



## SUMMARY OF THE ELEVENTH MEETING OF THE ROTTERDAM CONVENTION'S CHEMICAL REVIEW COMMITTEE: 26-28 OCTOBER 2015

The eleventh meeting of the Chemical Review Committee (CRC-11) to the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade took place from 26-28 October 2015 in Rome, Italy. In total, 60 participants attended the meeting, including 26 Committee members, 21 government and party observers, and 13 representatives of non-governmental organizations.

CRC-11 adopted draft decision guidance documents (DGDs) on short-chained chlorinated paraffins (SCCPs), and on tributyltin (TBT) compounds, and forwarded both to the Conference of the Parties (COP) for its consideration. The Committee also recommended that the COP make carbofuran and carbosulfan subject to the PIC Procedure, and decided to prepare draft DGDs on both substances. On atrazine, the CRC agreed to defer consideration of the notifications from both the European Union (EU) and the Sahelian region until CRC-12.

### A BRIEF HISTORY OF THE ROTTERDAM CONVENTION AND THE CRC

At the core of the Rotterdam Convention, which entered into force on 24 February 2014, 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 receives two notifications of final regulatory actions from two different PIC regions that meet the criteria established in Annex I 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 then reviews the notifications to determine if they

meet the criteria contained in Annex II and, if it finds that they do, recommends listing the chemical in Annex III and preparing a DGD for consideration by the COP.

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

**Intergovernmental Negotiating Committee (INC):** In the period prior to the Convention's entry into force, the INC met six times from 1999 to 2004. During that time, the INC established the Interim CRC and adopted draft DGDs for chemicals already identified for inclusion in the PIC Procedure. Several chemicals were also made subject to the PIC Procedure during this time.

**COP-1-4:** COPs 1-3 convened annually in Geneva, Switzerland, from 2004-2006. COP-1 adopted all the decisions required to operationalize the legally-binding PIC Procedure. Delegates addressed procedural issues and other decisions, including establishing the CRC. COP-3 deferred the decision on listing chrysotile asbestos in Annex III until COP-4. COP-4 convened in Rome, Italy, in 2008, and agreed to add TBT compounds to the PIC Procedure as a pesticide. The listing of endosulfan and chrysotile asbestos was not agreed, and was deferred to COP-5.

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**CRC-1-6:** These meetings convened annually from 2005-2010. During CRC 1-6, the following chemicals were agreed to meet Annex II criteria and DGDs were drafted: chrysotile asbestos, TBT, endosulfan, aldicarb and alachlor.

**CRC-7:** CRC-7 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, and included aldicarb, alachlor and endosulfan in the PIC Procedure. Delegates could not agree on the inclusion of chrysotile asbestos in Annex III to the Convention.

**CRC-8:** This meeting, which convened from 19-23 March 2012 in Geneva, Switzerland, considered notifications for trichlorfon and dicofol, and recommended that the COP list penta- and octa-BDEs, and PFOS. The Committee also recommended that the COP list certain liquid formulations containing paraquat dichloride, a SHPF, in Annex III, and decided to strengthen cooperation and coordination between the CRC and the Stockholm Convention's Persistent Organic Pollutants Review Committee (POPRC), including 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) from 28 April – 10 May 2013 in Geneva, Switzerland. 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 paraquat met the listing criteria for a SHPF, it would postpone a decision until COP-7. A decision on listing chrysotile asbestos was also 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.

**CRC-9:** This meeting was held from 22-24 October 2013 in Rome, Italy. The Committee took decisions on: trichlorfon; cyhexatin; methamidophos; lead arsenate; lead carbonate; fenthion 640 ultra low volume (ULV); and pentachlorobenzene. The Committee also requested the Secretariat to prepare an electronic "handbook" of Committee procedures and guidance.

**CRC-10:** This meeting took place from 22-24 October 2014 in Rome, Italy. The Committee adopted DGDs on methamidophos and fenthion ULV. It also agreed to prepare a DGD for SCCPs, and to revise the TBT DGD to include TBT compounds for industrial uses.

**COP-7:** This meeting was held back-to-back with the COPs of the Stockholm and Basel Conventions from 4-15 May 2015 in Geneva, Switzerland. COP-7 was unable to agree on the listing of paraquat, fenthion, trichlorfon and chrysotile asbestos, 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 that support the PIC procedure for those chemicals.

## CRC-11 REPORT

Jürgen Helbig (Spain), CRC Chair, opened the eleventh CRC meeting, welcoming all participants and noting the importance of the newly adopted 2030 Sustainable Development Goals (SDGs) for sound chemicals management.

