



## JOINT MEETING OF THE PERSISTENT ORGANIC POLLUTANTS REVIEW COMMITTEE (POPRC) OF THE STOCKHOLM CONVENTION AND THE CHEMICAL REVIEW COMMITTEE (CRC) OF THE ROTTERDAM CONVENTION AND NINTH MEETING OF THE CRC: 20-24 OCTOBER 2013

A joint meeting of the Persistent Organic Pollutants Review Committee (POPRC) of the Stockholm Convention on Persistent Organic Pollutants (POPs) and the Chemical Review Committee (CRC) of the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade was held at the headquarters of the Food and Agriculture Organization of the United Nations (FAO) in Rome, Italy, on 20 October 2013, followed by the ninth ordinary meeting of the CRC (CRC-9) from 22-24 October. Over 80 participants attended the joint meeting, including 52 POPRC and CRC members, 20 government observers, and seven observers from nongovernmental organizations (NGOs). Thirty members attended CRC-9, as well as 26 observers from governments, one from an intergovernmental organization and 12 from NGOs.

The joint meeting of the POPRC and CRC sought to enhance cooperation and coordination between the two technical Committees. Specifically, participants discussed aligning the working arrangements of the CRC with those of the POPRC to allow for effective participation of experts and observers at Committee meetings. There was also an information exchange on procedures for identifying chemicals, the process and content of decision documents, and respective committee experiences in applying their convention's criteria for listing chemicals. Participants agreed on joint intersessional work to develop a guidance to assist Rotterdam Convention parties and the CRC in their work when a chemical under consideration is a POP listed under the Stockholm Convention, with a view to presenting the guidance to the seventh meeting of the Conference of Parties (COP-7) to the Rotterdam Convention.

CRC-9 took decisions on: trichlorfon; cyhexatin; methamidophos; lead arsenate; lead carbonate; fenthion 640 ULV; and pentachlorobenzene. The Committee also requested the Secretariat to prepare an electronic "handbook," to be

eventually available online, of Committee procedures and guidance, to be considered at CRC-10. The Committee also heard a Secretariat report on activities for effective participation in the work of the Committee, and discussed coordination and collaboration with other scientific subsidiary bodies.

## A BRIEF HISTORY OF THE ROTTERDAM CONVENTION AND THE CHEMICAL REVIEW COMMITTEE

Growth in internationally-traded chemicals during the 1960s and 1970s prompted efforts by the international community to safeguard people and the environment from the harmful effects of such chemicals. These efforts resulted in the adoption of

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the International Code of Conduct for the Distribution and Use of Pesticides by the FAO and the London Guidelines for the Exchange of Information on Chemicals in International Trade by the United Nations Environment Programme (UNEP). Both the Code of Conduct and the London Guidelines include procedures aimed at making information about hazardous chemicals readily available, thereby permitting countries to assess the risks associated with their use. In 1989, both instruments were amended to include a voluntary prior informed consent (PIC) procedure, managed jointly by FAO and UNEP, to give countries the opportunity to refuse future imports of a number of hazardous chemicals banned or severely restricted in other countries.

At the UN Conference on Environment and Development held in Rio de Janeiro in 1992, delegates adopted Agenda 21, which called for an international strategy for action on chemical safety (Chapter 19), and urged states to achieve full participation in, and implementation of, the PIC procedure by 2000, with the possible adoption of a legally-binding PIC Convention.

In November 1994, the 107th meeting of the FAO Council agreed that the FAO Secretariat should proceed with the preparation of a draft PIC Convention as part of the joint FAO/UNEP programme. In May 1995, the 18th session of the UNEP Governing Council adopted Decision 18/12, authorizing the Executive Director to convene, with the FAO, an intergovernmental negotiating committee (INC) with a mandate to prepare an international legally-binding instrument for the application of the PIC procedure. The INC held five sessions between March 1996 and March 1998.

**CONFERENCE OF PLENIPOTENTIARIES:** The Conference of Plenipotentiaries was held from 10-11 September 1998, in Rotterdam, the Netherlands. Ministers and senior officials from approximately 100 countries adopted the Rotterdam Convention, the Final Act of the Conference, and a Resolution on Interim Arrangements.

At the core of the Rotterdam Convention is the PIC procedure, which is a mechanism for obtaining and disseminating the decisions of importing parties as to whether they wish to receive future shipments of certain chemicals and for ensuring compliance with these decisions by exporting parties. The PIC procedure applies to chemicals listed in Annex III, which includes pesticides, industrial chemicals, and severely hazardous pesticide formulations (SHPF).

There are two ways to trigger the addition of new chemicals to Annex III. All parties must notify the Secretariat of any regulatory action they have adopted to domestically ban or severely restrict a chemical for environmental or health reasons. When the Secretariat has received two notifications of final regulatory actions from two different PIC regions that meet the criteria established in Annex II to the Convention (properties, identification and uses of the chemical and information on the regulatory action), it must forward the notifications to the CRC. The CRC reviews the notifications to determine if they meet the criteria contained in Annex II and, if it finds that they do, recommends the listing of the chemical in Annex III and prepares a “decision guidance document” for consideration by the COP.

As for SHPF, any party that is a developing country or country with an economy in transition can propose the listing of a SHPF, which the Committee screens against Annex IV criteria.

**INC 6-11:** In the period prior to the Convention’s entry into force, the INC met six times. During that time, the INC agreed to draft decisions on the definition and provisional adoption of PIC regions, the establishment of an Interim Chemical Review Committee, and the adoption of draft decision guidance documents (DGDs) for chemicals already identified for inclusion in the PIC procedure. They also prepared draft decisions for the first COP meeting, including on financial arrangements and dispute settlement procedures. Chemicals added to the interim PIC procedure during these sessions include ethylene dichloride and ethylene oxide, monocrotophos, four forms of asbestos, dinithro-ortho-cresol, dustable powder formulations of benomyl, carbofuran, thiram, tetraethyl lead, tetramethyl lead, and parathion. Discussions of the inclusion of a fifth form of asbestos—chrysotile—were initiated at INC-10 but no agreement was reached.

**COP-1:** The first meeting of the COP to the Rotterdam Convention, held in Geneva from 20-24 September 2004, adopted all the decisions required to make the legally-binding PIC procedure operational. Delegates addressed procedural issues and other decisions associated with the entry into force of the Convention, such as the: PIC regions; inclusion of chemicals in Annex III recommended during the interim period; adoption of financial rules and provisions for the COP, the subsidiary bodies, and the Secretariat; establishment of the CRC; cooperation with the World Trade Organization; settlement of disputes; and the location of the Secretariat.

**CRC-1:** The first session of the CRC convened in Geneva, Switzerland, from 11-15 February 2005. The Committee agreed that chrysotile asbestos met Annex II criteria and should be subject to the PIC procedure, and agreed to draft a DGD for consideration at CRC-2.

**COP-2:** This meeting convened from 27-30 September 2005 in Rome, Italy. Delegates adopted decisions on, *inter alia*: operational procedures of the CRC; the finalization of the arrangements between UNEP and FAO for the provision of the Secretariat; pilot projects on the delivery of regional technical assistance; and cooperation and synergies among the Basel, Rotterdam and Stockholm Conventions. Delegates also forwarded bracketed text on a compliance mechanism to COP-3, and tasked the Secretariat with a study on financial mechanisms.

**CRC-2:** This meeting convened in Geneva, Switzerland, from 13-17 February 2006, and recommended the inclusion of chrysotile asbestos in the Convention’s PIC Procedure. The Committee also agreed tributyltin and endosulfan met Annex II criteria and agreed to draft a DGD.

**COP-3:** This meeting convened from 9-13 October 2006 in Geneva, Switzerland. COP-3 considered several reports on activities within the Convention’s mandate and adopted 16 decisions on, *inter alia*: implementation of the Convention; financial mechanisms; and cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions. Delegates

did not reach agreement on the mechanisms and procedures for non-compliance and deferred the decision on listing chrysotile asbestos in Annex III to COP-4.

**CRC-3:** The third session of the CRC convened in Rome, Italy from 20-23 March 2007. The Committee agreed the draft DGDs for endosulfan and tributyltin to include them in the Convention's PIC Procedure.

**CRC-4:** The fourth session of the CRC convened in Geneva, Switzerland from 10-13 March 2008. The Committee agreed that alachlor and aldicarb met Annex II criteria.

**COP-4:** COP-4 convened from 27-31 October 2008, in Rome, Italy, and adopted 13 decisions, including the addition of tributyltin compounds to Annex III of the Convention. The meeting also adopted: a decision on implementation; and the recommendations of the *Ad Hoc* Joint Working Group on Enhancing Cooperation and Coordination among the Basel, Rotterdam and Stockholm Conventions. Delegates could not agree on the inclusion of endosulfan or chrysotile asbestos in Annex III, or on mechanisms and procedures for non-compliance. They agreed to revisit these issues at COP-5.

