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Interim Chemical Review Committee

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Item 3 of the provisional agenda*

**Review of the outcome of the tenth session of the
Intergovernmental Negotiating Committee**

**Issues arising out of the tenth session of intergovernmental negotiating
committee**

Note by the secretariat

I. Introduction

1. The purpose of the present note is to provide the Interim Chemical Review Committee with an overview of the guidance, action items and decisions relevant to its work that resulted from the deliberations of the Intergovernmental Negotiating Committee at its tenth session, in Geneva, from 17 to 21 November 2003. The report of the tenth session of the Intergovernmental Negotiating Committee (UNEP/FAO/PIC/ICRC.10/24) was circulated in December 2003 and posted on the Rotterdam Convention web site (www.pic.int).

2. Chapter I describes issues for which the Intergovernmental Negotiating Committee has requested follow-up by the Interim Chemical Review Committee, while Chapters II and III are for information only. Chapter II reports on the decisions taken by the Intergovernmental Negotiating Committee based on the recommendations of the Interim Chemical Review Committee at its fourth session. Chapter III reports on other decisions taken by the Intergovernmental Negotiating Committee of relevance to the work of the Interim Chemical Review Committee.

II. Issues on which follow-up by the Interim Chemical Review Committee was requested

A. Alternatives to chrysotile asbestos

3. The Intergovernmental Negotiating Committee requested the International Programme on Chemical Safety (IPCS) to undertake, as soon as possible, an evaluation of chrysotile and its alternatives. The

* UNEP/FAO/PIC/ICRC.5/1.

representative of the World Health Organization (WHO) advised the Committee that IPCS had conducted an assessment of chrysotile in 1998 and conveyed the willingness of her organization to work on the health assessment of alternatives to chrysotile. The Committee also agreed that the Interim Chemical Review Committee should identify appropriate alternatives for IPCS to review.

4. The follow-up action proposed by the secretariat with respect to the identification of possible alternatives to chrysotile asbestos is set out in document UNEP/FAO/PIC/ICRC.5/4. Information on alternatives compiled by the secretariat may be found in document UNEP/FAO/PIC/ICRC.5/INF/6.

B. Possible inconsistencies in Annex III of the Convention

5. At the ninth session of the Intergovernmental Negotiating Committee, concerns were raised over inconsistencies within Annex III of the Convention and between Annex III and decision guidance documents. In response to those concerns, the secretariat prepared a paper for consideration and review by the Interim Chemical Review Committee at its fourth session (UNEP/FAO/PIC/ICRC.4/9). The breakout group which discussed the issue took the view that no changes were needed for most of the chemicals listed in Annex III. The report prepared by the Interim Chemical Review Committee on this issue was submitted to the tenth session of the Intergovernmental Negotiating Committee (UNEP/FAO/PIC/INC.10/12).

6. The tenth session of the Intergovernmental Negotiating Committee accepted the recommendations of the Interim Chemical Review Committee as contained in their report (see chapter II C of the present document). However, the Interim Chemical Review Committee was requested to provide its rationale for its recommendation not to accept the other proposals in the secretariat paper. It was also confirmed that it remained possible for representatives to raise further issues once they had received that advice.

7. Document UNEP/FAO/PIC/ICRC.5/5 contains the report of the breakout group established at the fourth session of the Interim Chemical Review Committee to consider this issue.

III. Decisions taken on the basis of recommendations by the Interim Chemical Review Committee at its fourth session

A. DNOC and dustable powder formulations containing benomyl, carbofuran and thiram

8. At its tenth session, the Intergovernmental Negotiating Committee considered documents UNEP/FAO/PIC/INC.10/8 and UNEP/FAO/PIC/INC.10/9 containing the recommendations of the Interim Chemical Review Committee on the inclusion of the chemicals DNOC and dustable powder formulations containing benomyl, carbofuran and thiram and on the adoption of the associated draft decision guidance documents. The Committee made several editorial revisions to the introduction to the decision guidance documents.

9. In its decisions INC-10/3 and INC10/4, the Intergovernmental Negotiating Committee made the chemical DNOC and its salts (such as ammonium salt, potassium salt and sodium salt) and dustable powder formulations containing a combination of benomyl, at or above 7 per cent; carbofuran, at or above 10 per cent; and thiram, at or above 15 per cent subject to the interim prior informed consent procedure and approved the draft decision guidance documents as amended.

B. Asbestos

10. At its tenth session, the Intergovernmental Negotiating Committee considered document UNEP/FAO/PIC/INC.10/7, containing the recommendation by the Interim Chemical Review Committee on the inclusion of the amosite, actinolite, anthophyllite, tremolite and chrysotile forms of asbestos in the interim PIC procedure and on the adoption of the associated draft decision guidance document.

11. All representatives supported the inclusion of the four amphibole forms of asbestos in the interim PIC procedure. A number of representatives indicated that they were not prepared to agree to include chrysotile at that time and proposed that a decision on chrysotile should be postponed until a future meeting.

12. Many representatives expressed support for the inclusion of all five forms of asbestos in the interim PIC procedure. They considered that sufficient and clear information had been provided to enable the Interim Chemical Review Committee to reach a consensus recommendation that the criteria for inclusion of chrysotile had been met, and that the proper procedures had been followed. They expressed the view that the desire for additional information should not be used to stop the approval of a decision guidance document or the inclusion of the chemical in Annex III. It was also noted that Parties that had additional national risk evaluations or information on alternatives could provide that documentation to the secretariat for posting on the Rotterdam Convention web site.

