

## 14th Meeting of the Chemical Review Committee of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade: 11-13 September 2018

The fourteenth meeting of the Chemical Review Committee (CRC-14) to the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade took place from 11-13 September 2018 in Rome, Italy.

CRC-14 considered the draft decision guidance documents (DGDs) for acetochlor, hexabromocyclododecane (HBCD) and phorate, agreeing to recommend listing these chemicals in Annex III of the Rotterdam Convention (Chemicals subject to the PIC procedure).

The Committee also discussed the updated version of the Handbook of Working Procedures and Policy Guidance for the Chemical Review Committee (CRC Handbook).

In addition, CRC-14 reviewed the notifications of final regulatory action for:

- HBCD, deciding to take no further action on the notification submitted by Canada;
- Methyl-parathion, deciding that it had not met all the criteria for listing; and
- Perfluorooctanoic acid (PFOA), its salts and related compounds, establishing an intersessional drafting group to work on draft guidance.

This meeting had a lighter agenda than its predecessor in 2017, where the Committee considered the notifications for final regulatory actions pertaining to 13 hazardous chemicals as well as proposals to include two severely hazardous pesticide formulations (SHPFs) to Annex III of the Convention.

Many lauded the efficient work of CRC-14, which ended a day earlier than scheduled, while adopting meaningful proposals on the core work of the Convention.

### A Brief History of the Rotterdam Convention and the Chemical Review Committee

Over the past 40 years, growth in chemical production and trade raised increasing concerns about the potential risks posed by hazardous chemicals and pesticides to human health and the environment. Developing countries were particularly vulnerable to these effects, lacking the infrastructure to monitor their import and use. In response to these concerns, under the auspices of the Food and Agriculture Organization of the UN (FAO) and the UN Environment Programme (UNEP), the Rotterdam Convention

on the PIC Procedure for Certain Hazardous Chemicals and Pesticides in International Trade was adopted in September 1998 and entered into force on 24 February 2004.

Its objectives are:

- to promote shared responsibility and cooperative efforts among parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm; and
- to contribute to the environmentally sound use of those hazardous chemicals, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export, and by disseminating these decisions to parties.

The PIC Procedure is a mechanism for obtaining and disseminating the decisions of importing parties on whether they wish to receive future shipments of certain chemicals, and for ensuring compliance with these decisions by exporting parties. The Procedure applies to chemicals listed in Annex III of the Rotterdam Convention, which includes pesticides, industrial chemicals, and SHPFs. The Convention creates legally binding obligations for the implementation of the PIC Procedure.

**The role of the CRC:** The CRC is a subsidiary body of the Rotterdam Convention established to 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 Conference of the Parties (COP) for listing such chemicals in Annex III. Proposals to include

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chemicals under Annex III are submitted to the CRC, with the ultimate decision being taken by the COP.

There are two ways to trigger the addition of new chemicals to Annex III. For pesticides and industrial chemicals, all parties must notify the Secretariat of any regulatory action they have adopted domestically to ban or severely restrict a chemical for environmental or health reasons. When the Secretariat receives two notifications of final regulatory actions from two different PIC regions (Africa, Asia, Europe, Latin America and the Caribbean, Near East, North America, and Southwest Pacific) that meet the criteria established in Annex I to the Convention (which describes properties, identification, and uses of the chemical and information on the regulatory action), it forwards the notifications to the CRC. The Committee then screens the notifications according to the criteria contained in Annex II and, if the CRC finds the criteria are met, it recommends listing the chemical in Annex III and preparing a DGD for consideration by the COP.

For SHPFs, any party that is a developing country or country with an economy in transition can propose a SHPF for listing, which the Committee screens against the criteria in Annex IV (information and criteria for listing SHPFs in Annex III).

### **Recent Highlights**

**COP-6:** In 2013, COP-6 was held in conjunction with the COPs of the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal and the Stockholm Convention on Persistent Organic Pollutants and a simultaneous extraordinary meeting of the three COPs. COP-6 decided to amend Annex III to list: azinphos-methyl; commercial pentaBDE, including industrial tetraBDE and industrial pentaBDE; commercial octaBDE, including hexaBDE and heptaBDE; and PFOS, perfluorooctanesulfonates, perfluorooctanesulfonamides and perfluorooctanesulfonyls. However, COP-6 decided that, while paraquat met the listing criteria for an SHPF, it would postpone a decision until COP-7 as those opposed to listing had concerns about the science, alternatives, and implications for trade. A decision on listing chrysotile asbestos was also deferred to COP-7, due to similar concerns.

**CRC 9 and 10:** In 2013 and 2014, the Committee took decisions on trichlorfon, cyhexatin, methamidophos, lead arsenate, lead carbonate, fenthion 640 ultra-low volume (ULV), and pentachlorobenzene. It also adopted DGDs on methamidophos and fenthion ULV, and agreed to prepare a DGD for short-chain chlorinated paraffins (SCCPs), and to revise the tributyltin (TBT) DGD to include TBT compounds for industrial uses. CRC-9 also requested the Secretariat to prepare an electronic “handbook” of procedures and guidance for the Committee.

**COP-7:** At COP-7 in 2015, delegates were unable to agree on the listing of paraquat, fenthion, trichlorfon, and chrysotile asbestos in Annex III, and deferred consideration to COP-8. COP-7 also established an intersessional working group to: review cases in which the COP was unable to reach consensus on the listing of a chemical by identifying the reasons for and against listing and, based on that and other information, to develop options for improving the effectiveness of the process; and to develop proposals for enabling information flows to support the PIC Procedure for those chemicals.