**CRC-5:** The fifth session of the CRC convened in Rome, Italy, from 23-27 March 2009, and recommended the inclusion of alachlor and aldicarb in the Convention's PIC Procedure.

**CRC-6:** The sixth session of the CRC was held in Geneva, Switzerland, from 15-19 March 2010. The Committee approved a revised DGD on endosulfan and again recommended the inclusion of endosulfan in the Convention's PIC Procedure.

**CRC-7:** The seventh session of the CRC was held in Rome, Italy, from 28 March - 1 April 2011, and recommended the inclusion of azinphos-methyl in the Convention's PIC Procedure. CRC-7 agreed to draft DGDs for perfluorooctane sulfonic acid (PFOS), its salts and the precursor perfluorooctane sulfonyl fluoride, and bromodiphenyl ethers (BDEs) contained in commercial mixtures, including tetraBDE, pentaBDE, hexaBDE, heptaBDE, octaBDE, nonaBDE, and decaBDE.

**COP-5:** This meeting convened in Geneva, Switzerland, from 20-24 June 2011. COP-5 adopted 13 decisions, including listing aldicarb, alachlor, and endosulfan in Annex III of the Convention. The meeting also adopted decisions on technical assistance, synergies, information exchange, trade and the work of the CRC. Delegates could not agree on mechanisms and procedures for non-compliance and the inclusion of chrysotile asbestos in Annex III to the Convention.

**CRC-8:** CRC-8 was held from 19-23 March 2012 in Geneva, Switzerland. It considered notifications for trichlorfon and dicofol, and recommended that the COP list penta- and octa-BDEs, and PFOS. CRC-8 agreed to recommend to the COP that it list certain liquid formulations containing paraquat dichloride, a SHPF, in Annex III. It also decided to strengthen cooperation and coordination between the CRC and the Stockholm Convention's POPRC, such as through holding back-to-back meetings of the two Committees.

**COP-6:** COP-6 was held back-to-back with the COPs of the Stockholm and Basel Conventions and a simultaneous extraordinary meeting of the three COPs (ExCOPs-2). COP-6 decided to amend Annex III to list: azinphos-methyl;

commercial pentaBDE, including industrial tetra-BDE and industrial pentaBDE; commercial octaBDE, including hexaBDE and heptaBDE; and PFOS, perfluorooctanesulfonates, perfluorooctanesulfonamides and perfluorooctanesulfonyls. COP-6 decided that while liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L, met the listing criteria for a SHPF, it would postpone a decision until COP-7. A decision on listing chrysotile asbestos also was deferred to COP-7.

ExCOPs-2 recommended the implementation of joint activities between the CRC and POPRC; requested alignment of the CRC working arrangements with those of the POPRC to allow for effective participation of experts and observers at meetings; and requested the CRC and the POPRC to discuss and identify further steps to enhance the cooperation and coordination between them, where practical and in accordance with their autonomous mandates and terms of reference.

### POPRC/CRC JOINT MEETING REPORT

On Sunday morning, 20 October, CRC Chair Hala Al-Easa (Qatar) welcomed delegates to the joint meeting. Clayton Campanholo, Co-Executive Secretary of the Rotterdam Convention, underscored that this meeting highlights the successful cooperation between UNEP and the FAO. As experts of the subsidiary bodies to the Stockholm and Rotterdam Conventions, he said that POPRC and CRC members are called upon to make decisions that contribute to the global challenge of increasing food production in a sustainable way.

Noting this event occurred on World Food Day, Co-Executive Secretary Jim Willis underlined that the work of these "pre-eminent" Committees helps protect the food supply from toxic chemicals and POPs. He recognized that the Committees have different mandates, products for their respective COPs, and processes to develop those products, but called on members to explore the intersections between the Committees and consider approaches to enhance scientific support to parties to both Conventions.

Chair Al-Easa observed that this is the first time that two legally distinct subsidiary bodies to the chemicals conventions have met to explore how they can mutually benefit from each other's work. She then reported that comments from members would be compiled by the Secretariat to report back to the COPs on the Committees' experiences at this meeting.

POPRC Chair Reiner Arndt (Germany) observed that both he and Chair Al-Easa had been members of both Committees and understood "both sides of the coin."

Chair Al-Easa introduced the agenda for the joint meeting (UNEP/FAO/RC/POPS/CRC-POPRC.1/1/Rev.1), noting it aligned with the omnibus decision of second Extraordinary Meeting of the Basel, Rotterdam and Stockholm COPs. The Committees adopted the agenda without amendment.

## **MANDATES AND REVIEW PROCESSES UNDER THE POPRC AND CRC**

The Secretariat introduced its note on the processes under the POPRC and the CRC (UNEP/FAO/RC/POPS/CRC-POPRC.1/2). Chair Arndt summarized the mandate and the three-step POPRC review process. He characterized the draft risk profile process as “an international scientific analysis” by the Committee of whether the nominated chemical is a POP, and the risk management evaluation as “a collection of socio-economic information” that could help determine appropriate control measures.

Chair Al-Easa summarized the mandate and review process of the CRC, noting that the Committee evaluates regulatory actions to see if they have been taken as a consequence of a risk evaluation and provides a sufficiently broad basis to merit inclusion of the chemical in the PIC procedure. She also explained the special procedure for severely hazardous pesticide formulations.

While noting similarities, Chair Arndt pointed out the Committees’ differences, including: proposals for the POPRC can come from one party, while those in the CRC must come from at least two; proposals in the POPRC are based on evaluating scientific information, while the CRC evaluates national regulatory actions; the CRC handles all chemicals, the POPRC deals only with POPs; the POPRC has a risk evaluation step and the CRC does not; and the Bureau is involved in preparing documents for CRC meetings, but not for POPRC.

Zambia (POPRC) asked if it was possible to automatically relay to the POPRC information on national regulatory actions notified to the Rotterdam Convention Secretariat, so that the POPRC might assess them. The Secretariat pointed out that all regulatory notifications are published semiannually in the PIC Circular.

Noting the CRC Bureau’s role in preparing documentation intersessionally, Sudan (CRC/POPRC) asked if the POPRC could consider doing something similar. Chair Arndt suggested the idea was worth exploring at POPRC-10, although he noted that it would require changes in the POPRC Bureau since it currently only consists of the Chair and the Vice-Chair.

An observer from the Indian Chemical Council asked what precautions the CRC and the POPRC can take to ensure that their work does not lead to technical barriers to trade. Chair Arndt responded that the Committees fulfill the mandates they are given, and any country can file a complaint with the World Trade Organization if they believe another country has misused the Stockholm or Rotterdam Conventions.

## **SCIENTIFIC INFORMATION EXCHANGE**

**ALIGNMENT OF THE WORKING ARRANGEMENTS OF THE CRC WITH THOSE OF THE POPRC:** The Secretariat introduced its note on the alignment of the working arrangements of the CRC with those of the POPRC to allow for mutual information sharing and effective participation of experts and observers at Committee meetings (UNEP/FAO/RC/POPS/CRC-POPRC.1/3). The Secretariat reported that they are working to harmonize the preparation, operation and follow-up

of meetings for the subsidiary bodies of the Basel, Rotterdam and Stockholm Conventions.

Norway, who helped draft the ExCOPs-2 recommendation on this item, highlighted: aligning the working procedures regarding the participation of observers, particularly during meetings; and providing guidance to CRC members when a notified chemical is a POP. On the latter point, she suggested it might be fruitful to consider how much bridging information is necessary under the Rotterdam Convention when the notified chemical is a POP listed under the Stockholm Convention.

Chair Arndt suggested members of each Committee could attend the meeting of the other Committee. He relayed the POPRC’s practice of observer participation during plenary sessions, contact groups and Friends of the Chair groups.

Chair Al-Easa said that CRC observers participate in contact groups, but not drafting groups, which is consistent with the POPRC. Spain (CRC) questioned if these suggestions would change the practices of the CRC because observers are not excluded and POPRC members could participate in the CRC as observers. Chair Arndt agreed this is possible, but noted that POPRC members do not receive invitations to CRC meetings. The Secretariat clarified that observers receive announcements of meetings, whereas members receive invitations, so members would receive invitations to their Committee’s meeting and announcements of the other Committee’s meeting.

India (POPRC/CRC) observed that the Conventions have different parties and the decisions of one COP cannot be imposed on the parties of another convention. The Secretariat stated that the decision-makers of subsidiary bodies are the members designated by their governments. Congo (CRC) noted the similar goals of the Committees and the Conventions to protect human health and the environment.

Noting back-to-back meetings will be held next year, Kuwait (POPRC) suggested that a briefing note be prepared to advise members of the Committee that meets last of the outcomes of the Committee that meets first.

The International POPs Elimination Network (IPEN) underlined that observers enrich the work of both Committees through the provision of information, particularly in contact groups. She said that each Committee could do more to reach out to a wider group of observers.