13. The Committee agreed to approve the addition of the four amphibole forms of asbestos, namely, amosite, actinolite, anthophyllite and tremolite, for inclusion in the interim PIC procedure and requested the secretariat to revise the decision guidance document by removing the chapter on chrysotile. The Committee also agreed to make several editorial revisions to the introduction of the decision guidance document.

14. The Committee further decided that the secretariat should compile the extracted chrysotile material into a decision guidance document for subsequent consideration at the eleventh session of the Committee, under a process similar to the one to be used for the inclusion of the other chemicals pending consideration, as described in chapter III B of the present document.

15. In its decision INC-10/2, the Intergovernmental Negotiating Committee made the actinolite, anthophyllite, amosite and tremolite forms of asbestos subject to the interim prior informed consent procedure and approved the draft decision guidance document as amended.

C. Possible inconsistencies in Annex III of the Convention

16. The tenth session of the Intergovernmental Negotiating Committee considered the report prepared by the fourth session of the Interim Chemical Review Committee entitled "Inconsistencies within Annex III of the Convention and inconsistencies between Annex III and decision guidance documents" (UNEP/FAO/PIC/INC.10/12).

17. In its decision 10/6 on inconsistencies within Annex III of the Convention and between Annex III and decision guidance documents, the Committee agreed to amend the listing in Annex III and the relevant sections of the decision guidance documents for 2,4,5-T, pentachlorophenol, dinoseb and dinoseb salts, and methyl parathion, as proposed by the fourth session of the Interim Chemical Review Committee.

D. Other issues

18. The tenth session of the Intergovernmental Negotiating Committee took note of the progress of the Interim Chemical Review Committee in the development of the working papers on information to be contained in the supporting documentation provided by a notifying country using a risk evaluation from another country in support of final regulatory action (UNEP/FAO/PIC/INC.10/14); preparation and use of focused summaries (UNEP/FAO/PIC/INC.10/15); the severely hazardous pesticide formulation environmental incident report form; and the preparation of internal proposals and decision guidance documents for banned or severely restricted chemicals (UNEP/FAO/PIC/INC.10/16).

19. It invited designated national authorities to prepare focused summaries on a voluntary basis using the information at their disposal.

IV. Other decisions of relevance to the work of the Interim Chemical Review Committee

A. Confirmation of experts designated for the Interim Chemical Review Committee

20. At its tenth session, the Intergovernmental Negotiating Committee considered a note by the secretariat (UNEP/FAO/PIC/INC.10/5) regarding the changes in nomination for two experts, one from the North America region (Canada) and one from the Asia region (Philippines). The two designated experts had participated on an interim basis at the fourth session of the Interim Chemical Review Committee, pending formal confirmation by the tenth session of the Intergovernmental Negotiating Committee.

21. In its decision INC-10/1, the Intergovernmental Negotiating Committee confirmed the designation of Mr. Lars Juergensen (Canada) to act as member of the Interim Chemical Review Committee for the North America region, and of Ms. Aida de Vera Ordas (Philippines) for the Asia region, and reaffirmed the provisions of decisions INC-6/2 as regards the conditions of service of the experts and of decision INC-9/3 as regards the duration of service of the experts.

B. Issues related to inclusion of other chemicals

22. At its tenth session, the Intergovernmental Negotiating Committee noted a procedural inconsistency regarding how to include chemicals in Annex III worked on by the Interim Chemical Review Committee during the period between the entry into force of the Convention and the first meeting of the Conference of the Parties.

23. The Committee agreed to convene a short, eleventh session of the Intergovernmental Negotiating Committee, in the form of a conference of plenipotentiaries held immediately prior to and at the same venue as the first meeting of the Conference of the Parties. The Committee noted that at its eleventh session it would need to adopt a resolution vesting in it the authority to add chemicals to the interim PIC procedure between the date of entry into force of the Convention and the date of the first meeting of the Conference of the Parties.

24. In its decision INC-10/5, the Committee agreed to convene the eleventh session of the Intergovernmental Negotiating Committee for the purpose of deciding whether to include chrysotile, tetraethyl lead, tetramethyl lead and parathion in the voluntary PIC procedure.

C. Maleic hydrazide: status of implementation of decision INC-8/3

25. The tenth session of the Intergovernmental Negotiating Committee reviewed the report of the fourth session of the Interim Chemical Review Committee (UNEP/FAO/PIC/ICRC.4/18) and the status of implementation of its decision INC-8/3 on maleic hydrazide (UNEP/FAO/PIC/INC.10/11).

26. The Committee was informed that information had been received from CropLife International attesting to progress in developing the analytical methodology for the potassium salt of maleic hydrazide and indicating that work in that area should be completed by mid-2004. The Committee took note of the information received by the secretariat from CropLife International and extended the relevant deadline to 24 September 2004.

27. The attention of the Committee was drawn to information submitted by the Government of the Republic of Korea regarding the production, use and import in that country of the choline salt of maleic hydrazide. The representative of the Republic of Korea informed the Committee that the potassium salt and choline salt of maleic hydrazide with a content of free hydrazine above 1 ppm would be prohibited by the end of 2003. The Republic of Korea would also prohibit the production or import of unstable choline salt of maleic hydrazide, such as that previously imported from Japan.

28. The representative of Japan informed the Committee that the production and use of the choline salt of maleic hydrazide in question had been voluntarily cancelled by the company. Limited stockpiles of the acid base existed but the relevant company had indicated that, if the product could not be exported to the Republic of Korea, it would be destroyed.

29. The Committee took note of the information from Japan and the Republic of Korea. Noting that, on the basis of the respective declarations by Japan and the Republic of Korea, the production or trade of choline salt of maleic hydrazide with a content of free hydrazine above 1 ppm should no longer exist, the secretariat requested Governments to notify the secretariat immediately should that situation change.
