable because some of the information therein appeared to be based on second-hand reports rather than scientifically proven methods. He also drew attention to what he considered to be a lack of information on use patterns and application methods in Jamaica.

36. In response, Ms. Chin Sue explained that Jamaica had not conducted its own first-hand study but had based its decision to ban aldicarb on information from the United States Environmental Protection Agency and the World Health Organization, which clearly identified a need for personal protective equipment for farmers using granular formulations of aldicarb. By analogy Jamaica had decided that under the prevailing conditions in Jamaica, where farmers did not have reliable access to personal protective equipment, the risks to farmers were unacceptable.

37. There was agreement among members of the Committee that the notification submitted by Jamaica was a good example of how developing country Parties could comply with criterion (b) (iii) of Annex II by using the findings of studies conducted by other bodies and comparing them to conditions of exposure in their own countries.

38. The member from India said that, contrary to the information provided by the Government of Thailand in document UNEP/FAO/RC/CRC.4/INF/2, India had not received any imports of the substance in 2005, as aldicarb had been banned.

39. The Committee agreed that, on the basis of the information available, the notifications from the European Community and Jamaica met all the criteria of Annex II and that the Committee should recommend to the Conference of the Parties that aldicarb be included in Annex III to the Convention.

40. A drafting group was established to draft a rationale as to how the criteria of Annex II had been met, to prepare a timetable for the development of the decision guidance document, to draft a recommendation to the Conference of the Parties on the inclusion of aldicarb in Annex III and to report to the Committee on its work.

41. Subsequently the Committee adopted a decision on aldicarb, the rationale for that decision and a timetable for preparing a decision guidance document for the substance, as amended. The rationale, the decision and the timetable are set out in annex I to the present report.

42. The Committee requested the Secretariat to update the working paper on the application of criteria (b) (i), (b) (ii) and (b) (iii) of Annex II contained in document UNEP/FAO/RC/CRC.4/INF/3 by including in section III, "Application of criterion (b) (iii)", a specific example reflecting Jamaica's notification on aldicarb.

2. Chemicals for which, following a preliminary review, only one notification appeared to meet the criteria of Annex II

(a) Carbaryl

43. The Committee had before it two notifications of final regulatory action and supporting documentation on carbaryl submitted by the European Community and Jordan (UNEP/FAO/RC/CRC.4/9 and Add.1 and 2).

44. Mr. Khashashneh reported on the work of the intersessional task group that had undertaken a preliminary assessment of the notifications and supporting documentation. The group had comprised him and Mr. Nichellati as coordinators and Mr. Al-Hasani, Ms. Bartels, Mr. Berend, Ms. Chin Sue, Ms. Chouhy-Gonella, Mr. Hajjar, Mr. Ikeda, Ms. Krajnc, Ms. Liptakova, Ms. Nudelman, Mr. Nyström, Mr. Sow and Ms. Tang as members.

45. The task group had concluded that the notification from the European Community complied with the information requirements of Annex I as well as the criteria of Annex II to the Convention. The notification from Jordan, however, complied with the information requirements of Annex I but failed to

meet the criteria of Annex II because it did not provide details on how banning carbaryl would reduce human health risks, evidence that a risk evaluation had been carried out or data on which such an evaluation could be made and did not demonstrate that any evaluation undertaken had been carried out in accordance with sound scientific principles taking into account local exposure scenarios.

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

47. The Committee agreed that, on the basis of the information available, the notification from the European Community met all the criteria of Annex II.

48. The Committee also agreed that, on the basis of the information available, the notification from Jordan did not meet criteria (b) (i), (b) (ii), (b) (iii) or (c) (iii) of Annex II.

49. A member of the Committee suggested that the Committee should also conclude that the notification from Jordan also failed to meet criteria (c) (i) and (c) (ii) of Annex II inasmuch as it indicated that the effect of the final regulatory action would be "nothing" because carbaryl had never been used. The Chair and other members responded that, because the total ban effected by the final regulatory action in Jordan could have been expected to result in a significant decrease in use of the substance had the substance been used, those criteria were in fact met.

50. There was also brief discussion of the use by the task group of the term "open" rather than the term "not met" with respect to whether the notification submitted by Jordan had satisfied Annex II criteria. The task group chair explained that the term was used to indicate that the task group considered that inadequate information had been provided on certain criteria but that it was up to the Committee as a whole to conclude that the lack of such information meant that the criteria had been "not met". It was also clarified in that context that the Secretariat did request additional information from Parties submitting incomplete notifications and that it had done so in the case of the notification being discussed.