**CRC 11 and 12:** In 2015 and 2016, the Committee adopted draft DGDs on SCCPs and on TBT compounds for industrial uses. The Committee also recommended that the COP make carbofuran and carbosulfan subject to the PIC Procedure, and decided to prepare the DGDs for both substances. It also

adopted a decision on the final regulatory action on benzidine, and considered a proposal to include carbofuran suspension concentrate at or above 300 g/L as an SHPF. CRC-12 established an intersessional task group to update the Handbook of Working Procedures and Policy Guidance for the CRC.

**COP-8:** In 2017 COP-8 agreed to list four chemicals in Annex III: carbofuran, SCCPs, TBT compounds, and trichlorfon, but deferred decisions on listing carbosulfan, chrysotile asbestos, paraquat, and fenthion until COP-9.

**CRC-13:** At its last meeting in 2017, the Committee discussed 13 chemicals and two SHPFs, adopting recommendations for listing two pesticides (acetochlor and phorate) and an industrial chemical (HBCD) in Annex III. CRC-13 further agreed to update the CRC Handbook.

### **CRC-14 Report**

CRC-14 Chair Noluzuko “Zukie” Gwayi (South Africa) opened the meeting on Tuesday afternoon, 11 September 2018, and drew attention to the intersessional work that the Committee will benefit from at this meeting. She encouraged new members and observers to engage in a constructive manner to contribute to the core work of the Rotterdam Convention.

Carlos Martin-Novella, Deputy Executive Secretary of the Basel, Rotterdam and Stockholm (BRS) Conventions Secretariat, congratulated the newly-appointed CRC Chair Gwayi, noting her wealth of experience in chemicals management. He called for facilitating information exchange and strengthening national capacity and capabilities, while noting the challenges of ensuring scientific robustness. He said that taking into consideration the completeness of the information presented is crucial for informed decision making in international trade in chemicals. Martin-Novella underscored the difference in the number of chemicals discussed at CRC-13 and CRC-14 (where CRC-13 considered 15 chemicals and SHPFs, and CRC-14 had before it six chemicals) as a demonstration of the dynamic nature of the Rotterdam Convention. He pointed to the Final Regulatory Action (FRA) Evaluation Toolkit developed by the Secretariat to assist and enhance access to user-friendly information.

On behalf of Hans Dreyer, Executive Secretary, FAO part of the Rotterdam Convention, Christine Fuell, FAO, welcomed participants, in particular new CRC members. She drew attention to the work to be completed by the CRC, including updating the Handbook of Working Procedures and Policy Guidance (CRC Handbook). She noted that 50 notifications of final regulatory actions had been received since January, and said that the Secretariat continues to work on ways to facilitate the preparation and submission of these notifications. She drew attention to the Pesticide Registration Toolkit and its links to many pesticide-specific information sources. Fuell highlighted that since 2016, the Rotterdam Convention Secretariat has ensured training on the Pesticide Registration Toolkit for Rotterdam Convention Designated National Authorities of 20 parties using the financial resources provided by the FAO regular budget. She noted support is also provided to countries who signal interest, individually or as a group, and request technical assistance. In closing, she drew attention to the CRC’s task to scrutinize all notifications and ensure that final regulatory actions have been taken on the basis of a risk evaluation based on recognized scientific information.

Chair Gwayi then introduced, and the Committee adopted, the provisional agenda (UNEP/FAO/RC/CRC.14/1) and the organization of work, including the scenario note and schedule for the meeting (UNEP/FAO/RC/CRC.14/INF/1 and INF/2). On work and expectations for the current session, Chair Gwayi noted that the Committee would consider:

- draft DGDs for acetochlor, hexabromocyclododecane (HBCD) and phorate; and
- notifications of final regulatory action for HBCD, methylparathion, and perfluorooctanoic acid (PFOA), its salts and related compounds.

### Rotation of the Membership

On Tuesday, the Committee took note of the information provided by the Secretariat (UNEP/FAO/RC/CRC.14/INF/3). Current members of the CRC are: Argentina, Armenia, Canada, China, Colombia, Djibouti, Ecuador, Finland, Germany, Ghana, Guyana, India, Latvia, Madagascar, Malta, Nepal, New Zealand, Niger, Norway, Pakistan, Panama, Poland, the Republic of Congo, Rwanda, South Africa, Sri Lanka, Sudan, Thailand, Tonga, United Kingdom (UK), and Yemen.

On Thursday, Chair Gwayi informed the Committee that the Western European and Others Group had proposed that Marit Randall (Norway) serve on the CRC bureau, replacing Jeff Goodman (Canada), whose term has come to an end. The Committee agreed to this nomination.

### Technical Work

**Consideration of Draft DGDs: Acetochlor:** On Tuesday, intersessional drafting group Co-Chair Parvoleta Angelova Luleva (Germany) introduced the draft DGD for acetochlor (UNEP/FAO/RC/CRC.14/3) and the comments and further information related to the draft DGD for acetochlor (UNEP/FAO/RC/CRC.14/INF/6). She expanded on the format and basis for the draft DGD, noting work on the document had started after CRC-13 and several rounds of comments had been taken on board. She detailed that most comments were of an editorial nature while some suggested inclusion of additional text in supporting documentation to better reflect the risk evaluation. She highlighted a comment recently received pertaining the use and restrictions of acetochlor in the US in accordance with currently registered labels. Participants discussed changes pertaining to the toxicological properties section on groundwater contamination and coarse soils, and aerial application and through irrigation systems. They further discussed, and agreed on, a proposal from the Pesticide Action Network (PAN) to include a reference to agroecology, with FAO expanding on its definition and drawing attention to the FAO Agroecology Knowledge Hub. Norway suggested also considering including a reference to agroecology for other pesticides, such as for phorate.

The Committee requested the Secretariat to prepare a draft decision on the DGD to be considered by the plenary, with a view to forward it to Rotterdam Convention COP-9.