## **SCIENTIFIC INFORMATION EXCHANGE RELATING TO REVIEW OF CHEMICALS BY THE CRC AND POPRC:**

The Secretariat introduced its note on scientific information exchange relating to review of chemicals by the CRC and POPRC (UNEP/FAO/RC/POPS/CRC-POPRC.1/4). Robert Chénier (Canada, POPRC) explained how the POPRC identifies and lists chemicals, providing examples from past POPRC work on DDT, endosulfan, lindane, pentabrominated diphenyl ether (pentaBDE), octaBDE, and perfluorooctane sulfonic acid (PFOS) to illustrate the different ways mixtures, chemical families and transformational products are taken into account. He also discussed the issue of how to handle unintentional trace contaminants, suggesting that perhaps the cutoff values in the Globally Harmonized System of

Classification and Labeling of Chemicals (GHS) could be used to determine when traces of a POP must be listed on a label.

Sarah Maillefer (Switzerland, CRC) presented how the CRC identifies and lists chemicals, noting several challenges, including: how to handle situations where countries take different regulatory actions for the same chemical, such as a ban, registration cancellation or severe restriction; how to handle commercial mixtures; and trade considerations under criteria (c) (i) and (c)(iv) of Annex II. She described CRC efforts to develop and apply a policy on contaminants, which to date has only been used on a pilot basis with maleic hydrazide. She also noted the challenge of chemicals in articles or products.

Subsequent discussion focused on Chénier's suggestion regarding GHS cutoff values, with several POPRC and CRC members noting different reporting values now used. Chair Arndt suggested that globally-agreed guidance for labeling the trace presence of POPs or other harmful chemicals in mixtures, articles or products might be useful for purposes of export notifications, but that this was probably an issue to be discussed in the UN Economic and Social Council (ECOSOC) subcommittee that works on the GHS.

In the afternoon, Azhari Abdelbagi (Sudan, CRC/POPRC) presented the CRC's process to develop DGDs, while Floria Roa Gutiérrez (Costa Rica, POPRC) presented the POPRC's process for drafting risk profiles. Abdelbagi stressed that a DGD is "just a snapshot in time" based on the information available to the country when it adopted its regulatory action, and is not a scientific treatise, nor is it intended as a risk evaluation. Roa Gutiérrez stressed that in developing the risk profile the POPRC only uses information it deems scientifically sound.

Jamaica (CRC), supported by IPEN, proposed that future POPRC reviews on specific chemicals and alternatives indicate if those chemicals and alternatives are subject to the PIC procedure. Chair Arndt suggested recording this idea in the meeting's report.

India (CRC/POPRC) proposed that notifying parties should be requested to use the latest information available. Chair Arndt clarified that the Rotterdam Convention requests parties to notify regulatory actions, which could be based on old data.

Jürgen Helbig (Spain, CRC) outlined the decision-making process of the CRC, as provided in Articles 5 and 6 and Annexes I, II and IV of the Rotterdam Convention. He said that the most challenging criteria were contained in Annex II, paragraph (b), since they require the notifying party to conduct a risk evaluation and demonstrate that the evaluation was based on a review of scientific data in the context of its prevailing conditions. He said that notifying parties could use exposure data from other parties when applying information to prevailing conditions, which he said was called bridging information, and noted that the CRC had developed policy guidance to review notifications, which included practical examples.

Jianxin Hu (China, POPRC) presented the decision-making experience in the POPRC, noting that the Committee followed three basic steps, under Annexes D, E and F to the Stockholm Convention, which he said contained specific criteria against which the Committee evaluated a potential POP. Stressing that

the POPRC had developed considerable experience, he said scientific expertise and a strong Chair were key elements for successful decision-making.

Argentina (POPRC) noted that, while initially challenging, the criterion specified in (b)(iii) (risk evaluation based on prevailing conditions) of the Rotterdam Convention had helped raise awareness in developing countries about prevailing conditions of use.

**DEVELOPMENT OF GUIDANCE TO ASSIST PARTIES TO THE ROTTERDAM CONVENTION AND CRC IN THEIR WORK WHEN A CHEMICAL UNDER CONSIDERATION IS A POP LISTED UNDER THE STOCKHOLM CONVENTION:**

The Secretariat introduced its note on the ExCOPs-2 omnibus decision requesting the development of guidance to assist parties to the Rotterdam Convention and the CRC in their work when a chemical under consideration is a POP listed under the Stockholm Convention (UNEP/FAO/RC/POPS/CRC-POPRC.1/6).

Mirijam Kristina Brigitta Seng (Germany, CRC) presented on existing CRC guidance and working papers that might be used as a starting point, including those on: bridging information, i.e., when risk evaluations from another country or an international body such as the Stockholm Convention or Montreal Protocol can be used as a basis of a national regulatory action; preparing internal proposals and DGDs for SHPFs; and the process for determining evidence of ongoing international trade.

Japan asked if a country that regulates a new POP listed under the Stockholm Convention is required to submit a notification on that chemical to the Rotterdam Convention. The Secretariat responded positively, and clarified that there are two purposes for notifications: those for chemicals intended to be listed in Annex III and subject to the PIC procedure, and those simply for information exchange, which are published in the PIC Circular.

The Committees agreed that an intersessional working group, to be co-chaired by Seng and Azhari Abdelbagi and open to members of both Committees, should convene to develop a guidance document on this issue. The Committees approved a work plan with a view to presenting the draft guidance to CRC-10 in October 2014.

**IDENTIFICATION OF FURTHER STEPS TO ENHANCE THE COOPERATION AND COORDINATION BETWEEN THE CRC AND POPRC:**

The Secretariat introduced its note on the identification of further steps to enhance the cooperation and coordination between the two technical bodies (UNEP/FAO/RC/POPS/CRC-POPRC.1/5), observing that Annex I of the note summarizes what has been done in this regard since ExCOPs-1, while Annex II notes chemicals considered by both Committees.

Chair Arndt solicited suggestions to further enhance cooperation and coordination and improve the functioning of the two Committees. The ideas provided include:

- briefing each Committee on the other's relevant decisions as well as any past work or decisions that might be relevant to chemicals under review;
- emailing notifications of upcoming webinars on the POPRC and CRC work;

- updating, perhaps through webinars, the latest alternatives to listed chemicals;
- requesting parties to note when a chemical being notified under the Rotterdam Convention is listed as a POP under the Stockholm Convention;
- retaining the coordination issue on the POPRC and CRC agendas;
- considering ways for the POPRC to conduct Annex D work intersessionally, similar to the way the CRC Bureau works intersessionally; and
- requesting that a government representative of the notifying party present their country's notification of final regulatory action to the CRC in person, so as to allow Committee members to seek any necessary clarifications regarding the notification directly and immediately from the notifying party

### **CLOSURE OF THE MEETING**

Noting his initial skepticism about the joint meeting because he thought it would seek to align the CRC with the POPRC, Jürgen Helbig (Spain, CRC) said the discussions were a step forward in the synergies process that will help improve cooperation and coordination between the two Committees.

Kerstin Stendahl, Deputy Executive Secretary of the Basel, Rotterdam and Stockholm Conventions, said that the meeting proved that efforts to enhance the collaboration between the three Conventions were “worth a try,” and invited participants' comments on what else could be done to strengthen cooperation between the POPRC and the CRC.

Chairs Arndt and Al-Easa expressed their appreciation to all participants and Chair Arndt gavelled the meeting to a close at 4:16 pm.

### **CRC-9 REPORT**

On Tuesday morning, 22 October, Gerald Wyrwal, FAO, welcomed participants to Rome on behalf of Clayton Campanholo, Co-Executive Secretary of the Rotterdam Convention. Noting that the CRC's work was key to the successful operation of the Convention, he highlighted “core CRC principles” such as transparency, inclusiveness, scientific soundness and the ability to reform. He said the Rotterdam Convention and the FAO International Code of Conduct on Pesticide Management, together with other chemicals and wastes multilateral environmental agreements, provided a sound framework to protect human health and the environment from hazardous chemicals and could amplify their benefits through closer cooperation.

Kerstin Stendahl, Deputy Executive Secretary of the Basel, Rotterdam and Stockholm Conventions, highlighted work conducted intersessionally and wished participants successful deliberations.

Chair Hala Al-Easa (Qatar) urged all participants to engage actively in the deliberations, expressing confidence that the meeting would be successful and reach fruitful and meaningful decisions and outcomes.

The Committee then considered and adopted the agenda (UNEP/FAO/RC/CRC.9/1 and Add.1). Chair Al-Easa proposed, and the Committee agreed, to consider under “other matters” the

working procedures set out in UNEP/FAO/RC/CRC.9/INF/6, concerning how to deal with final regulatory actions.

