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INTERIM CHEMICAL REVIEW COMMITTEE

Third session

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Item 3 of the provisional agenda*

ORGANIZATION OF WORK

Scenario note for the third session of the Interim Chemical Review Committee

Note by the secretariat

The secretariat has the honour to transmit to the Interim Chemical Review Committee, in the annex to the present note, information for the third session of the Committee prepared by the Chair of the Committee, Mr. Reiner Arndt of Germany.

* UNEP/FAO/PIC/ICRC.3/1.

Annex

Scenario note for the third session of the Interim Chemical Review Committee

1. I have prepared the present scenario note for the third session of the Interim Chemical Review Committee to communicate my plans and general expectations to participants and assist them in preparing for the meeting. The documents for the third session of the Interim Chemical Review Committee were sent to all Committee members in early December 2001 and, on request, to all interested observers. They are also available on the Rotterdam Convention website (www.pic.int)

A. General objectives of the third session of the Interim Chemical Review Committee

2. This meeting will consider a decision guidance document for monocrotophos as well as three new chemicals submitted under article 5 of the Convention, two new pesticides (dinoterb and DNOC) and additional notifications for an industrial chemical (asbestos). The meeting will also consider proposals for two severely hazardous pesticide formulations submitted in accordance with article 6. These are the first such proposals to be submitted during the interim prior informed consent (PIC) procedure. Clearly the work undertaken as a result of the first two meetings of this Committee on the format and content of decision guidance documents, the process for drafting decision guidance documents and the collection and reporting of information on severely hazardous pesticide formulations is starting to show results.

3. In many respects the real work of the Committee is just beginning. I am optimistic that the opportunity to work on what might be referred to as “real” chemicals will provide practical experience that will be invaluable in further developing the operational processes necessary for the Committee to fulfil its responsibilities under the interim PIC procedure.

4. The overall goal of this third session of the Committee is to build on the progress made at the first two meetings of the Committee and to initiate work on new chemicals should it be determined that they meet the requirements of the Convention. The following are some of the principal issues to consider:

(a) The Committee will review the outcome of the eighth session of the Intergovernmental Negotiating Committee with regard to its work, in particular the decision on maleic hydrazide. A status report on the level of compliance with the decision by the identified manufacturers will determine the need for further work by the Committee. A report on the status of compliance of Committee members with the conflict of interest process (agreed upon in decision INC-8/1 of the Intergovernmental Negotiating Committee) will also be considered;

(b) The work of the four intersessional task groups established at the second session of the Committee will be reviewed. The pilot testing of the severely hazardous pesticide incident report form has been successfully completed. The task group has also identified a series of issues that will need to be kept in mind as experience is gained in the use of the incident report form. It should be noted that the form was the one used to prepare the proposals for the severely hazardous pesticide formulations to be considered by the Committee at the present session;

(c) An initial format for a decision guidance document for severely hazardous pesticide formulations has been proposed as well as a draft working paper to guide the work of future drafting groups. Progress has also been made in identifying the key elements to include in an environmental incident report form and guidance document. The Committee will need to determine if the proposed formats and draft working paper represent a basis for further work;

(d) Finally, progress has been made in identifying criteria for prioritizing work on old notifications of final regulatory action. We will need to determine whether or not we can identify a set of priority chemicals that could be the subject of further work, including determining whether or not they are still in trade and the willingness of countries to resubmit their notifications. It will be important to make progress in defining the issues associated with the compatibility of national regulatory practices with the

requirements of the Convention, as we are to report on our progress to the Intergovernmental Negotiating Committee at its next session;

(e) There are several additional topics which have arisen as a result of the work of this Committee at its last session and which need to be followed up. These are the subject of individual papers, and include a clearer understanding of what constitutes an acceptable focused summary and how to characterize common and recognized patterns of use for severely hazardous pesticide formulations. A better understanding of how to address these issues will facilitate the work of the Committee in reviewing candidate chemicals and in the development of guidance to drafting groups on the preparation of decision guidance documents;

(f) The Committee will need to finalize the decision guidance document on monocrotophos and prepare a recommendation for the Intergovernmental Negotiating Committee at its next session. The drafting group has used its experience in preparing this decision guidance document to develop a working paper that could serve as the basis for guiding the work of further task groups. The Committee will need to determine whether or not the draft working paper represents a basis for further development and could be used by any drafting groups that may be established by this Committee;

(g) In line with the process for drafting decision guidance documents approved at the seventh session of the Intergovernmental Negotiating Committee, intersessional task groups will undertake a preliminary assessment of the submitted notifications and supporting documentation for three new chemicals (asbestos, dinoterb and DNOC) and two severely hazardous pesticide formulations. These preliminary assessments will be the basis for further review by the Committee and comparison with the relevant criteria in the Convention (Annex II for asbestos, dinoterb and DNOC; part 3 of Annex IV for the severely hazardous pesticide formulations). The Committee will then decide whether to recommend the inclusion of any or all of these chemicals in the interim PIC procedure and form drafting groups to develop internal proposals;

(h) As agreed at the first session of this Committee, any drafting groups should consist initially of Committee members who had expressed willingness to serve and interest in a particular chemical; subsequently, it would be important to ensure fair geographical representation. Committee members should come to the meeting prepared to indicate their availability to take an active role in these task groups.

B. Possible outcomes of the third session of the Interim Chemical Review Committee

5. The following is a list of the expectations that I have for possible outcomes of the meeting:

(a) Finalization of the decision guidance document for monocrotophos and a recommendation to the Intergovernmental Negotiating Committee, including a summary of the Interim Chemical Review Committee deliberations, a rationale based on the criteria listed in Annex II and the tabular summary of comments received under step 4 of the process for developing decision guidance documents and how they were addressed;

(b) Recommendations to the Intergovernmental Negotiating Committee on whether to include asbestos, dinoterb, DNOC and the two severely hazardous pesticide formulations in the interim PIC procedure;

(c) Where appropriate, establishment of drafting groups with representation from each of the PIC regions and a work plan for the development of the draft internal proposals on candidate chemicals and severely hazardous pesticide formulations;

(d) Understanding of how to characterize common and recognized patterns of use when reviewing proposals for severely hazardous pesticide formulations;

(e) Working papers or guidance documents on preparing decision guidance documents for both banned and severely restricted chemicals and severely hazardous pesticide formulations, to be used by any

drafting groups that may be formed at the meeting, on the understanding that these papers will evolve as experience is gained in their application;

(f) Agreement on the current version of the incident report form and guidance for severely hazardous pesticide formulations and on its general release;

(g) Agreement on draft formats for decision guidance documents for severely hazardous pesticide formulations and an environmental incident report form, as well as a common understanding of the key elements in a focused summary as the basis for further work;

(h) Priority list of old notifications and agreement on next steps;

(i) Definition of the issues associated with the compatibility of national regulatory practices and the notification requirements of the Convention as the basis for a report to the next session of the Intergovernmental Negotiating Committee;

(j) Process for determining ongoing trade in chemicals proposed as candidates for review.