William Murray, Executive Secretary, of the Food and Agriculture Organization of the UN (FAO) part of the Rotterdam Convention, discussed the decision on highly hazardous pesticides taken by the Fourth International Conference on Chemicals Management (ICCM) and the FAO Pesticide Registration Toolkit, underscoring that the CRC is an important knowledge-sharing process, and that its decisions serve as the basis for the COP's decisions.

Kerstin Stendahl, Deputy Executive Secretary of the Basel, Rotterdam and Stockholm Conventions, thanked the Committee for its tremendous contributions to the Rotterdam Convention. She said the CRC plays an important role in: effective communication to implement the new SDGs; the intersessional work for listing chemicals; and the interface between science and policy to enhance science-based action.

## ORGANIZATIONAL MATTERS

Chair Helbig introduced the provisional agenda (UNEP/FAO/RC/CRC.11/1 and Add.1). India lamented that the task group reports were only available three weeks before the meeting, instead of six weeks as required by the Rules of Procedure. The Secretariat explained that, according to the guidance for the work of intersessional groups, the task group reports only need to be made available two weeks before the meeting. Chair Helbig said India's intervention would be included in the meeting report, and the Committee then adopted the agenda.

Chair Helbig then introduced the organization of work (UNEP/FAO/RC/CRC.11/INF/1 and INF/2), which the Committee adopted.

## ROTATION OF MEMBERSHIP

The Secretariat introduced the document on the rotation of membership (UNEP/FAO/RC/CRC.11/INF/3), which the Committee adopted.

The current members of the CRC are: Antigua and Barbuda, Austria, Australia, Brazil, Bulgaria, Cameroon, Canada, China, Congo, Dominican Republic, Ethiopia, the Gambia, Germany, Honduras, India, Kuwait, Malaysia, Mali, Mexico, Moldova, Morocco, the Netherlands, Pakistan, Poland, Republic of Korea,

Saudi Arabia, Spain, Switzerland, Thailand, Togo and Zambia. Republic of the Congo, Ethiopia, Mexico, Pakistan and Saudi Arabia were absent.

On Wednesday, the Secretariat introduced the provisional new Bureau members, who will start their work in May 2016, and indicated that the new Bureau will be elected at CRC-12. The provisional members are: Jinye Sun (China) from the Asia and Pacific group, N'ladon Nadjo (Togo) from the African group, Malverne Spencer (Antigua and Barbuda) from the Latin American and Caribbean group, Magdalena Frydrych (Poland) from the Central and Eastern European group, and Jürgen Helbig (Spain) from the Western European and Others group as Chair.

### **REVIEW OF OUTCOMES OF COP-7 RELEVANT TO THE WORK OF THE CRC**

The Secretariat introduced the item on review of outcomes from COP-7 (UNEP/FAO/RC/CRC.11/INF/4), highlighting that the COP agreed to: list methamidophos in Annex III of the Convention, but could not reach consensus on several other chemicals, and established an intersessional working group in order to develop options to improve the effectiveness of the decision-making process.

India queried why CRC recommendations were not approved by the COP, and, with the Indian Chemical Council, expressed concern that some rules, such as the 90-day limit for notifications of final regulatory action, were overlooked by the COP. Canada responded that interpretation of the Convention is a matter for the COP, and not the CRC, and said that the COP had ruled on the 90-day rule in the case of endosulfan.

Several members and observers expressed disappointment with the COP-7 outcomes. The Netherlands reported that a small minority had blocked listing the chemicals recommended by the CRC. Poland lamented the misunderstanding that listing a chemical in the Rotterdam Convention constitutes a ban on use. She also expressed disappointment that some CRC members were involved in blocking some chemicals and called for unity among members.

The International Alliance of Trade Union Organizations "Chrysotile" expressed disappointment that Australia would lead the intersessional working group on the effectiveness of COP decision making, because Australia often supports listing chemicals. An observer from the US, with several others, expressed support for Australia's leadership in the intersessional group.

Pesticides Action Network (PAN) called on the CRC to move forward on the basis of science. An observer from Tanzania expressed disappointment that countries are bringing national interests into the POPRC and CRC, and underlined that CRC members should represent their scientific expertise.

An observer from South Africa suggested strengthening the linkages between the CRC and parties, such as improving the communication of CRC decisions. The Committee took note of the report.