51. Accordingly, as only one notification of final regulatory action from one PIC region met the criteria set out in Annex II, the Committee concluded that carbaryl could not be recommended for inclusion in Annex III to the Rotterdam Convention at the current time.

52. A drafting group was established to draft a rationale as to how the notification for carbaryl submitted by the European Community met the criteria of Annex II of the Convention and to report to the Committee on its work. The Committee subsequently adopted the rationale, as amended, which is set out in annex II to the present report.

(b) Methyl parathion

53. The Committee had before it two notifications and supporting documentation on methyl parathion submitted by the Dominican Republic and Guyana (UNEP/FAO/RC/CRC.4/6 and Add. 1–3). It also had before it the notification from the European Community which it had reviewed at its first meeting (UNEP/FAO/RC/CRC.1/19), for which it had prepared a rationale for its decision that the notification met the requirements of the Convention.

54. Ms. Nudelman reported on the work of the intersessional task group that had undertaken a preliminary assessment of the notification and its supporting documentation. The group had comprised her and Ms. Krajnc as coordinators and Ms. Bartels, Mr. Berend, Ms. Choi, Ms. Chouhy-Gonella, Mr. Juergensen, Mr. Kamatari, Mr. Khashashneh, Ms. Liptakova, Ms. Tang and Mr. Valois as members. The task group had found that the notifications, which related to regulatory actions to ban the use of methyl parathion as a pesticide, complied with the information requirements of Annex I but did not meet all of the criteria of annex II.

55. Taking into consideration the conclusions of the task group, the Committee reviewed the criteria for listing banned or severely restricted chemicals set out in Annex II. The Committee agreed that, on the basis of the information currently available, the notifications from the Dominican Republic and Guyana did not meet criteria (b) (i), (b) (ii) or (b) (iii) of Annex II.

56. Accordingly, as only one notification of regulatory action from one PIC region met the criteria set out in Annex II, the Committee concluded that methyl parathion could not be recommended for inclusion in Annex III to the Rotterdam Convention at the current time.

(c) Mirex

57. The Committee had before it a notification and supporting documentation on mirex submitted by Guyana (UNEP/FAO/RC/CRC.4/7 and Add.2). It also had before it the notification, submitted by Canada, which it had reviewed at its second meeting (UNEP/FAO/RC/CRC.2/16), for which it had prepared a rationale for its decision that the notification met the requirements of the Convention.

58. Mr. Nyström reported on the work of the intersessional task group that had undertaken a preliminary assessment of the notification and supporting documentation provided by Guyana. The group had comprised him and Mr. Sow as joint coordinators and Mr. Khalifa, Mr. Nichellati and Mr. Valois as members. The task group had found that the notification, which related to regulatory actions that banned the use of mirex as a pesticide, complied with the information requirements of Annex I but did not meet all of the criteria of annex II.

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

60. During the discussion it was pointed out that mirex fell within the purview of the Stockholm Convention on Persistent Organic Pollutants and that it was a proven carcinogen. No information was provided regarding the risk evaluation undertaken in Guyana. In the absence of such information it was clear that the notification did not meet criterion (b) (iii) of Annex II. The Committee could not verify that the notification met criterion (c) (iv) regarding ongoing international trade.

61. Accordingly, as only one notification of final regulatory action from one PIC region met the criteria set out in Annex II, the Committee concluded that mirex could not be recommended for inclusion in Annex III of the Convention at the current time.

3. Chemicals for which, following a preliminary review, no notifications appeared to meet the criteria of Annex II: chrysotile asbestos

62. The Committee had before it two notifications of final regulatory action and supporting documentation on chrysotile asbestos submitted by Bulgaria and Japan (UNEP/FAO/RC/CRC.4/5 and Add.1 and 2).

63. Mr. Berend, as task group lead on the review of the notifications submitted by Japan and Bulgaria, reported on the results of that review. He said that the situation was clear cut: in the case of both countries, the notifications stated that the final regulatory action had not been based on a risk or hazard evaluation. Neither notification therefore met any of the criteria in part (b) of Annex II of the Convention.