### **REVIEW OF OUTCOMES OF COP-6 AND EXCOPS-2 RELEVANT TO THE COMMITTEE'S WORK**

On Tuesday, the Secretariat presented its note on the outcomes of Rotterdam Convention COP-6 and ExCOPs-2 relevant to the work of the Committee (UNEP/FAO/RC/CRC.9/INF/3). She highlighted an excerpt from the omnibus decision on enhancing cooperation and coordination between the technical bodies of the Basel, Rotterdam and Stockholm Conventions, which she said had been addressed at the Joint CRC-POPRC meeting and invited participants to provide feedback on the joint meeting and the back-to-back meetings of the Committees to the Secretariat. The CRC took note of the document. The Secretariat then briefed the Committee on the outcomes of POPRC-9.

### **ROTATION OF THE MEMBERSHIP**

On Tuesday, the Secretariat presented its note on the replacement of Committee members and forthcoming rotation of membership in May 2014 (UNEP/FAO/RC/CRC.9/INF/4), noting replacements by India and Mexico of their experts since CRC-8. Pointing out that four Bureau members are leaving, including Chair Al-Easa, she asked that the regions indicate their nominations by Wednesday so the Bureau could meet on Thursday and elect its interim Chair, as requested by COP-6. She also explained that, given that the CRC now meets in October, COP-6 extended the terms of office of the current 17 members of the Committee from 30 September 2013 to 30 April 2014 and those of the other 14 members of the Committee from 30 September 2015 to 30 April 2016, and decided that future terms of office would commence on 1 May of a given even numbered year and end on 30 April four years later. She said this change would harmonize the CRC membership cycle with that of the POPRC.

On Wednesday morning, the Secretariat announced that the newly-designated Bureau members were: Boniface Mbewe (Zambia) for the African Group; Amal Al-Rashdan (Kuwait) for the Asia and Pacific Group; Magdalena Frydrych (Poland) for the Central and Eastern European Group; Gilberto Fillmann (Brazil) for the Latin American and Caribbean Group; and Jürgen Helbig (Spain) for the Western European and Others Group.

On Thursday morning, the Secretariat announced that at the first meeting of the new Bureau held Wednesday, Bureau members agreed that Jürgen Helbig (Spain) will serve as Chair on an interim basis pending his formal election at COP-7.

### **TECHNICAL WORK**

#### **CONSIDERATION OF THE DRAFT DECISION GUIDANCE DOCUMENT FOR TRICHLORFON:**

On Tuesday, the Secretariat presented its note containing a draft DGD for trichlorfon prepared by the intersessional group established at CRC-8, and a summary of comments received and how they were addressed (UNEP/FAO/RC/CRC.9/INF/5). Mirijam Kristina Brigitta Seng (Germany), Co-Chair of the intersessional group, noted most comments were editorial.

CropLife International reiterated its view from CRC-8 that Brazil's notification is not based on the final regulatory action,

and requested that the CRC set aside the draft DGD and that Brazil resubmit its notification. Chair Al-Easa responded that there was “ample time” for members and observers to comment on the draft and underlined that the CRC is now finalizing this document. An observer from the US noted technical issues with some references to work by the US Environmental Protection Agency (EPA) and offered to provide text to address them.

The Committee agreed to ask the Secretariat to draft a decision to adopt the draft DGD on trichlorfon.

On Wednesday, the Secretariat introduced the draft decision on trichlorfon (UNEP/FAO/RC/CRC.9/CRP.8) and noted that the draft DGD would be re-issued with minor editorial amendments suggested at this meeting as UNEP/FAO/RC/CRC.9/3/Rev.1. Seng reviewed the few editorial amendments to the draft DGD to improve clarity to the document’s reference to US EPA evaluation documents. Spain supported the changes, which he said are “minor in nature” and add clarity to the document. The CRC then adopted the decision without amendment.

**Final Decision:** In the decision on trichlorfon (UNEP/FAO/RC/CRC.9/CRP.8), the CRC adopts the draft DGD for trichlorfon and decides to forward it, together with the related summary of comments, to the COP for its consideration.

#### **BUREAU REPORT ON THE PRELIMINARY REVIEW OF NOTIFICATIONS AND THE PROPOSAL FOR A SEVERELY HAZARDOUS PESTICIDE FORMULATION:**

On Tuesday, the Secretariat presented the report of the Bureau on the preliminary review of notifications of final regulatory action, a proposal for a severely hazardous pesticide formulation (SHPF) and relevant supporting documentation (UNEP/FAO/RC/CRC.9/2). Vice-Chair Azhari Abdelbagi (Sudan) reported that the Bureau conducted a preliminary review and established intersessional working groups, as per CRC working procedures and policy guidance (UNEP/FAO/RC/CRC.9/INF/6).

India expressed concern that Monday’s pre-session meeting considered six new chemicals “compressed” into three hours. The Secretariat clarified that: the preliminary review is preliminary; all members had opportunity to provide comments before the meeting; and Committee members take decisions at each meeting. Chair Al-Easa said the concern would be noted by the Secretariat.

**REVIEW OF NOTIFICATIONS OF FINAL REGULATORY ACTIONS: Cyhexatin:** On Tuesday, the Secretariat presented its note on the notifications of final regulatory action relating to cyhexatin from Brazil and Canada (UNEP/FAO/RC/CRC.9/5), the CRC-2 conclusions on the Canadian notification (UNEP/FAO/RC/CRC.9/5/Add.1), supporting information provided by Brazil (UNEP/FAO/RC/CRC.9/5/Add.2), and a summary record of notifications for cyhexatin previously considered by the Committee (UNEP/FAO/RC/CRC.9/INF/7). Chair Al-Easa cautioned that CRC-9 was only to discuss the Brazilian notification, since CRC-2 had already dealt with the Canadian notification.

Abdelbagi, Co-Chair of the task group on cyhexatin, presented the group’s report (UNEP/FAO/RC/CRC.9/CRP.4), noting the group found that since the Brazilian notification was based on

a hazard evaluation and provided no epidemiological study or information on human exposure, it did not meet the criterion in (b)(iii) (risk evaluation based on prevailing conditions).

Switzerland expressed regret that Brazil did not provide registration information regarding cyhexatin, which might have provided a fuller picture of exposure prompting the ban. Chair Al-Easa proposed that since Brazil’s notification did not meet the (b)(iii) criterion, no further action should be taken at this time.

**Final Decision:** The Committee accepted the task group’s recommendation that the Brazilian notification does not meet all Annex II criteria, so no further action should be taken by the CRC at the current time.

**Lead Arsenate:** On Tuesday, the Secretariat introduced its note on notifications of final regulatory actions relating to lead arsenate from Japan and Peru (UNEP/FAO/RC/CRC.9/6), supporting documentation submitted by each country (UNEP/FAO/RC/CRC.9/6/Add.1 and Add.2), and the report of the task group on lead arsenate (UNEP/FAO/RC/CRC.9/CRP.6).

Magdalena Frydrych (Poland), Co-Chair of the task group on lead arsenate, said the group found that both notifications meet all Annex II criteria, except for criterion (b)(iii), since Japan had not provided information that a risk evaluation was carried out, taking into account prevailing conditions in Japan, and Peru had provided insufficient information on this issue. However, she said Peru recently had submitted relevant data that deserved consideration (UNEP/FAO/RC/CRC.9/CRP.7). She also explained that while there was no available information of ongoing trade of lead arsenate, the group concluded that both notifications met criterion (b)(iv) (evidence of ongoing international trade in the chemical).

Peru said the additional information provided was an environmental risk assessment on lead arsenate, and Brazil said the study had been conducted by a group of Peruvian university researchers who found that lead arsenate was toxic to the environment.

CropLife International asked the task group to explain why it had concluded that both notifications met criterion (b)(iv) when no evidence of trade was available, adding that chemicals not traded internationally do not fall within the scope of the Rotterdam Convention.

Spain suggested that the task group reconsider its conclusion, since no evidence of international trade of lead arsenate was available (UNEP/FAO/RC/CRC.9/INF/8). Spain suggested the task group reconvene to consider this and review the data provided by Peru. Noting the information was in Spanish, Canada, Germany and the Netherlands suggested translating the document into English first. Côte d’Ivoire supported considering the English abstract already provided.

The Secretariat said it was not common practice to translate supporting documentation and notifying parties usually provided summaries in English. Brazil said it had done this in the past. Germany suggested interested members convene to determine whether the information presented in the abstract was sufficient. A contact group, co-chaired by Frydrych and Vilma Morales Quillama (Peru), was established.

On Wednesday morning, Frydrych thanked the efforts of several contact group members who had translated and summarized key points of the Peruvian documentation provided in Spanish, and reported that the group was able to conclude that Peru's notification meets all Annex II criteria, but another contact group session was necessary to finish drafting the rationale.

On Thursday, Frydrych introduced the draft rationale on lead arsenate (UNEP/FAO/RC/CRC.9/CRP.11), noting the contact group concluded that the notification by Peru meets all Annex II criteria given the new information provided at CRC-9. Chair Al-Easa said that this new information, which was currently contained in two conference room papers (UNEP/FAO/CRC.9/CRP.7 and UNEP/FAO/CRC.9/CRP.11), would be issued as CRC meeting document UNEP/FAO/CRC.9/6/Add.3 so it is available to the public.