The Secretariat then provided an outline of POPRC-11 outcomes, noting that POPRC-11 adopted the draft risk profile on SCCPs. She explained that consideration of dicofol was deferred until 2016, and that agreement had been reached to progress pentadecafluorooctanoic acid (PFOA) to the Annex E (risk management evaluation) stage.

On Wednesday, the Secretariat presented the COP's decision (RC-7/12), which requests the Secretariat to develop a road map to further engage parties and other stakeholders in informed dialogue for enhanced science-based action in the implementation of the Convention, and introduced the outcome of informal discussion on this issue during POPRC-11. Indicating that the road map seeks to establish a clearinghouse mechanism platform for improved access to existing scientific information, she underscored that the CRC can be a key partner for the development of the road map, and encouraged members and observers to engage.

### **TECHNICAL WORK**

**CONSIDERATION OF DRAFT DGDS: SCCPs:** The Secretariat introduced documents related to the draft DGD on SCCPs, including CRC.11/2 and INF/7. Leonarda Christina van Leeuwen (the Netherlands) introduced the DGD based on notifications from Norway and Canada and subsequent comments. She noted that in light of the POPRC-11 outcome, the DGD would be revised to include the POPRC risk profile.

In the ensuing discussion, Canada proposed to work with Norway to confirm that the DGD includes Chemical Abstract Services (CAS) numbers regulated by both Canada and Norway. India expressed concern with the mention of boron-containing compounds as potential SCCP alternatives in the DGD, noting the threats boron poses to agriculture. Germany highlighted that the CRC is not mandated to complete comparative assessments, and the Netherlands reported that the DGD notes that all alternatives have their own environmental and health risks.

Chair Helbig proposed, and delegates agreed, that: Canada and Norway would informally liaise on the CAS numbers and provide the information to the Secretariat; the Secretariat would reflect the POPRC risk profile; and all interested members would submit textual improvements. He said these changes would then be considered by plenary as a conference room paper (CRP).

On Tuesday, Canada reported from the informal discussion on the CAS numbers, and said that the group identified a single CAS number, and the molecular formula, which also specifies a chlorination degree of more than 48% by weight.

The Secretariat reported on changes made to the draft DGD to reflect the POPRC's risk profile as adopted at POPRC-11 and highlighted text that encourages countries to consider using alternatives, and references that the POPRC will assess alternatives to SCCPs in its draft risk management evaluation.

India suggested that the CRC wait before deciding on this issue until the POPRC finishes its work, saying that in the context of synergies, there should be a harmonized approach between the Committees.

Chair Helbig and the Netherlands underlined that the scope of the Rotterdam Convention is different from that of the Stockholm Convention. Germany observed that every DGD states that it is not a treatise of scientific information, but instead reflects the information in the notifications. Canada observed that CRC-12 will meet before POPRC-12 in 2016, meaning that the potential outcomes of POPRC-12 on SCCPs will not be available until CRC-13, which will convene after the next COP.

Chair Helbig asked if there was agreement on the draft decision. India requested that the CAS number be added to the decision. With that amendment, the decision was adopted.

**Final Decision:** In its decision (UNEP/FAO/RC/CRC.11/CRP.5), the CRC adopts the draft DGD for SCCPs and decides to forward it, together with the related tabular summary of comments, to the COP for its consideration.

**TBT Compounds:** The Secretariat introduced the documents on TBT including the DGD and comments and further information for TBT compounds (UNEP/FAO/RC/CRC.11/3 and INF/8). Chair Helbig said that CRC-10 reviewed a notification of final regulatory action for TBT compounds under the industrial chemicals category submitted by Canada and concluded that Annex II criteria had been met. Anja Bartels (Austria), Co-Chair of the intersessional drafting group, then presented the draft DGD.

India said that the notification, review and ultimate listing in the Rotterdam Convention are use specific, and, therefore, one notification from Canada, for industrial use, may be insufficient. Indicating that data on international trade of TBT compounds as industrial chemicals are not available, he requested that the Committee set the issue aside.

The Netherlands requested the Secretariat to clarify CRC-10's discussions on the issue, and the Secretariat read the CRC-10 meeting report, noting that the Committee had never before faced a situation in which it had found a single notification of final regulatory action pertaining to a chemical in one category to be valid when that same chemical had already been listed in Annex III in another category.

Canada highlighted that the decision on the interpretation of the notification requirement should be taken by the COP, rather than the CRC, and suggested recommending listing TBT compounds as industrial chemicals in Annex III.

Chair Helbig explained that the decision made at CRC-10 is based on the fact that the notification by Canada was made after two previous notifications for the same chemical as a pesticide, underscoring that the interpretation of the Convention on this matter will be made by the COP.