On Wednesday, the Secretariat introduced the draft decision (UNEP/FAO/RC/CRC.14/CRP.4) and the revised draft DGD for acetochlor (UNEP/FAO/RC/CRC.14/CRP.5). Chair Gwayi noted that the draft DGD reflects the decisions taken earlier in plenary. An observer from the US noted a typographical error regarding a reference to the fifth International Conference on Chemicals Management (ICCM-5), saying this should probably be ICCM-4.

On Wednesday, delegates adopted the revised draft DGD for acetochlor with this editorial amendment. They also adopted the draft decision.

**Final Decision:** In the draft decision (UNEP/FAO/RC/CRC.14/CRP.4), the CRC adopts the draft DGD (UNEP/FAO/RC/CRC.14/CRP.5) for acetochlor (CAS No. 34256-82-1) and decides to forward it, together with the related tabular summary of comments, to the COP for its consideration.

**HBCD:** On Tuesday, the Secretariat introduced the draft DGD on HBCD (UNEP/FAO/RC/CRC.14/4) and comments and further information related to the draft DGD (UNEP/FAO/RC/CRC.14/INF/7). Chair Gwayi noted that since CRC-13 an additional notification of final regulatory action had been received from Canada. She proposed, and the Committee agreed, to review this in parallel to the review of the draft DGD, but not to include the additional notification in a recommendation to the COP.

Jeffrey Goodman (Canada), Co-Chair of the intersessional drafting group on HBCD, presented the draft DGD, noting that Japan had confirmed that all CAS numbers in the DGD are subject to regulatory action in that country. The Committee requested the Secretariat to prepare a draft decision for the Committee to review and forward to COP-9.

On Wednesday, the Secretariat introduced the draft decision (UNEP/FAO/RC/CRC.14/CRP.6), which was adopted in plenary with no amendments.

**Final Decision:** In the final decision (UNEP/FAO/RC/CRC.14/CRP.6), the CRC, *inter alia*:

- recalls its decision CRC-13/2, adopted at CRC-13, in which it recommended that the COP should list HBCD in Annex III to the Convention as an industrial chemical; and
- adopts the draft DGD for HBCD (CAS Nos. 25637-99-4, 3194-55-6, 134237-50-6, 134237-51-7, and 134237-52-8) and decides to forward it, together with the related tabular summary of comments, to the COP for its consideration.

**Phorate:** The Secretariat introduced the draft DGD for phorate (UNEP/FAO/RC/CRC.14/5) and the comments and further information related to the draft DGD (UNEP/FAO/RC/CRC.14/INF/8). Marit Randall (Norway), Co-Chair of the intersessional drafting group on phorate, presented the results of the DGD drafting group. She noted that the DGD is based on notifications from Canada and Brazil, and stated that these notifications met all Annex II criteria and recommended listing in Annex III. She noted that some information outside the notifications was included in the draft DGD and that these are denoted with specific references. She drew attention to the US Environmental Protection Agency (EPA) acute toxicity classification for phorate, in particular toxicity for category I for oral, dermal, and inhalation, noting the US EPA reference should also be included.

Chair Gwayi recalled the suggestion by Norway to also include in the DGD on phorate the reference to agroecology proposed by PAN in the discussions on the acetochlor DGD. Acetochlor intersessional working group Co-Chair Luleva noted that consultations had taken place to ensure consistent wording in the DGDs for acetochlor and phorate. An observer from the US asked members to consider clarifying the source of information under the section on human health, referencing in particular the text coming from Brazil's notification, as opposed to CRC-13 or other studies. Randall suggested potential text to that effect.

Chair Gwayi proposed Randall and a member of the drafting group, with the support of the Secretariat, prepare a revised DGD to incorporate the comments. Delegates requested the Secretariat to prepare a draft decision to be considered in plenary and subsequently forwarded to COP-9.

On Wednesday, the Secretariat introduced the revised draft DGD (UNEP/FAO/RC/CRC.14/CRP.8), which includes previous comments made in plenary and will further include the editorial rectification from an observer from the US referencing ICCM-4. They also introduced the draft decision (UNEP/FAO/RC/CRC.14/CRP.7). Both were adopted with no amendments.

**Final Decision:** In the final decision (UNEP/FAO/RC/CRC.14/CRP.7), the CRC, *inter alia*:



- recalls its decision CRC-13/4, adopted at CRC-13, in which it recommended that the COP should list phorate in Annex III to the Convention as a pesticide; and
- adopts the draft DGD for phorate (CAS No. 298-02-2) and decides to forward it, together with the related tabular summary of comments, to the COP for its consideration.

**Report of the Bureau on the Preliminary review of notifications of final regulatory action (FRA):** On Tuesday, the Secretariat introduced the report (UNEP/FAO/RC/CRC.14/2) and the summary record of notifications of FRA for chemicals reviewed by the interim CRC and the CRC, and of notifications scheduled for review (UNEP/FAO/RC/CRC.14/INF/5). Jeff Goodman, CRC Rapporteur, noted that three intersessional task groups had been established with the aim of undertaking an initial review of FRA notifications and preparing an analysis of whether each of the candidate chemicals meets the criteria for listing. He noted that the groups had met, with the participation of observers, earlier in the day. The Committee took note of the information provided.

On Thursday, the Secretariat introduced the draft workplan for the preparation of draft DGDs (UNEP/FAO/RC/CRC.14/CRP.13), noting:

- this is the standard workplan that the CRC has always followed;
- the CRC would need to identify a Chair and Drafter; and
- all committee members could join the drafting groups.

With no further comments, CRC-14 agreed to the workplan.