64. In the light of the information provided by Mr. Berend the Committee concluded that criteria (b) (i), (b) (ii) and (b) (iii) had not been met for the two notifications and that the notifications would therefore not be considered further. The member from India said that there was a study currently under way in his country on the health effects of chrysotile asbestos. Similarly, the member from Ukraine said that a report was available on the controlled use of chrysotile asbestos in the asbestos-cement industry in his country.

VI. Other matters

A. Nomination of a new chair of the Committee and a new member of the Bureau

65. The Chair recalled that the current meeting would be her last. Accordingly, the Committee would need to select a new bureau member from the Group of Latin America and Caribbean Countries and to nominate a new chair of the Committee.

66. The Committee agreed that Mr. Yarto from Mexico would be the new member of the bureau and that Ms. Krajnc from Slovenia would serve as Chair of the Committee. As, under rule 30 of the rules of procedure of the Conference of the Parties, the chair of the Committee was to be elected by the Conference of the Parties, Ms. Krajnc would serve *ad interim* subject to confirmation by the Conference at its fourth meeting, which was to be held in October 2008.

B. Dates of the Committee's fifth meeting

67. The Committee agreed to hold its next meeting in Rome from 23 to 27 March 2009.

VII. Adoption of the report

68. The Committee adopted the present 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

69. Following the customary exchange of courtesies, the meeting was declared closed at 11.15 a.m. on Thursday, 13 March 2008.

Annex I

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

A. Alachlor

1. Rationale for the recommendation by the Chemical Review Committee that alachlor (CAS No 15972-60-8) should become subject to the prior informed consent procedure and for the decision by the Committee to establish an intersessional drafting group to prepare a draft decision guidance document

1. In reviewing the notification of final regulatory action by the European Community to ban alachlor as a pesticide and the supporting documentation, the Chemical Review Committee concluded at its fourth session that the regulatory action had been taken in order to protect human health and the environment. The notification and supporting documentation identified alachlor as an animal carcinogen and possible human carcinogen, and as very toxic for aquatic organisms* and able to cause long-term adverse effects in the aquatic environment.

2. Alachor was used in the European Community as a herbicide for control of annual grasses and small weed broadleaf species in maize, sweet corns, soybean, sunflower, and cotton.

3. Exposure occurs to workers during application of pesticides containing alachlor, the environment is exposed during and after application. The review of the data submitted for alachlor concluded that exposure of operators, workers and bystanders had not been sufficiently addressed with the available information. Alachlor has been classified as carcinogenic category 3* (R40–limited evidence of carcinogenic effect). Though extremely unlikely, it cannot be concluded that nasal tumors discovered in animals are not relevant to humans. The calculations based on the UK and German operator exposure assessment models that are used during reviews in the European Community gave values higher than the agreed acceptable operator exposure level (AOEL) for all uses, even when adequate Personal Protective Equipment (PPE) is worn during mixing, loading and application. Therefore, these calculations indicate an unacceptable risk to the operator for all uses of alachlor for which data were submitted.

4. Some areas of concern have been identified for the environmental fate and behaviour of alachlor, in particular with the formation of a large variety of degradation products, some of which being of toxicological and/or ecotoxicological concern. Metabolites have been found in groundwater at concentrations higher than levels deemed acceptable in the European Community. The assessment of those soil metabolites showed no evidence of toxicity for some of them. However, the toxicity and genotoxicity of others could not be adequately tested, due to inadequate databases, meaning that uncertainty remains as to the danger of these metabolites. Alachlor has been proved to be very toxic for aquatic organisms, and may cause long-term adverse effects in the aquatic environment. Predicted Environmental Concentration (PEC) values for various exposure scenarios for crop use in Europe (different applications rates and buffer zones and run-off) were such that the Toxicity Exposure Ratios (TER) indicated a potential long-term risk to terrestrial vertebrates (large birds eating grass, mammals) and risks to fish, daphnia, algae and aquatic plants (acute or long-term).

5. The risk evaluations performed by the European Community included an assessment of the hazards (carcinogenicity, toxic for aquatic organisms) and the exposure (for human health, primarily occupational exposure, namely, exposure of applicators, for the environment, exposure of the aquatic and terrestrial compartments - including also monitoring data), and therefore meet the criteria for a risk evaluation.

6. 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 a chemical-specific risk evaluation, involving prevailing conditions of exposure within the European Community.