CropLife International said that since no evidence could be found on international trade of lead arsenate as a pesticide, criterion (c)(iv) was not met. Claiming that to agree that lead arsenate meets this criterion renders the criterion "meaningless," he suggested that the CRC conclude that Annex II criteria are met "subject to evidence" of ongoing international trade. Jamaica noted that the study provided by Peru states that "lead arsenate is one of the most employed pesticides in Peruvian agriculture" and wondered whether this was possible without trade. Frydrych explained that Peru's regulatory action was taken in 2011 and there was proof of widespread use of the pesticide in 2009, when the study was conducted, so the Committee could not exclude the possibility that trade is still occurring.

Switzerland noted that the criterion regarding ongoing international trade does not specify if the chemical should be traded as a pesticide or as an industrial chemical.

The Secretariat suggested the Committee consider the relevant section in the draft rationale, which concludes that while there is no information available on ongoing international trade of lead arsenate, "reintroduction of the chemical to international markets is possible." Spain supported the proposed conclusion, stressing that the Convention requires the CRC to consider the criteria listed in paragraph (c) of Annex II as a whole, "by taking into account" each criterion, and the criterion regarding ongoing international trade should not be decisive. He added that lack of information on international trade should not lead the Committee to exclude that such trade is possible. The Committee adopted the draft rationale.

The Committee then considered the draft decision and adopted it without amendment.

**Final Decision:** In the decision on lead arsenate (UNEP/FAO/RC/CRC.9/CRP.12), the CRC:

- concludes that the notification of final regulatory action for lead arsenate submitted by Peru meets the criteria set out in Annex II to the Convention;
- adopts the rationale for the Committee's conclusion on the notification for lead arsenate submitted by Peru set out in the annex to the decision; and
- notes that, as only one notification meets the criteria set out in Annex II to the Convention, the CRC will take no further action at the current time.

**Lead Carbonate:** On Wednesday, the Secretariat presented its note on the notifications of final regulatory action relating to lead carbonate from Latvia and Jordan (UNEP/FAO/RC/CRC.9/7) and supporting documentation from Jordan (UNEP/FAO/RC/CRC.9/7/Add.1), noting that Latvia had not provided any supporting documentation.

Leonarda van Leeuwen (the Netherlands), Co-Chair of the task group on lead carbonate, said that the group had concluded that the Latvian notification meets all Annex II criteria with the exception of criteria (b) on risk evaluation and (c)(iv) on ongoing trade, while Jordan's notification meets all Annex II criteria with the exception of (b) criteria.

She explained that (b) criteria were not met because Latvia's final regulatory action was based on the intrinsic properties of lead carbonate and no supporting documentation was provided to verify that data were generated according to scientifically recognized methods, that data reviews were performed according to generally-recognized scientific principles and procedures, or that the final regulatory action was based on a risk evaluation involving prevailing conditions in Latvia, while Jordan's notification said that its regulatory action was not based on a risk or hazard evaluation.

She said the task group recommended that the CRC conclude that, since neither notification meets all Annex II criteria, lead carbonate should not be proposed for inclusion in Annex III.

**Final Outcome:** The Committee agreed with the task group's recommendation that neither notification meets all Annex II criteria.

**Methamidophos:** On Tuesday, the Secretariat presented its note on the notifications of final regulatory action relating to methamidophos from Brazil and the European Union (EU) (UNEP/FAO/RC/CRC.9/8), supporting documentation from the two (UNEP/FAO/RC/CRC.9/8/Add.1 and Add.2), and a summary record of notifications for methamidophos previously considered by the Committee (UNEP/FAO/RC/CRC.9/INF/7). Susan Collier (New Zealand), Co-Chair of the task group, reported that the group concluded that both notifications meet Annex II criteria and recommend that the Committee draft a DGD and recommend that the COP list methamidophos in Annex III to the Convention.

India observed that the notifications have different objectives: to ban import and export and to ban use. He stated that information on the socio-economic impacts of banning substances is necessary, but missing. He also suggested consideration of the different uses of this chemical and said no information on alternatives was available.

Collier responded that the Committee cannot tell countries how to take national regulatory action and underlined that criterion (c)(ii) says whether the action "is expected" to result in a significant reduction of use. She further underscored that the PIC procedure only provides information and does not prohibit use. Spain observed that Annex I does not necessitate information on socio-economic effects. Brazil noted information on alternatives is provided.

India asked if the Committee was considering one notification, because the chemical is the same, or two notifications. The



Secretariat clarified that, according to the Convention, a final regulatory act is an action taken by a party to ban or severely restrict a chemical and that each includes a single such action by one party.

The Pesticide Action Network (PAN) observed the notifications contain “significant” information about the risks posed by methamidophos and urged the Committee to agree that both notifications meet Annex II criteria.

The Committee agreed to convene a contact group, which could become a drafting group if needed, to be co-chaired by Collier and Jürgen Helbig (Spain).

On Wednesday, the Secretariat introduced the draft decision for methamidophos (UNEP/FAO/RC/CRC.9/CRP.10) and the corresponding draft rationale (UNEP/FAO/RC/CRC.9/CRP.9) and a draft workplan for the preparation of the draft DGD (UNEP/FAO/RC/CRC.9/CRP.13).

Jamaica said more time was required to review the documents before taking a decision and the Committee agreed and postponed the decision to Thursday morning.

On Thursday, the Committee considered a revised draft rationale on methamidophos (UNEP/FAO/RC/CRC/CRP.9/Rev.1) and Chair Al-Easa explained that the Committee had agreed on Tuesday that the two notifications meet all Annex II criteria. The Committee adopted the revised rationale.

The Committee then considered the draft decision and draft work plan on methamidophos (UNEP/FAO/RC/CRC/CRP.10 and UNEP/FAO/RC/CRC/CRP.13, respectively). The Secretariat noted the draft work plan is the “standard work plan” for an intersessional group to prepare draft DGDs, in line with CRC procedures and COP Decision RC-2/2. The Committee adopted the draft decision and draft work plan.

**Final Decision:** In the decision on methamidophos (UNEP/FAO/RC/CRC/CRP.10), the CRC, *inter alia*:

- concludes that the notifications of final regulatory action for methamidophos submitted by Brazil and the EU meet the criteria set out in Annex II to the Rotterdam Convention;
- adopts the rationale for the Committee’s conclusions as set out in the annex to the decision;
- recommends that the COP list methamidophos in Annex III to the Convention as a pesticide; and
- decides to prepare a draft DGD for methamidophos.

**ADDITIONAL INFORMATION ON PENTACHLOROBENZENE:** On Tuesday afternoon, the Secretariat introduced additional information submitted by Japan in support of its notification of final regulatory action for pentachlorobenzene (UNEP/FAO/RC/CRC.9/9), noting that Japan had submitted the notification at CRC-7 (UNEP/FAO/RC/CRC.7/9), and the report of the task group on pentachlorobenzene (UNEP/FAO/RC/CRC.9/CRP.3).

Jung-Kwan Seo (Republic of Korea), Chair of the task group on pentachlorobenzene, said the group had reviewed the information provided and found that it did not address the criteria of Annex II (b) (risk evaluation under prevailing conditions in notifying country) that CRC-7 concluded were “not met,” so the conclusion remains unchanged.

An observer from Japan said that she did not object to the conclusion of the task group, but asked the Secretariat to encourage parties to submit information on regulatory actions taken on newly listed POPs.

**Final Outcome:** Chair Al-Easa proposed, and the Committee agreed, to conclude that the notification by Japan does not meet Annex II criteria and to take no further action on pentachlorobenzene at this time.

**REVIEW OF THE PROPOSAL FOR THE INCLUSION OF FENTHION 640 ULV AS A SEVERELY HAZARDOUS PESTICIDE FORMULATION IN ANNEX III:** On

Wednesday, the Secretariat presented its note on the proposal by Chad to list fenthion 640 ULV as a SHPF in Annex III (UNEP/FAO/RC/CRC.9/4), additional information provided by that country (UNEP/FAO/RC/CRC.9/4/Add.1), and relevant information collected by the Secretariat as set out in Part 2 of Annex IV (UNEP/FAO/RC/CRC.9/4/Add.2). Michael Frank Ramsay (Jamaica), Co-Chair of the task group, reported that the group concluded that Chad’s proposal meets the documentation requirements of Annex IV Part 1 and the criteria set out in Annex IV Part 3 of the Convention, and thus recommended that the CRC draft a rationale for this conclusion.

Iran asked if the motorized backpack sprayers used to apply the fenthion 640 ULV are the appropriate applicator for that pesticide and inquired what the specific targets of the spraying were in the reported incident. Ramsay responded that the targets were bird nests, the equipment used appears to be what was called for on the pesticide’s label, and all aspects of the spraying operation organized by the Chadian government appeared to have followed all the requirements listed on the manufacturer’s label.