**Review of notifications of FRA: HBCD:** On Tuesday, the Secretariat noted that CRC-13 had agreed that the notifications of FRA on HBCD from Japan and Norway met all of the criteria for listing, and that the CRC had since received notification of FRA from Canada. Chair Gwayi explained that if the CRC finds the notification from Canada meets the Annex II criteria, the Committee should prepare a rationale explaining how the criteria have been met.

Peter Dawson (New Zealand) presented the intersessional working group's review of Canada's notification, which concludes that all criteria of Annex II are met. He explained that because the CRC already has two notifications from the previous meeting, the notification "can effectively be set aside."

Several countries called for making this notification available as an example for future notifications by including it in the CRC Handbook, with Colombia, Guyana, and Norway lauding the clarity and completeness of the notification, and Germany, Argentina, and the US observer citing it as an example of best practice.

CropLife International agreed that all of the Annex II criteria are met but called for the rationale to clearly refer to the data that determined criterion (b)(iii) (which deals with the basis of the risk evaluation) as met, emphasizing that this risk evaluation criterion should only be regarded as met based on the risk assessments for pelagic and benthic organisms, and not based on isolated hazard or exposure data for humans and the environment or hazard-based classifications.

Canada clarified that the risks cited have a legal definition and are scientifically informed.

Chair Gwayi proposed that the Committee take note of the decision by CRC-13 to recommend that COP-9 list HBCD in Annex III, on the basis of the notifications received from Norway and Japan, and proposed establishing a contact group to develop a rationale for the notification of FRA submitted by Canada. She further proposed tasking the Secretariat to prepare a draft decision adopting the rationale, and said the Committee would then decide not to take further action on this notification at present. The

contact group was chaired by Suresh Amichand (Guyana) and Peter Dawson (New Zealand) served as Drafter. The group met on Wednesday morning to prepare the draft rationale, with Co-Chair Amichand reporting in the afternoon that the group had finalized its work.

On Thursday, Chair Gwayi invited the Committee to consider the draft rationale for the conclusion by the CRC that the notification of FRA submitted by Canada on HBCD in the industrial category meets the criteria of Annex II to the Rotterdam Convention (UNEP/FAO/RC/CRC.14/CRP.10). With no further comments, CRC-14 agreed to the text of the rationale.

The Secretariat then introduced the decision to adopt the rationale (UNEP/FAO/RC/CRC.14/CRP.9), noting that because the Committee had previously decided to recommend the listing of HBCD based on two other notifications, this decision included text specifying that at present, the CRC would take no further action on the notification submitted by Canada. CRC-14 adopted the decision.

**Final Decision:** In the decision (UNEP/FAO/RC/CRC.14/CRP.9), the CRC, *inter alia*:

- concludes that the additional notification of FRA for HBCD submitted by Canada meets the criteria set out in Annex II to the Convention and adopts the rationale;
- recalls its decision CRC-13/2, whereby it recommended, on the basis of notifications of FRA for HBCD submitted by Japan and Norway, that the COP list HBCD in Annex III to the Convention as an industrial chemical, and its decision where it adopted the draft DGD and decided to forward it to the COP for its consideration; and
- decides that, as COP-9 will consider the recommendation by the Committee and the draft DGD, the Committee will at present take no further action on the notification submitted by Canada.

**Methyl parathion:** On Wednesday, the Secretariat introduced the documents on Panama's notification of FRA on methyl parathion (UNEP/FAO/RC/CRC.14/7, UNEP/FAO/RC/CRC.14/INF/11 and INF/12) and reminded the Committee that CRC-1 had reviewed a notification on this substance from the EU and concluded that the Annex II criteria had been met.

Chair Gwayi invited the committee to review the new notification, explaining that if the Annex II criteria were met, the Committee would need to prepare a rationale expounding on how they were fulfilled.

Lady Jhoana Dominguez Majin (Colombia), Co-Chair of the intersessional task group (ITG), thanked CRC members and observers for the comments and information submitted. Marit Randall (Norway) presented the conclusions of the group, noting that all criteria except Annex II (b) (action as a consequence of a risk evaluation) were met. She explained that the FRA was not based on a risk or hazard evaluation, and that no national information was available to support the FRA; thus, the Annex II (b) criteria were not met, and the ITG had concluded that the notification did not meet all of the Annex II criteria.

Argentina clarified that Panama had stated that methyl parathion is not carcinogenic. Canada expressed support for the findings of the ITG.

Chair Gwayi noted general agreement that the notification did not meet all of the criteria because it relied on internationally available data.

**Final Decision:** The Committee decided that no further action on methyl parathion would be taken at this time.

**Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds:** The Secretariat introduced the notifications of FRA for PFOA, its salts and PFOA-related compounds (UNEP/

FAO/RC/CRC.14/8) and supporting documentation provided by Norway (UNEP/FAO/RC/CRC.14/INF/13) and Canada (UNEP/FAO/RC/CRC.14/INF/14). Timo Seppälä (Finland) presented the ITG's review of the notifications from Norway and Canada, noting that both conclude that criteria of Annex II are met for both notifications. CRC members, including Germany, Pakistan, Argentina, New Zealand, Austria, Malta, and Guyana, commended the excellent work of the group, particularly its clarity, and supported the conclusions of both notifications. The observers from the US and the Netherlands noted that PFOA is a slightly different chemical from the ones the CRC usually deals with, in particular in the assessment of the new chemicals' risk evaluations, and highlighted that the Committee had been clear and transparent in their analysis of the notification. The observer from the Netherlands proposed including the slightly new approach to assessment of risk evaluation in the CRC Handbook.

Chair Gwayi noted that the FRA notifications met the Annex II criteria and there were no objections to the recommendation to list it in Annex III. She proposed creating a contact group, chaired by Viliami Toalei Manu (Tonga) and with Timo Seppälä (Finland) as Drafter, to prepare a draft DGD and draft an intersessional work plan. She noted the contact group would be reconstituted into a members-only drafting group, if necessary, to prepare the relevant draft rationales for the notifications from Norway and Canada.