* Classification in the European Community in accordance with Council Directive 67/548/EEC.

7. The Committee noted that as the regulatory action in the European Community was a ban on all uses, the risks to human health and the environment from alachlor in the notifying Party had therefore been eliminated.

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

9. The Committee noted that the final regulatory action in the European Community was not based on concerns about intentional misuse of alachlor.

10. The Committee concluded that the notification of final regulatory action by the European Community met the information requirements of Annex I and the criteria set out in Annex II to the Convention.

11. Given that another notification of a final regulatory action from a Party (Canada) in another PIC Region (North America) had already been found to meet the criteria in Annex II at CRC.2 (as set out in the rationale in document UNEP/FAO/RC/CRC.4/8/Add.1), the Committee concluded also that the final regulatory actions taken by Canada and the European Community provided a sufficiently broad basis to merit including alachlor in Annex III of the Rotterdam Convention in the pesticide category.

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

The Chemical Review Committee,

Recalling Article 5 of the Rotterdam Convention,

Concluding that the notifications of final regulatory actions relating to alachlor 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 Conference of the Parties that it should include alachlor (CAS No. 15972-60-8) in Annex III of the Convention as a pesticide.

3. Work-plan for the intersessional drafting group on Alachlor

1. The drafting group is composed of the following members:

Chair: Mr. Klaus Berend

Co-chair: Ms. Hang Tang

Members:

Ms. Kyunghee Choi
Mr. Mario Yarto
Mr. Gamini K. Manuweera
Mr. Ousmane Sow
Mr. Mohamad Jamal Hajjar
Ms. Karmen Krajnc
Mr. Mohammed Khashashneh
Ms. Anja Bartels
Ms. Darina Liptokova
Ms. Marit Randall
Mr. Mohamed Khalifa
Mr. Idris Goji
Mr. Ernest Mashimba

2. The group agreed to the following work-plan:

Tasks to be carried out, responsible persons and deadlines

Task	*Responsible persons*	*Deadline*
Draft an "internal proposal" on Alachlor based on the information available to CRC.	Chair Co-chair	5 May 2008
Send draft "internal proposal" to drafting group members for comments via e-mail.	Chair Co-chair	5 May 2008
Replies	All DG members	2 June 2008
Update "internal proposal" based on the comments from drafting group members.	Chair Co-chair	1 July 2008
Send updated "internal proposal" to the CRC and its observers for comments via e-mail.	Chair Co-chair	1 July 2008
Replies	All CRC members and observers	15 August 2008
Draft a decision guidance document (DGD) based on the comments from the CRC and its observers.	Chair Co-chair	15 September 2008
Send draft DGD to drafting group members for comments via e-mail.	Chair Co-chair	15 September 2008
Replies	All DG members	6 October 2008
Finalize draft DGD based on the comments of the group.	Chair Co-chair	7 November 2008
Send the draft DGD to Secretariat.	Chair Co-chair	7 November 2008
CRC meeting		March 2009

B. Aldicarb

1. Rationale for the recommendation by the Chemical Review Committee that aldicarb (CAS NO 116-06-3) should become subject to the prior informed consent procedure and for the decision by the Committee 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 Jamaica to ban aldicarb as a pesticide, together with the supporting documentation provided by those Parties, the Committee was able to confirm that those actions had been taken in order to protect the environment and human health.

European Community

2. Aldicarb was used in the European Community in granular formulation as an insecticide, nematicide and acaricide to control a wide range of insects, nematodes and aphids over a wide range of crops, including fruits (citrus, grape, strawberries, bananas), tomatoes, carrots, parsnips, brassica roots, leafy and headed brassica onions (bulb and seeds), potatoes, cereals, carnations, chrysanthemums, cotton, fodder beet, fodder peas, gladiolus, maize, ornamentals and perennial plants, roses and nurseries. All intended uses related to soil applications in granular form.

3. The notification and supporting documentation identified aldicarb as very toxic for human health by inhalation, if swallowed and in contact with skin. It was also very toxic to birds and mammals, non target arthropods and aquatic organisms and able to cause long term adverse effects in the aquatic environment.

4. The review of the data submitted for aldicarb revealed:

(a) That the risk to small birds cannot be minimized to an acceptable level even with granular applications;

(b) That available information from field studies about the effects of aldicarb and its metabolites on earthworms was considered insufficient to conclude that the risks were acceptable;

(c) That broadcast applications and application rates above 2.5 kg aldicarb/ha were unacceptable for aquatic organisms.