Sudan expressed support for the task group’s conclusion and recommendation. Spain said that the task group had gone over every aspect of the proposal carefully, and while the group could not establish a clear causal link between the reported death and fenthion 640 ULV, he supported its conclusions and recommendation. PAN UK also supported the group’s report, noting that the formulation is widely used in Africa and listing it as a SHPF would be helpful to other countries in the region.

CropLife International said that the information provided by Chad is insufficient to determine its reliability, as required under Annex IV Part 3(a) (use in accordance with common or recognized practices). He particularly decried the lack of hospital records regarding the diagnosis, treatment and reasons why the patient was discharged on the same day, and suggested the patient’s hypertension may have contributed to his death. He recalled past CropLife International statements regarding the SHPF provisions that a causal link between exposure and effects should be demonstrated before listing. Austria responded that the task group was aware of possible synergistic effects from the patient’s pre-existing condition, but noted that all members had agreed that the patient was clearly poisoned. She added that the group took into account all comments submitted by observers.

An observer from the US noted that both Article 6 and Annex IV speak of reporting “problems,” in the plural, whereas Chad had filed a single incident report form on a single incident, and

no details were provided on other incident(s) mentioned for 2009. She suggested the Committee ask Chad to provide more data on the 2009 incident(s) before recommending listing of fenthion 640 ULV as a SHPF.

The Committee created a contact group co-chaired by Ramsay and Anja Bartels (Austria) to draft a rationale and asked the Secretariat to prepare a draft decision based on the rationale.

On Wednesday afternoon, Bartels reported that the contact group finalized the draft rationale, including text explaining how the Committee thought each criterion is met. The Secretariat then introduced the draft rationale for the conclusion that the proposal submitted by Chad for listing fenthion 640 ULV meets the criteria of Part 3 of Annex IV to the Convention (UNEP/FAO/RC/CRC.9/CRP.15) and the draft decision (UNEP/FAO/RC/CRC.9/CRP.16). Chair Al-Easa suggested, and the Committee agreed, to postpone adoption of the decision until Thursday morning to allow members time to review the documents.

On Thursday, Bartels reintroduced the draft rationale for fenthion 640 ULV. She then read out a number of changes to the document, which she said were introduced by members to improve the text, including replacing references to “fenthion 640 ULV” with fenthion ultra low volume “at or above” a concentration of 640 g/L fenthion.

Chair Al-Easa said the proposed amendment regarding concentration levels was consistent with the Rotterdam Convention text and relevant COP decisions on SHPFs.

An observer from the US said that the Convention requires the CRC to recommend to the COP whether the SHPF “in question” should be listed in Annex III.

PAN claimed that without the “at or above” reference, the listing of fenthion 640 ULV could lead to a situation where the substance is replaced with stronger formulations of fenthion. Spain said that the wording “at or above” had been used with respect to another SHPF and was premised on the assumption that any pesticide formulation with higher concentration levels than those of a formulation submitted presents at least the same problems as the proposed formulation. The Committee adopted the draft rationale as amended by Bartels.

The Committee then considered the draft decision on fenthion 640 ULV, with Chair Al-Easa noting that the Secretariat would amend the decision text to reflect the changes made to the rationale regarding the listing of fenthion ultra low volume “at or above” a concentration of 640 g/L fenthion. Spain expressed support for, and the Committee adopted, the draft decision as orally amended.

**Final Decision:** In the decision (UNEP/FAO/RC/CRC.9/CRP.16), the CRC, among other things:

- concludes that the proposal submitted by Chad to list fenthion 640 ULV as a SHPF in Annex III meets the criteria set out in Part 3 of Annex IV to the Convention;
- adopts the rationale for the Committee’s conclusion as set out in the annex to the decision;
- recommends that the COP list fenthion ultra low volume at or above a concentration of 640 g/L fenthion as a SHPF in Annex III to the Convention; and

- decides to prepare a draft DGD for fenthion ULV at or above a concentration of 640 g/L fenthion.

### **REPORT ON ACTIVITIES FOR EFFECTIVE PARTICIPATION IN THE WORK OF THE COMMITTEE**

The Secretariat presented its note on activities for effective participation in the work of the Committee (UNEP/FAO/RC/CRC.9/10), outlining main activities undertaken in a synergistic manner with the POPRC, including webinars of interest to members, orientation workshops for incoming CRC members, and a workshop to be held in Dakar, Senegal, from 19-21 November 2013. She noted the CRC may want to request the Secretariat to report to CRC-10 on activities for effective participation undertaken during the intersessional period.

Spain asked whether the Senegal workshop was for designated national authorities (DNAs) or for CRC members. The Secretariat replied that POPRC and CRC members, and Rotterdam Convention DNAs and Stockholm Convention national focal points from the African region would participate, while observers were also invited. Jamaica queried about workshops planned for other regions. The Secretariat said it was working to identify regions where workshops have not been held, and a workshop for Latin America and the Caribbean region was planned for the coming years.

**Final Outcome:** The Committee agreed to record the discussion in the CRC-9 report.

### **COORDINATION AND COLLABORATION WITH OTHER SCIENTIFIC SUBSIDIARY BODIES**

On Tuesday, the Secretariat outlined activities to improve collaboration and coordination with other scientific subsidiary bodies (UNEP/FAO/RC/CRC.9/INF/9), such as face-to-face meetings and webinars. She noted that at ExCOPs-2 parties requested a joint meeting, which was held on 20 October 2013, and that the Secretariat would report on the meeting to the COPs, which would decide if and when similar meetings would take place in the future. Jamaica suggested joint meetings should be held every two years. The Committee agreed to take note of the document and Jamaica’s suggestion in the meeting report.

### **DATES AND VENUE OF CRC-10**

On Thursday, the Secretariat remarked that the back-to-back CRC-POPRC meetings had been cost-effective and given members and observers of both Committees a chance to meet and learn about each Committee’s best practices. He proposed, and the Committee agreed, that the next CRC meeting will be held in Rome from 20-24 October 2014, prior to the meeting of the POPRC, and to enable the CRC Chair, in consultation with the Bureau, to adjust the length of the CRC meeting depending on the number of notifications of regulatory actions to be considered at the meeting.

### **OTHER MATTERS**

On Thursday morning, the Secretariat introduced a document outlining the CRC’s working procedures and policy guidance (UNEP/FAO/RC/CRC.9/INF/6), noting that the section outlining procedures, steps and timelines for dealing with notifications of final regulatory action needed revision, since the timelines had

originally been developed when the CRC met in March. Canada, stressing the difficulty with the documentation in Spanish provided for lead arsenate at CRC-9, urged that the revision of the procedures and timeline note the need for governments to submit all non-English documents early to allow sufficient time for translation. The Secretariat agreed about the need to encourage countries to submit their information in a timely manner, but noted that the CRC traditionally has tried to be flexible about supplemental information arriving later than suggested in the timelines. The Committee asked the Secretariat to revise the steps and timeline to reflect the new timing of CRC meetings in October.

Noting that the Secretariat has always provided the procedures and guidance as an information document for Committee meetings, Chair Al-Easa proposed that the Secretariat prepare an electronic publication based on the latest version of the document (UNEP/FAO/RC/CRC.9/INF/6), which reflects Committee experience up through CRC-8. She said the publication could be produced as a handbook for members and observers, for consideration and possible adoption at CRC-10, with the understanding that the handbook could be amended and updated in light of experience gained and lessons learned in future Committee sessions. The Committee agreed to this proposal. An observer from the US suggested that the handbook reflect not just INF/6 but also the additional experience gained during CRC-9, particularly in the discussions on fenthion.

Observers from Norway, Australia and the US, supported by IPEN and PAN, thanked the Committee and the Secretariat for the openness and transparency exhibited at CRC-9, particularly the number of contact groups in which observers were allowed to participate. They said these practices provide for a more dynamic interaction between members and observers and strengthens the Committee's work.

Noting that the POPRC-CRC joint meeting had asked for feedback on the efficiency and usefulness of the joint meeting, Chair Al-Easa proposed, and the Committee agreed, to request the Secretariat to circulate a questionnaire on the meeting to all participants.

An observer from South Africa, noting that POPRC-10 would meet immediately after CRC-10 in 2014 and that the POPRC had once discussed a possible alternative to a POP that was in the process of being listed under the Rotterdam Convention, suggested that CRC-10 forward all its decisions on listing to POPRC-10 without awaiting the Committee's final report, so that POPRC members could consider them during their deliberations.

Canada suggested that, when a notification of final regulatory action has been submitted on a chemical, the Secretariat should provide a fuller summary of the notification in the PIC Circular than it does now. The Secretariat agreed to take up this request.

#### **CLOSURE OF THE MEETING**

On Thursday afternoon, the Committee reviewed the draft report of the meeting (UNEP/FAO/RC/CRC.9/L.1). The Netherlands asked why the paragraph on the task group's report on Japan's submission on lead arsenate did not mention whether or not criterion (c)(iv) (ongoing international trade) had been

met. The Secretariat explained that the draft report reflected that information on ongoing international trade in lead arsenate was not available to the task group.