The contact group met on Wednesday morning, with Co-Chair Manu reporting to plenary that the group had finalized the rationale on Wednesday afternoon.

On Thursday morning, Chair Gwayi invited the Committee to consider the draft rationale for the conclusion by the CRC that the notifications of FRA submitted by Norway and Canada on PFOA, its salts and related compounds in the industrial category meet the criteria of Annex II to the Rotterdam Convention (UNEP/FAO/RC/CRC.14/CRP.12). With no further comments, CRC-14 agreed to the text of the rationale.

The Secretariat then introduced the decision to adopt the rationale (UNEP/FAO/RC/CRC.14/CRP.11) and recommend that the COP consider listing PFOA, its salts and related compounds in Annex III of the Convention.

Canada informed the Committee that all the CAS numbers in the notification from Norway are covered by Canadian regulation. The observer from the US emphasized that the recommendation to the COP would have to be limited to the CAS numbers that are common to both notifications. Canada clarified that the DGD and the recommendations cover the overlap between the notifications from the different PIC regions.

CRC-14 adopted the decision.

Chair Gwayi then proposed, and the Committee agreed, that Manu and Seppälä will serve as Chair and Drafter for the intersessional drafting group to prepare a draft DGD.

**Final Decision:** In its final decision (UNEP/FAO/RC/CRC.14/CRP.11), the CRC:

- concludes that the notifications of FRA for PFOA, its salts and related compounds submitted by Norway and Canada meet the criteria set out in Annex II to the Convention;
- adopts the rationale for the Committee's conclusion;
- further recommends the COP list PFOA, its salts and related compounds in Annex III to the Convention as industrial chemicals; and
- decides to prepare a draft DGD and that the composition of the intersessional drafting group to prepare the draft DGD and the workplan of the group shall be as set out in the CRC-14 report.

### Updates to the CRC Handbook

On Wednesday afternoon, the Secretariat introduced the document (UNEP/FAO/RC/CRC.14/9) containing updates to the Handbook of Working Procedures and Policy Guidance for the CRC (the CRC Handbook), which is a compilation of working procedures and policy guidance covering a broad range of issues related to the work of the Committee to help ensure consistency and transparency in CRC processes.

She noted that CRC-13 had requested the Secretariat to update section 1.4 on the process for determining evidence of ongoing international trade, and section 2.6 on guidance to assist parties and the Committee when a chemical under consideration is a POP listed under the Stockholm Convention.

Chair Gwayi invited the Committee to focus on the requests made by CRC-13 before discussing possible updates that had arisen during CRC-14's discussions.

On section 2.6 (when a chemical under consideration is a POP), Canada, supported by the UK, questioned the value of new text in paragraph 20, which referenced as an example a notification on HBCD from Japan considered at CRC-13. Canada emphasized that the supplemental risk documentation is "only minimally translated," and proposed deleting this paragraph and waiting for a "more comprehensive document" to include in the future.

Norway also questioned the usefulness of paragraph 20 (the example of Japan's HBCD notification) and proposed revising it to offer new information, including by specifying that it refers to monitoring data from Japan and explaining the regulatory situation in that country.

Finland supported deleting paragraph 20, but said if other members preferred to keep the text, he would favor redrafting it to include substantial information.

New Zealand and Germany questioned the value of the paragraph but said Norway's proposal to expand the information could be acceptable.

Norway, supported by Canada and Germany, suggested adding the example from Japan after discussions at COP-9.

An observer from the US favored deleting the paragraph, emphasizing that the purpose of the handbook is to highlight transparent examples of good practice.

The Committee agreed to delete the paragraph.

On section 1.4 (ongoing international trade), the UK, supported by Colombia and Germany, called for clarification on the purpose of newly added paragraph 5, which states "If there is no information on ongoing trade of the chemical available to the Committee, it cannot be excluded that international trade takes place."

Finland called for adding text if the paragraph were to be retained, noting that the paragraph seems to say that under any circumstances it must be assumed there is international trade.

CropLife International, *inter alia*, agreed that ongoing international trade, whether legal or illegal, cannot be excluded, but said the proposed text suggests that criterion (c)(iv) (on evidence of ongoing international trade) would always be met.

Chair Gwayi suggested that interested members meet with the Secretariat on Wednesday evening to decide on how to reflect the way in which the CRC has dealt with previous notifications in order to guide future work on notifications.

Norway, supported by Germany, questioned the relevance of paragraph 22, which provides an example of a notification on FRA on PFOS submitted by China which was not found to meet the criteria as there was no information to confirm whether the risk evaluation had taken into account prevailing conditions in the

notifying country. Norway emphasized it is stated several times that it is necessary for the CRC to establish that a risk evaluation had taken prevailing conditions into account.

Debate ensued about whether or not to include specific examples of notifications and whether or not to name the countries producing “good” or “bad” notifications. The UK suggested reconsidering how positive and negative examples are included in the CRC Handbook.

New Zealand and Colombia were of the view that having “good examples of the negative” could be useful. Tonga, supported by Sri Lanka, suggested examples of unsuccessful notifications would help countries submitting notifications in future judge their likelihood of success.

The UK, China, and Argentina suggested using references rather than specifically naming countries whose notifications had not met the criteria.

Chair Gwayi cautioned against imparting judgement about the quality of the notifications, underscoring that the point was to collect examples of reviewed notifications as guidance. With the Secretariat stressing that there are no “good or bad” examples and that the purpose of the Handbook is to guide countries in their preparation of notifications and also to inform an external audience on the methodology used by the Committee, delegates agreed to delete paragraph 22.

