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INTERIM CHEMICAL REVIEW COMMITTEE  
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Item 6 of the provisional agenda\*

CONSIDERATION OF DRAFT DECISION GUIDANCE DOCUMENTS REFERRED TO THE INTERIM CHEMICAL REVIEW COMMITTEE BY THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR THE FOLLOWING FOUR CHEMICALS: ETHYLENE DICHLORIDE, ETHYLENE OXIDE, MALEIC HYDRAZIDE AND BROMACIL

Note by the secretariat

1. The Conference of Plenipotentiaries on the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, held in Rotterdam on 10 and 11 September 1998, decided that all chemicals that had been identified for inclusion in the prior informed consent (PIC) procedure under the original PIC procedure but for which decision guidance documents had not yet been circulated before the date on which the Convention was opened for signature would become subject to the interim PIC procedure as soon as the relevant decision guidance documents had been adopted by the Intergovernmental Negotiating Committee.

2. At its sixth session, held in Rome from 12 to 16 July 1999, the Intergovernmental Negotiating Committee considered draft decision guidance documents for the following six chemicals: binapacryl, bromacil, ethylene dichloride, ethylene oxide, maleic hydrazide and toxaphene. It adopted the draft decision guidance documents for binapacryl and toxaphene and referred the remaining four decision guidance documents to the Interim Chemical Review Committee.

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\* UNEP/FAO/PIC/ICRC.1/1.  
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3. The Intergovernmental Negotiating Committee took the following action on the remaining four draft decision guidance documents (decision INC-6/3):

"2. Requests Governments, regional economic integration organizations and interested observers to provide clarification to the secretariat on all uses of the chemicals ethylene dichloride (CAS number 107-06-2; category: pesticide) and ethylene oxide (CAS number 75-21-8; category: pesticide) and decides that the Interim Chemical Review Committee shall review the information provided in order to make a further distinction between the industrial and pesticidal uses of those chemicals in the decision guidance documents;

"3. Decides that the Interim Chemical Review Committee shall review the chemical maleic hydrazide (CAS number 123-33-1; category: pesticide), addressing, in particular, the impurity hydrazine and the overall policy issues related to adding chemicals to the PIC procedure on the basis of control actions related to contaminants within the substance, rather than to the substance itself, and, should it so decide, review and revise, as appropriate, the draft decision guidance document for that chemical for presentation to the Intergovernmental Negotiating Committee at its next session;

"4. Decides that the Interim Chemical Review Committee shall review the chemical bromacil (CAS number 314-40-9; category: pesticide) with regard to the basis for the reported control action and the appropriateness of the inclusion of the chemical in the PIC procedure and, should it so decide, review and revise, as appropriate, the draft decision guidance document for that chemical for presentation to the Intergovernmental Negotiating Committee at its next session;

"5. Decides that, following its review and revision, as appropriate, of relevant draft decision guidance documents, the Interim Chemical Review Committee shall forward such draft decision guidance documents to the Intergovernmental Negotiating Committee for its consideration."

4. When adopting decision INC-6/3, the Intergovernmental Negotiating Committee considered whether, when the Interim Chemical Review Committee reviewed and updated the decision guidance documents for the substances under discussion, it should proceed on the basis of the criteria previously set out in the voluntary PIC procedure and not the new criteria as defined in article 5 of the Rotterdam Convention, or whether it should consider also the Convention's criteria, to ensure that the interim decisions were an adequate reflection of the Convention, in the light of the provisions of article 8. 1/

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1/ Report of the Intergovernmental Negotiating Committee on the work of its sixth session (UNEP/FAO/PIC/INC.6/7), para. 44.

5. In order to facilitate the work of the Interim Chemical Review Committee, the Intergovernmental Negotiating Committee also requested that all notifications of control actions, background documents and comments on the decision guidance documents on bromacil, ethylene dichloride, ethylene oxide and maleic hydrazide should be provided to the secretariat by 31 October 1999 and made available to the Interim Chemical Review Committee. 2/

6. On 16 August 1999, the secretariat sent a letter to all designated national authorities and to the official contact point in States that had not yet nominated a designated national authority, informing them of the decisions taken by the Intergovernmental Negotiating Committee. At the same time, they were requested to provide the secretariat with any relevant information regarding the four chemicals in question by 31 October 1999.

7. The secretariat will compile the information received and make it available to the Interim Chemical Review Committee before its first session (to be issued as UNEP/FAO/PIC/ICRC.1/INF/2).

8. The four draft decision guidance documents referred to the Interim Chemical Review Committee by the Intergovernmental Negotiating Committee may be found in addenda 1-4 to the present note. This note and the addenda are available in English only, but in accordance with decision INC-6/2, the four draft decision guidance documents will be circulated informally in all official languages of the Intergovernmental Negotiating Committee.

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