CropLife International, expressing its appreciation for the "unprecedented" level of observer input reflected in the report, suggested that the paragraph on the fenthion case in Chad be changed to reflect that the pre-existing medical condition could have been the cause of death. An observer from the US, also welcoming the chance to provide input, offered to email text concisely summarizing her observations concerning the fenthion case in Chad.

The Committee adopted the report, with the minor amendments suggested.

Kerstin Stendahl, Deputy Executive Secretary of the Basel, Rotterdam and Stockholm Conventions, said that a spirit of collaboration and transparency had prevailed during the meeting and led to successful outcomes, and expressed her appreciation for participants' efforts to reach all decisions by consensus.

Noting that this had been the "shortest ever" CRC meeting, Gerald Wyrwal, FAO, said that this was clear evidence of the efficiency with which the CRC conducts its work, emphasizing that the openness and transparency exhibited during the meeting were essential to the CRC's success.

Chair Al-Easa thanked all participants for their dedication and the transparent and efficient way in which they conducted their work. She then gavelled the meeting to a close on Thursday, 24 October, at 2:56 pm.

#### **A BRIEF ANALYSIS OF THE JOINT POPRC-CRC MEETING AND CRC-9**

At CRC-9, the Committee re-opened its doors to observers, providing tangible evidence of the effect of the synergies process among the chemicals and wastes conventions. The meeting was held immediately after the ninth meeting of the Persistent Organic Pollutant Review Committee (POPRC) and the first-ever joint CRC-POPRC meeting. At the joint meeting, there proved to be mutual areas of interest, mostly focused on information exchange between the two Committees. The most significant effect of synergies, however, was on the working procedures of the CRC. This analysis looks at how CRC-9 successfully implemented new working procedures despite the challenges posed by its substantive work, particularly related to the review of a severely hazardous pesticide formulation (SHPF) proposal and several notifications that did not meet all the criteria set out in Annex II to the Convention.

#### **SYNERGIZING WORKING PROCEDURES**

The omnibus decision taken by ExCOPs-2 asked the CRC to align its working procedures with the POPRC's to allow for more effective observer participation in CRC meetings. CRC-9 successfully implemented this decision, under the leadership of Chair Al-Easa, a long-standing advocate of increased participation and transparency within the CRC.

In the POPRC, two types of working groups are commonly used: contact groups and drafting groups. Contact groups are open to observers and provide all participants the opportunity to

engage in discussion on substantive issues that cannot be solved in plenary. These groups often become drafting groups, which are closed to observers and involve the drafting of Committee decisions and documents by POPRC members.

These POPRC practices contrast with the past working procedures of the CRC, in which members would briefly discuss a notification in plenary before convening a drafting group to prepare a decision and the rationale for the decision. Observers of all types, including those who are parties to the Rotterdam Convention, expressed frustration with these working practices that limited their participation. Thus, at CRC-9, it was widely agreed that a “remarkable improvement” had occurred, as contact groups discussed and even engaged in drafting the rationale for each notification meeting the criteria set out in Annex II, which specifies the conditions a notification must meet before a chemical can be listed in the PIC procedure.

Some observers went as far as to suggest that the CRC’s openness now exceeds that of the POPRC because observers were actually drafting text in contact groups, which they said does not occur in the POPRC. Indeed, the CRC contact groups had an atmosphere of an “open drafting group,” since the exchanges of differing views that often characterize contact group discussions were absent. Instead, members and observers focused on improving the existing text displayed on the screen. This could be partly explained by the fact that much of the CRC’s work, including reaching conclusions about each notification on the agenda, is conducted intersessionally, and that the observers who participated in the contact groups did not object to these conclusions. The only work remaining for contact group participants was, therefore, to refine the text.

Past experience, however, shows that opening the door to observers may also invite more contentious debate between participants with opposing views or agendas. One long-serving observer recalled that in its early years the CRC was considerably more open to participants, but the “appalling” behavior of one industry observer during the Committee’s contact group discussions on endosulfan may have fostered negative views of observer input among Committee members and perhaps led to fewer open meetings. This experience shows that congeniality in contact groups may not be the norm in the future, as diverse groups have access to the Committee’s decision-making processes.

Still, a “chain reaction,” in Chair Al-Easa’s words, of congratulatory interventions in closing plenary signaled the positive response from all participants to this new practice and the widely held view that increased participation and transparency in the Committee’s work will lead to better outcomes.

### ***SHPF, TAKE TWO***

CRC-9 considered its second-ever SHPF proposal, this one to list fenthion 640 ULV in Annex III to the Convention. SHPF nominations are a mechanism available to developing countries and countries with economies in transition to include substances of concern to them, and access support from the Secretariat and others to gather relevant information to secure the listing. This

helps the Convention stay attuned to the needs of these countries, since it enables them to propose pesticides that may not be used or may not pose problems in the developed world.

The Committee approved the nomination of fenthion, even though there was less information provided in the proposal compared to the deluge of documents on paraquat, the first SHPF considered by the Committee, at CRC-7. The implications of the decision are two-fold. On the one hand, the decision to accept the proposal could lower the chances that the COP will list the formulation because parties with vested economic interests in the substance could more easily dismiss the CRC’s recommendation on the basis that more information is needed. SHPFs are meant to deal with “live” chemicals that are posing problems in developing countries, so nominations are more likely to encounter opposition from those who benefit from the pesticide’s use. This was evident in the case of paraquat, the only other SHPF approved by the CRC thus far. Despite the CRC’s recommendation that the formulation should be listed in the PIC procedure and parties’ agreement that it met the criteria required for listing, the COP decided not to list it because of strong opposition from some developing countries who are involved in the production of paraquat.

On the other hand, the decision could encourage more developing countries to make use of the SHPF mechanism available to them, since it lowered the threshold of information required by the Committee to accept a SHPF nomination. Some welcomed this development, noting that submitting nominations is potentially a daunting task for developing countries and that requiring extensive information could discourage their use of a mechanism that was developed specifically for them. They, therefore, expressed hope that the decision on fenthion will encourage new SHPF nominations.

### ***DIFFICULTY WITH “PREVAILING CONDITIONS” PREVAILS***

Criterion (b)(iii) in Annex II, outlining that a final regulatory action must be based on a risk evaluation involving “prevailing conditions” (such as climate and rates of exposure) within the notifying country, has traditionally been a sticking point for notifications reviewed by the CRC, and many notifications failed to pass this test at CRC-9. Recognizing that this criterion has been challenging for many notifying countries, the Committee conducted a review of new information provided by Peru during CRC-9 that ultimately reversed the conclusion of the intersessional task group on lead arsenate that the notification failed to meet the prevailing conditions criterion.

The linchpin securing Peru’s notification of lead arsenate was a peer-reviewed article published in 2009 in Spanish. Despite concerns raised by some participants that the document arrived late and that only the abstract was translated into English, CRC members showed considerable flexibility to see the proposal through. Members and observers huddled together to translate the article in a contact group. Some questioned the need to translate the document in full, noting that in the past members had accepted English abstracts of non-English supporting documentation. Others underscored the benefit of a more thorough review of the information, with one member noting a

previous study on paraquat that, once translated in full, revealed that the English abstract did not fully reflect the conclusions of the study. In the end, the CRC's decision to conduct a more thorough review proved fruitful, and Peru's notification was put "in the bank." This means that only one more notification that meets Annex II criteria is necessary to recommend the listing of lead arsenate in the Convention.

The continued failure of notifications to meet the prevailing conditions criterion led some observers to wonder if the notification form is clear enough, while others expressed hope that more countries will use "bridging information" in their notifications. Bridging information is information explaining why a risk evaluation from another country or international agreement is directly relevant to the prevailing conditions in the notifying party. One member suggested that notifying parties, particularly those geographically near the EU, probably use bridging information when they adopt domestic regulatory actions that cite EU risk evaluations, since they presumably take into account how those evaluations apply to their own prevailing conditions. However, these countries may not provide this information in their Rotterdam Convention notifications. In fact, many pointed out that notifications capitalizing on the opportunities presented by bridging information are rare.

In this context, some emphasized that the draft risk profiles developed by the POPRC usually include information on prevailing conditions in some countries, so they could be a good source of information for those seeking to meet the prevailing conditions criterion, provided the risk profiles contain information relevant to the notifying country. Some said that this could make it easier to subject POPs to the PIC procedure. They noted that while this could seem redundant because the Stockholm Convention prohibits the production and use of some POPs, the Stockholm Convention allows for "acceptable uses" for some listed POPs so the Rotterdam Convention could add value by subjecting those POPs to the PIC procedure. Others pointed out that this benefit is limited to POPs and, therefore, will not help to secure listing of the broader set of toxic chemicals that could be covered by the Rotterdam Convention, in particular acutely toxic chemicals of concern to many developing countries.