Germany stressed the importance of the history of the process, proposing the inclusion of a brief “explainer” containing references to the decisions that have led to the present document. Chair Gwayi underlined that the CRC Handbook is a living document that evolves based on science and new best practice.

Malta called for specific language on agroecology to be included in the Handbook. The Committee then established a drafting group, chaired by Jeff Goodman (Canada), to agree on language on agroecology, and to discuss pending issues related to the international trade section of the CRC Handbook.

On Thursday, drafting group Chair Goodman presented the updates to the CRC Handbook (UNEP/FAO/RC/CRC.14/CRP.14). He thanked drafting group participants for engaging in discussions on sections 1.2 on preparing internal proposals and DGDs for banned or severely restricted chemicals, and 1.4 on international trade, and for including the concept of agroecology in the CRC Handbook. He noted that the Handbook reflects lessons learned and is a reactive tool that does not describe how future CRC meetings should unfold.

Delegates adopted the changes and requested the Secretariat to make the updated version of the Handbook available on the website. Chair Gwayi underscored that the deletion of paragraphs 20 and 22 will be reflected in the meeting report, and that CRC-15 will consider any further modifications.

### ***Venue and Date of the Next Meeting***

On Thursday, the Secretariat announced that CRC-15 will be held in Rome, Italy, from 7-11 October 2019, and noted that this will be back-to-back with the Persistent Organic Pollutants Review Committee (POPRC), which is scheduled to take place from 30 September to 4 October 2019. Chair Gwayi noted that holding CRC and POPRC meetings back-to-back strengthens synergies between the Rotterdam and Stockholm Conventions.

### ***Other Matters***

Under this item, the Committee addressed five issues in plenary on Thursday morning.

**Collection of examples of SHPFs reviewed by CRC:** The Secretariat introduced the collection of examples of SHPFs proposals reviewed by the Committee (UNEP/FAO/RC/CRC.14/

INF/15). Chair Gwayi noted the document could serve as a reference for the Committee in the future. Germany and Norway requested that this document be included as an annex to the CRC Handbook. CRC-14 agreed to take note of the document.

**Report on activities to facilitate effective participation in the work of the Committee:** The Secretariat presented on activities implemented since CRC-13 to facilitate participation of members in the work of the Committee, including: an orientation workshop where new members became familiar with the work of the Committee; two webinars held prior to CRC-14, two to be held on 9 and 11 October; and a face-to-face training workshop. She drew attention to available tools, including the FRA Evaluation Toolkit. CRC-14 took note of the information provided.

**Report on the outcomes of the intersessional process on enhancing the effectiveness of the Convention:** The Secretariat introduced this item, drawing attention to an online survey on priority action to enhance effectiveness, which received 51 submissions from parties. The Secretariat subsequently prepared a report on priority actions, which is available online and is open for comments. She drew attention to a face-to-face meeting that took place in Latvia and resulted in a number of recommendations, including some that pertain directly to the work of the CRC, such as on the work of the members and the need to provide regular briefings, and on the financial constraints of translating CRC documentation into the six UN languages. CRC-14 took note of the information.

**Report on the intersessional work on “From Science to Action”:** The Secretariat introduced the updates to the work on “From Science to Action” (UNEP/FAO/RC/CRC.14/INF/16), which includes a draft road map for science to action and comments from experts. The initiative aims to strengthen the science-policy interface. It defines three needs, challenges, and opportunity areas as: accessibility, availability, and national capacity to review and assess scientific and technical information. The Committee is invited to provide comments for submission to COP-9. CRC-14 took note of the document.

**Update on preparations for COP-9:** The Secretariat noted that COP-9 will be held from 29 April to 10 May 2019 in Geneva, Switzerland, under the theme “Clean planet, healthy people, sound management of chemicals and waste.” She explained that the format would be similar to past COPs, with joint sessions of the BRS Conventions, as well as individual convention gatherings. CRC-14 took note of the information.

### ***Adoption of the Report***

On Thursday, the Secretariat introduced the meeting report, noting that the first part, covering the Committee’s work on Tuesday and Wednesday (UNEP/FAO/RC/CRC.14/L.1), was available for review and the second part, covering the Committee’s work on Thursday, would be finalized by the Rapporteur with the support of the Secretariat. The Committee reviewed the report and adopted it with one minor amendment.

### ***Closure of the Meeting***

In his closing remarks on Thursday, Carlos Martin-Novella, Deputy Executive Secretary, BRS Conventions Secretariat, thanked participants for an outstanding performance. He lauded the “well-prepared” notifications, DGDs and other documentation, noting that CRC meetings are the culmination of months of preparation that resulted in fine-tuning rather than major discussions. He called for deepening the approach to inclusiveness and transparency and highlighted the “remarkable” gender balance on the Committee, as well as the all-female dais.



Chair Gwayi expressed her gratitude to those who prepared the excellent work intersessionally, including the members, chairs and drafters, and commended observers for their contributions. She underscored the common objective to protect the environment and human health, noting that work carried out in the CRC ultimately translates into international law. She stressed that the high-quality work coming from the meeting reflected on the Committee as a whole and praised the collegial and supportive approach of its participants. She gavelled the meeting to a close at 11:47 am.

### **A Brief Analysis of CRC-14**

The fourteenth meeting of the Chemical Review Committee of the Rotterdam Convention ran like a well-oiled machine, with clear goals, focused discussions, and little disagreement. The Committee moved swiftly and decisively through its work, concluding a full day and a half earlier than scheduled. This brief analysis considers the reasons for this efficiency and the implications for the future work of the Rotterdam Convention.