5. The first risk assessment performed for worker exposure concluded that the overall application by downward placement and band application might be acceptable but further exposure data were required. Usage of hand held equipment and overall application by broadcast was considered unacceptable for operators.

6. Additional information submitted for application in citrus using hand held injectors combined with a dermal penetration factor of 10% showed acceptable risk for operators under the condition that they were protected in accordance with label recommendations (“Wear suitable protective clothing and suitable gloves”).

Jamaica

7. The Committee noted that even though the substance was listed under the Second Schedule (Prohibited list) of the Pesticides Act 1975, aldicarb was being used on a few farms under a stewardship programme implemented by the manufacturer. The Pesticide Authority was established in 1992 and the Authority carried out a risk evaluation using results of studies conducted by the United States and the International Programme on Chemical Safety (IPCS) and comparing the worker exposure and leaching conditions with the conditions of use in Jamaica. The final regulatory action to refuse re-registration was in 1994.

8. This evaluation in Jamaica considered oral, dermal and inhalation toxicity for rats, rabbit and birds, WHO Classification 1, mobility in soils, solubility in water, half life and metabolites and concluded that the product presented a major risk to human health due to the high level of toxicity. Due to its solubility in water, it readily leaches to groundwater and poses a serious threat to water pollution. Its use is highly restricted in other countries due to risks to workers.

9. Small-scale farmers in Jamaica do not have access to protective clothing as confirmed through a survey conducted in Jamaica. Furthermore, the hot tropical climatic condition makes wearing protective clothing uncomfortable. Use of the product without protective clothing presents unacceptable risk to farmers.

10. Leaching of aldicarb to ground water was considered possible in Jamaica due to the presence of underground rivers in limestone areas across Jamaica where much of the farming is done. The risk evaluation considered the conditions under which water was contaminated by aldicarb in the United States and found that the same could occur in limestone areas in Jamaica. Even with the application of strong enforcement measures under conditions that were less susceptible to pollution than island ecologies like Jamaica, this did not prevent water contamination in the United States.

11. The evaluation concluded that adults and children might be exposed to high levels of aldicarb due to water pollution combined with contamination of food.

12. The risk evaluations performed by the European Community and Jamaica included assessments of the hazards (very toxic by inhalation and if swallowed, toxic in contact with skin, very toxic to aquatic organisms and birds) and the exposure (for human health, primarily occupational exposure, namely exposure of farmers, and for the environment, exposure of aquatic and terrestrial compartments) and therefore meet the criteria for a risk evaluation.

13. 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 risk evaluations involving prevailing conditions of exposure within Jamaica and the European Community respectively.

14. The Committee noted that, as the regulatory actions in the European Community and Jamaica were complete bans on all uses, the risks to human health and the environment from aldicarb in the notifying Parties had been eliminated.

15. There was no indication that there were any industrial uses of aldicarb in either of the notifying Parties. The Committee also noted that the considerations underlying the final regulatory actions were not limited in applicability since similar concerns as those identified in the European Community and Jamaica could occur in other countries, in particular developing countries. On the basis of information provided at the fourth meeting of the Chemical Review Committee, the Committee concluded also that there was ongoing international trade in aldicarb.

16. The Committee noted that the final regulatory actions in the European Community and in Jamaica were not based on concerns about intentional misuse of aldicarb.

17. The Committee concluded that the notifications of final regulatory action by the European Community and Jamaica met the information requirements of Annex I and the criteria set out in Annex II to the Convention. The Committee also concluded that the final regulatory actions taken by Jamaica and the European Community provided a sufficiently broad basis to merit including aldicarb in Annex III to the Rotterdam Convention in the pesticide category.

2. Recommendation to the Conference of the Parties on the inclusion of aldicarb in annex III of the Rotterdam Convention

The Chemical Review Committee,

Recalling Article 5 of the Rotterdam Convention,

Concluding that the notifications of final regulatory action relating to aldicarb by Jamaica 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 Conference of the Parties that it should include aldicarb (CAS NO. 116-06-3) in Annex III of the Rotterdam Convention as a pesticide.