### **A SIGNIFICANT STEP FORWARD, BUT A BIGGER CHALLENGE**

CRC-9 was the shortest meeting in the Committee's history, demonstrating that an open, transparent process can be efficient and that there is no necessary trade-off between inclusivity and productivity because observers' views can constructively contribute to the Committee's work. However, the succinct meeting demonstrated that the Rotterdam Convention parties continue to face important challenges associated with the CRC's work, in particular securing successful SHPF proposals and notifications that meet the prevailing conditions criterion. This suggests that in addition to reviewing notifications, the CRC could play a key role in educating parties on how to address all the Convention's requirements. The openness and transparency exhibited at CRC-9 could help provide such information, as party observers and others become more aware of how the

Committee reaches its conclusions. The flexibility that the CRC showed during the meeting may also be essential to ensuring an increasing number of successful notifications. Taken together, these elements promise to strengthen the CRC's continued role in helping to ensure the Rotterdam Convention remains a "living" treaty.

## **UPCOMING MEETINGS**

**45th Meeting of the GEF Council:** The Global Environment Facility (GEF) Council meets twice a year to approve new projects with global environmental benefits in the GEF's focal areas, and to provide guidance to the GEF Secretariat and Agencies. Among the topics for discussion at the 45th meeting are guidelines for enabling activities regarding the Minamata Convention on Mercury. A consultation with civil society will take place on Monday, and the GEF Council meeting will open on Tuesday, 5 November. **dates:** 4-7 November 2013 **location:** Washington D.C., US **contact:** GEF Secretariat **phone:** +1-202-473-0508 **fax:** +1-202-522-3240 **email:** secretariat@thegef.org **www:** <http://www.thegef.org/gef/events/council-meeting>

**1st meeting of the Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE):** ENFORCE seeks to promote parties' compliance with the provisions of the Basel Convention pertaining to preventing and combating illegal traffic in hazardous wastes and other wastes through better implementation and enforcement of national law. The first meeting of the network is expected to: elect a Chair and a Vice-Chair; consider accepting additional members; exchange information on activities and identify activities that would benefit from being coordinated or jointly planned and implemented; and deliberate on the modalities for the operation of the network. **dates:** 18-19 November 2013 **location:** Bangkok, Thailand **contact:** Secretariat of the Basel Convention **phone:** +41-22-917-8218 **fax:** +41-22-917-8098 **email:** brs@unep.org **www:** <http://www.basel.int>

**5th African regional meeting on the Strategic Approach to International Chemicals Management (SAICM) and Related Workshops:** Organized by the SAICM Secretariat, South Africa's Department of Environmental Affairs and the Africa Institute (Pretoria), the 5th regional meeting will, *inter alia*: identify regional priorities, exchange experience and share information on activities undertaken at the national and regional levels, review and provide input to the draft document on the Overall Orientation and Guidance to facilitate achievement of the 2020 goal of sound chemicals management, and consult on preparations for the fourth session of the International Conference on Chemicals Management (ICCM-4). A workshop on the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) toolbox for decision-makers in chemical management will be held on 18 November, a workshop on endocrine disrupting chemicals on 19 November, an information sharing session on emerging issues on 20 November, followed by the regional meeting on 21-22 November. **dates:** 18-22 November 2013 **location:** Pretoria, South Africa **contact:** SAICM Secretariat **phone:** +41-22-917-8532 **fax:** +41-22-797-3460 **email:** saicm@unep.org **www:** <http://www.saicm.org>

**Sub-Regional Francophone Workshop on Enhancing Effective Participation in the Work of the CRC and the POPRC:** Hosted by the Basel and Stockholm Regional Centre in Dakar, Senegal, with support from the Secretariats of the Basel, Rotterdam and Stockholm Conventions, this workshop intends to enhance the understanding of POPRC and CRC members, as well as national officials from the West Africa and North Africa region, of the processes for reviewing and listing chemicals under the Rotterdam and Stockholm Conventions, while providing opportunities for information exchange and a forum for discussing and exploring a synergized approach for the implementation of the Conventions at the national and regional levels. **dates:** 19-21 November 2013 **location:** Dakar, Senegal **contact:** Cheryl André de la Porte, Secretariats of the Basel, Rotterdam and Stockholm Conventions **phone:** +41-22-917-8203 **fax:** +41-22-917-8098 **email:** candredelaporte@brsmeas.org **www:** <http://synergies.pops.int/>

**Annual Joint Meeting of the Basel and Stockholm Convention Regional Centres:** The directors of the regional centres for the Basel and Stockholm Conventions will meet to discuss development of a strategic plan for the enhanced delivery of technical assistance and technology transfer through the network of Stockholm and Basel Convention regional centres. It will also, *inter alia*: identify new areas for joint collaboration among regional partners; exchange experience and expertise, including best practices; identify centers of excellence in thematic areas; and update the plan of action for the current biennium. **dates:** 27-29 November 2013 **location:** Geneva, Switzerland **contact:** Joint Secretariat of the BRS Conventions **phone:** +41-22-917-8729 **fax:** +41-22-917-8098 **email:** brs@unep.org **www:** <http://synergies.pops.int/>

**26th Session of the ECOSOC Sub-Committee of Experts on the Globally Harmonized System of Classification and Labeling of Chemicals:** The UN Economic and Social Council's (ECOSOC) Sub-Committee of Experts on the Globally Harmonized System (GHS) will meet to discuss corrosivity criteria, dust explosion hazards, criteria for classifying mixtures as an aspiration hazard, nanomaterials, hazard communication issues and the implementation of the GHS. **dates:** 4-6 December 2013 **location:** Geneva, Switzerland **contact:** Rosa Garcia Couto, UNECE Transport Division **phone:** +41-22-917- 2435 **fax:** +41-22- 917-0039 **email:** rosa.garcia.couto@unece.org **www:** <http://www.unece.org/trans/main/dgdb/dgsubc4/c4age.html>

**Tenth Meeting of the Basel Convention Implementation and Compliance Committee (ICC-10):** ICC-10 is expected to continue the consideration of its 2012-2013 work programme as well as initiate activities pertaining to its 2014-2015 work programme. A special half-day session will take place on the morning of 6 December to promote a dialogue with other compliance bodies. Chairs of the compliance bodies of the Espoo Convention, the Cartagena, Montreal, London and Kyoto Protocols, and CITES, as well as the representatives of the Secretariats of these treaties, have been invited to attend the session. **dates:** 5-6 December 2013 **location:** Paris, France **contact:** Joint Secretariat of the BRS Conventions

**phone:** +41-22-917-8218 **fax:** +41-22-917-8098 **email:** brs@unep.org **www:** <http://www.basel.int/TheConvention/ImplementationComplianceCommittee/Meetings/ICC10/tabid/3355/mctl/ViewDetails/EventModID/9267/EventID/418/xmid/10712/Default.aspx>

**First Session of the United Nations Environment Assembly (UNEA):** As a result of the June 2012 UN Conference on Sustainable Development (Rio+20), UNEP's 58-member Governing Council became the United Nations Environment Assembly with universal membership in March 2013. **dates:** 23-27 June 2014 **location:** Nairobi, Kenya **contact:** Jamil Ahmad, Secretary of Governing Bodies **phone:** +254-20-7623431 **fax:** +254-20-7623929 **email:** unep.sgb@unep.org **www:** <http://www.unep.org/about/sgb/>

**Tenth Meeting of the Rotterdam Convention Chemical Review Committee (CRC-10):** CRC-10 will review chemicals and pesticide formulations according to the criteria set out by the Convention in Annexes II and IV respectively and make recommendations to the COP for listing these chemicals in Annex III. **dates:** 20-24 October 2014 **location:** Rome, Italy **contact:** Rotterdam Convention Secretariat **phone:** +41-22-917-8296 **fax:** +41-22-917-8082 **email:** pic@pic.int **www:** <http://www.pic.int/>

**Tenth Meeting of the Persistent Organic Pollutants Review Committee (POPRC-10):** POPRC-10 will review chemicals proposed for listing in Annex A, Annex B, and/or Annex C. **dates:** 27-31 October 2014 **location:** Rome, Italy **contact:** Stockholm Convention Secretariat **phone:** +41-22-917-8729 **fax:** +41-22-917-8098 **email:** ssc@pops.int **www:** <http://www.pops.int>

## GLOSSARY

BDE	Brominated diphenyl ether
COP	Conference of the Parties
CRC	Rotterdam Convention Chemical Review Committee
DGD	Decision guidance document
ExCOPs	Extraordinary Meetings of the COPs of the Basel, Rotterdam and Stockholm Conventions
FAO	Food and Agriculture Organization of the United Nations
GHS	Globally Harmonized System of Classification and Labeling of Chemicals
IPEN	International POPs Elimination Network
PAN	Pesticide Action Network
PIC	Prior informed consent
POPRC	Persistent Organic Pollutants Review Committee
POPs	Persistent organic pollutants
SHPF	Severely hazardous pesticide formulation
UNEP	United Nations Environment Programme