#### ***“To be prepared is half the victory”***

The CRC moved quickly through its agenda this year, with high levels of participation from both members and observers, but little debate or disagreement. As Carlos Martin-Novella, Deputy Executive Secretary, BRS Conventions Secretariat, noted at the close of the meeting, participants were tasked primarily with “fine-tuning” documents and decisions at CRC-14, a situation he and other delegates credited to the comprehensive work carried out intersessionally. During this period between meetings, members worked in drafting groups to prepare decision guidance documents on HBCD, acetochlor, and phorate; they also worked in substance-specific task groups to review notifications of final regulatory action submitted by countries on HBCD, methyl parathion, and PFOA, its salts and related compounds. In June, members and observers also gathered in Riga, Latvia, for the meeting of the intersessional working group on enhancing the effectiveness of the Rotterdam Convention. Several delegates highlighted the importance of this gathering in building the capacity of new members to participate fully in the subsequent CRC-14 meeting, pointing to the greater number of people on the Committee taking the floor than had been evident at past CRC meetings.

The data related to production, trade, and use of the chemicals under review provided by a wide range of stakeholders, including members, governments, industry, and advocacy groups, enabled drafting groups to produce unusually complete documents that served as the basis of the Committee’s decision-making. For example, supporting documentation for PFOA, its salts and related compounds was over 1500 pages long. Several members commented on the value of having such comprehensive information on the notifications, emphasizing that the robustness of the evidence provided made the Committee’s decisions clear-cut and uncontroversial.

While rectifying gaps in data is not always easy, especially for technically complex substances, the Committee’s efforts to develop its Handbook of Working Procedures and Policy Guidance are designed to enhance the effectiveness of the Convention by incorporating lessons from past and current reviews into future work. CRC-14’s vigorous discussion of how to present examples of best practice reflects the degree to which this kind of reflexivity is designed into the Convention. By systematically charting best practice in all aspects of work carried out under the Rotterdam Convention, delegates are doing critical work to strengthen the Convention, including by enabling

countries with less capacity to prepare and submit thorough notifications of regulatory actions.

#### ***Transparency and Inclusivity***

The institutional commitment to creating transparent processes that facilitate stakeholder engagement in the Convention was mirrored in the management and working practices of CRC-14. Both the Chair and Secretariat made noticeable efforts to support the full engagement of all delegates in the Committee’s work. For example, Chair Noloziuko “Zukie” Gwayi’s methodical approach to discussions and clear explanation of each step of the review process provided important guidance for participants who are new to these formal negotiations. Additionally, the Chair consistently opened the floor to both members and observers and encouraged their contributions, giving them time to gather their thoughts and repeatedly checking to make sure everyone who wanted to speak had done so. This clear, unhurried, yet efficient approach to chairing enabled newcomers to understand what was happening and why, gave all participants multiple opportunities to intervene, and reinforced the sense that the contributions of all participants in the room, whether members or observers, were valued.

This explicit, non-perfunctory inclusion of observers signaled a change from the earlier years of CRC reviews, when some observers complained that they were excluded from the majority of substantive discussions. At the time, most of the work was done in members-only drafting groups, precluding the participation of observers. Furthermore, observers were often invited to speak on a topic only after decisions had already been taken, reinforcing the perception among many representatives of industry and advocacy groups alike that they had little opportunity to influence discussions. This approach stood in stark contrast to the Stockholm Convention’s Persistent Organic Pollutants Review Committee, (POPRC), which was notable for its culture of inclusion of observers. Many observers who participate in the work of both committees advocated for a cultural change in the CRC modeled on the POPRC. After concerted efforts by the Secretariat and delegates over a period of years that change seems to have been achieved. CRC-14 was, in the words of one veteran observer, “as open and inclusive as it gets.”

Although the meeting was lauded for its openness and efficiency, some lamented that delegates did not make use of the remaining day and a half to address some of the more difficult issues associated with reviews of both PFOA and HBCD. For example, on HBCD some observers would have liked more extensive discussion of the data cited to determine whether Annex II criteria had been met. While these observers did not disagree with the conclusion, they said that more time for these discussions in plenary would have enabled delegates to appreciate the nuances of the evidence presented in the risk evaluation.

#### ***What is next for the Rotterdam Convention?***

CRC-14 paved the way for the next meeting of the Conference of the Parties (COP-9) beginning in late April 2019, during which the CRC’s recommendations to list acetochlor, HBCD, and phorate will be considered. COP-9 will also have to deal with the unresolved issues from the last meeting of the COP, including carbo-sulfan, chrysotile asbestos, paraquat, and fenthion—all substances that have met with strident opposition to listing. While CRC-14 was not tasked with further work on these substances, it is clear that the Convention’s experiences in this regard informed the thinking of many CRC delegates as they carried out their work in Rome. One member emphasized the need to have transparent and robust discussions at the CRC to lay a solid scientific foundation for decision-making at the COP.

The Committee also set the stage for its next meeting, with intersessional work to be carried out on the draft guidance document for PFOA. As delegates left FAO Headquarters on Thursday, many appeared to be satisfied with both the amount of work completed at this meeting and the way in which the participants collaborated. They also expressed hope that future work will build on the perceived strengths of this meeting, highlighting that the inclusive and transparent practices that facilitate strong consensus will enhance the work carried out under the Rotterdam Convention.