3. Workplan for the intersessional drafting group on aldicarb

1. The drafting group is composed of the following members:

Chair: Mr. Klaus Berend

Co-chair: Ms. Norma Nudelman

Members:

Mr. Kamatari Aloys
Ms. Kyunghee Choi
Mr. Hubert Binga
Ms. Marit Randall
Ms. Anja Bartels
Ms. Darina Liptakova
Ms. Karmen Krajnc
Mr. Shan Zhengjun
Mr. Jasbir Singh
Mr. Idris Goji
Mr. Ernest Mashimba
Mr. Mohamed Kalifa

2. The group agreed to the following workplan:

Tasks to be carried out, responsible persons, and deadlines

Task	*Responsible persons*	*Deadline*
Draft an "internal proposal" on aldicarb based on the information available to CRC.	Chair Co-chair	5 May 2008
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Replies	All DG members	6 October 2008
Finalize draft DGD based on the comments of the group.	Chair Co-chair	7 November 2008
Send the draft DGD to Secretariat.	Chair Co-chair	7 November 2008
CRC meeting		March 2009

Annex II

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

Carbaryl

Rationale for the conclusion by the Committee that the notification for carbaryl (CAS No. 63-25-2) submitted by the European Community meets the criteria of Annex II of the Convention

1. In reviewing the notification of final regulatory action by the European Community to ban carbaryl as a pesticide, and the supporting documentation, the Committee at its fourth meeting confirmed that the action had been taken in order to protect human health and the environment. The notification and supporting documentation identified carbaryl as a carcinogen Category 3[†] (R40–limited evidence of carcinogenic effect) and as harmful by inhalation and if swallowed. Additionally, it is very toxic to the aquatic environment, mammals and birds.

2. Carbaryl was authorized for use as an agricultural pesticide in some Member States of the European Community for many years. Carbaryl belongs to a class of carbamate insecticides and acaricides. It is a red blood cell cholinesterase inhibitor. Carbaryl has also been used as a plant growth regulator in orchards (e.g. apple trees) for the purpose of fruit thinning.

3. The review of the data submitted for carbaryl by the European Community resulted in the following main conclusions:

(a) Carbaryl is a carcinogen Category 3[†] (R40–limited evidence of a carcinogenic effect) and it is harmful by inhalation as well as if swallowed;

(b) A robust risk assessment for the safety of consumers was not possible due to the lack of information on the actual levels of two metabolites of carbaryl (4- and 5-hydroxy carbaryl) in apples. Considering that the exposure to the parent compound alone is close to 50% of the Acute Reference Dose (ARfD) for some specific population sub-groups, it cannot be excluded that the contribution of the metabolites leads to a global exceedance of the ARfD for those sub-groups;

(c) Concerns were identified with regard to:

(i) A high long-term risk to insectivorous birds and a high acute risk to herbivorous mammals;

(ii) A high risk to non-target arthropods (particularly insects) which requires considerable risk mitigation measures, e.g. no-spray buffer zones of more than 250 m would be required to protect non-target arthropods in the off-field area;

(iii) A high acute and chronic risk to aquatic invertebrates which requires considerable risk mitigation measures (with a 50 m buffer zone, the risk is still not acceptable).

4. The risk evaluations performed by the European Community included an assessment of the hazards (carcinogenicity, harmful by inhalation as well as if swallowed, very toxic for the aquatic environment) and the exposure (for humans, primarily exposure of consumers, and for the environment, in particular exposure of the terrestrial and aquatic compartments), and therefore meet the criteria for a risk evaluation.

5. 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 a chemical-specific risk evaluation involving prevailing conditions of exposure within the European Community.

[†] Classification in the European Community in accordance with Council Directive 67/548/EEC.

6. The Committee noted that as the regulatory action in the European Community was a ban of all uses, the risks to human health and the environment from carbaryl in the notifying Party had been eliminated.

7. There was no indication that there were industrial uses of carbaryl in the European Community. The Committee also noted that the considerations underlying the final regulatory action were not of limited applicability because it could be expected that the identified risks arising from the use of carbaryl were also relevant for other countries, particularly developing countries. On the basis of information provided to the members at the fourth meeting of the Chemical Review Committee there was evidence of ongoing international trade in carbaryl.

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

9. The Committee concluded at its fourth meeting that the notification of final regulatory action by the European Community met the information requirements of Annex I and the criteria set out in Annex II to the Convention.