### Upcoming Meetings

**Fourteenth Meeting of the Persistent Organic Pollutants Review Committee:** The Persistent Organic Pollutants Review Committee (POPRC-14) will review the possible listing of hazardous chemicals under the various annexes of the Stockholm Convention. **dates:** 17-21 September 2018 **location:** Rome, Italy **contact:** BRS Secretariat **phone:** +41-22-917-8271 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** <http://www.pops.int>

**24th Senior Officials Meeting of UN Environment Management Group:** The 24th Senior Officials Meeting (SOM 24) of the UN Environment Management Group will address emerging environmental issues warranting a collaborative response by the UN looking to support for e-waste management. The meeting will take place on the sidelines of the opening of the 73rd session of the UN General Assembly. The SOM 24 Technical Segment will take place via audio-video conference on 17 September. **date:** 17 and 24 September 2018 **location:** New York City, US **www:** <https://unemg.org/emg-senior-officials-meetings/24thsenior-officials-meeting-som24-2018>

**2018 Annual General Meeting of the IGF:** The 2018 Annual General Meeting of the Intergovernmental Forum on Mining, Minerals, Metals, and Sustainable Development (IGF) will convene under the theme, "Modern Mining Law and Policy: Accountable, Equitable and Innovative Approaches." **dates:** 15-19 October 2018 **location:** Geneva, Switzerland **contact:** IGF Secretariat **email:** [secretariat@igfmining.org](mailto:secretariat@igfmining.org) **www:** <http://igfmining.org/>

**30th Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer:** The 30th Meeting of the Parties will consider a number of issues, including entry into force of the Kigali Amendment. **dates:** 5-9 November 2018 **location:** Quito, Ecuador **contact:** Ozone Secretariat **phone:** +254-20-762-3851 **fax:** +254-20-762-0335 **email:** [ozone.info@un.org](mailto:ozone.info@un.org) **www:** <http://ozone.unep.org/en/meetings>

**Second Meeting of the Conference of the Parties to the Minamata Convention on Mercury (COP2):** The second meeting of the Conference of the Parties to the Minamata Convention on Mercury (COP2) will address, *inter alia*, draft guidelines on interim storage of mercury and mercury compounds as well as effectiveness evaluation. **dates:** 19-23 November 2018 **location:** Geneva, Switzerland **contact:** Minamata Convention Secretariat **fax:** +41 22 797 34 60 **email:** [MEA-MinamataSecretariat@un.org](mailto:MEA-MinamataSecretariat@un.org) **www:** [www.mercuryconvention.org/](http://www.mercuryconvention.org/)

**55th Meeting of the GEF Council:** The 55th meeting of the Global Environment Facility Council will develop, adopt and evaluate the operational policies and programmes for GEF-financed activities, and review and approves the work programme, making decisions by consensus. **dates:** 17-20 December 2018 **location:** Washington D.C., US **contact:** GEF Secretariat **email:** <https://www.thegef.org/contact> **www:** <http://www.thegef.org/council-meetings/gef-55th-council-meeting>

**Fourth Session of the UN Environment Assembly (UNEA):** The theme of the fourth session of the UN Environment Assembly is "Innovative solutions for environmental challenges and sustainable consumption and production." It will be preceded by a meeting of the Open-Ended Committee of Permanent Representatives (OECPR) from 4-8 March 2019. **dates:** 11-15 March 2019 **location:** Nairobi, Kenya **contact:** United Nations Environment Programme **email:** [beatpollution@unenvironment.org](mailto:beatpollution@unenvironment.org) **www:** <http://web.unep.org/environmentassembly/>

**Basel Convention COP14, Rotterdam Convention COP9 and Stockholm Convention COP9:** The 14th meeting of the COP to the Basel Convention, the ninth meeting of the COP to the Rotterdam Convention and the ninth meeting of the COP to the Stockholm Convention will convene back-to-back. **dates:** 29 April - 9 May 2019 **location:** Geneva, Switzerland **contact:** BRS Secretariat **phone:** +41-22-917-8271 **fax:** +41-22-917-8098 **email:** [brs@brsmeas.org](mailto:brs@brsmeas.org) **www:** <http://www.brsmeas.org/>

**56th Meeting of the GEF Council:** The 56th meeting of the GEF Council is tentatively scheduled to take place in June 2019. The Council meets twice annually to develop, adopt and evaluate the operational policies and programmes for GEF-financed activities. It also reviews and approves the work programme. **dates:** 10-13 June 2019 **location:** Washington D.C., US **contact:** GEF Secretariat **email:** <https://www.thegef.org/contact> **www:** [www.thegef.org/council-meetings](http://www.thegef.org/council-meetings)

**Fifteenth Meeting of the Persistent Organic Pollutants Review Committee:** The Persistent Organic Pollutants Review Committee (POPRC-15) will review the possible listing of hazardous chemicals under the various annexes of the Stockholm Convention. **dates:** 30 September- 4 October 2019 **location:** Rome, Italy **contact:** BRS Secretariat **phone:** +41-22-917-8271 **fax:** +41-22-917-8098 **email:** [brs@brsmeas.org](mailto:brs@brsmeas.org) **www:** <http://www.pops.int>

**Fifteenth Meeting of the Chemical Review Committee:** CRC-15 is set to convene in the latter half of 2019 to address PFOA, its salts and related compounds, and other notifications submitted during the intersessional period. **dates:** 7-11 October 2019 **location:** Rome, Italy **contact:** BRS Secretariat **phone:** +41-22-917-8271 **fax:** +41-22-917-8098 **email:** [brs@brsmeas.org](mailto:brs@brsmeas.org) **www:** <http://www.pic.int>

For additional meetings, see <http://sdg.iisd.org>

### Glossary

BRS	Basel, Rotterdam and Stockholm Conventions
CRC	Chemical Review Committee
COP	Conference of the Parties
DGD	Decision Guidance Document
FAO	Food and Agriculture Organization of the UN
FRA	Final Regulatory Action
HBCD	Hexabromocyclododecane
ICCM	International Conference on Chemicals Management
PIC	Prior Informed Consent
PFOA	Pentadecafluorooctanoic acid
POPs	Persistent Organic Pollutants
POPRC	Persistent Organic Pollutants Review Committee
SHPF	Severely Hazardous Pesticide Formulation
UNEP	United Nations Environment Programme