India said that industrial use of TBT compounds is separate from agricultural use, and questioned why the CRC does not wait for a COP decision before adopting the DGD.

An observer from Japan asked the Committee to provide an explanation for its decision to list TBT compounds as an industrial chemical, which, he said, would be helpful for the understanding of parties and to make the decision at the COP. Observers from the US and Norway supported the recommendation by Canada for listing TBT compounds under the category of industrial chemicals. Brazil said most TBT compounds are traded as industrial chemicals but used as pesticides and called for listing TBT for industrial uses.

The Indian Chemical Council said the Rotterdam Convention's text should be interpreted as requiring "two notifications for each category of use," underscoring that data on international trade of TBT compounds for industrial use are missing.

Chair Helbig proposed the Committee adopt the document, and suggested establishing a drafting group to outline the reasoning why the CRC is forwarding the recommendation to the COP, in order to reflect the process, and to inform the COP. He underscored that the Committee should not revisit previous decisions, and invited India to participate in the drafting group.

CRC-11 then established a drafting group, agreeing to revisit the decision later in the week.

On Tuesday, Bartels presented a note (CRP.10) to the COP on the rationale for CRC-10's recommendation of listing TBT compounds in Annex III as industrial chemicals, which had been agreed to by the drafting group.

India accepted this "compromise text," but suggested discussing the draft DGD in a contact group.

An observer from Japan, supported by India, asked whether the Committee's recommendation of listing TBT as an industrial chemical was a general interpretation of paragraphs 5 and 6 of Article 5 (procedures for banned or severely restricted chemicals), which do not specify the need for notifications to relate to the same use category, or a unique case because of some of the characteristics of TBT compounds.

An observer from the US suggested clarifying that the CRC requests that the COP take a decision on this interpretation.

Chair Helbig proposed to establish a contact group to further discuss the draft DGD.

The Netherlands requested the Chair to clarify the mandate for the contact group to avoid reopening the discussion on TBT as a pesticide. Austria, supported by Bulgaria and Kuwait, expressed disappointment with the need to discuss the DGD in a contact group, indicating that the parties should have sent comments on the draft DGD during the intersessional period.

Chair Helbig then clarified the mandate of the contact group, requesting it to provide additional information on trade of TBT compounds as industrial chemicals, and revise the note to the COP to address the question raised by the Japanese observer.

On Wednesday, the Secretariat introduced the revised note to the COP (CRP.10/Rev.1) and the revised draft DGD (CRP.12). Bartels reported that one member requested to add the term biocide in the pesticides portion of the draft DGD, and that this suggestion remained in square brackets because some members did not agree to make additions to that portion of the DGD, since it had already been approved by the COP.

Chair Helbig then asked the Committee to adopt the draft DGD with the addition of the term biocide, and the Committee agreed.

On the note to the COP, the Indian Chemicals Council underlined that there is no evidence of international trade of TBT for industrial uses.

The Committee then adopted the note to the COP.

On the draft decision, India stated that there is no evidence of ongoing trade and said that notifying parties need to provide all information in a transparent manner. Chair Helbig said that these concerns would be noted, and the Committee adopted the decision.

**Final Decision:** In its final decision, (UNEP/FAO/RC/CRC.11/CRP.6), the CRC adopts the draft DGD for TBT compounds and decides to forward it, together with the related tabular summary of comments and the note, to the COP for its consideration.

**REPORT OF THE BUREAU ON THE PRELIMINARY REVIEW OF NOTIFICATIONS OF FINAL REGULATORY ACTION AND THE PROPOSAL FOR A SHPF:** On Monday, Magdalena Frydrych (Poland) introduced the report of the Bureau (UNEP/FAO/RC/CRC.11/4), and the Committee took note of the report.

**REVIEW OF NOTIFICATIONS OF FINAL REGULATORY ACTION: Atrazine:** On Monday, the Secretariat introduced the notifications of final regulatory action for atrazine (UNEP/FAO/RC/CRC.11/5) and supporting documentation from the EU (INF/9) and Cabo Verde, Chad, the Gambia, Mauritania, Niger, Senegal and Togo (INF/10).

Leonarda Christina Van Leeuwen, Co-Chair of the intersessional task group, presented the group's conclusions, noting that concerns raised during the pre-session meeting resulted in some of the groups' conclusions being bracketed. She highlighted that for the EU notification, there was no agreement as to whether the regulatory action: was based on a risk evaluation involving prevailing conditions; or would lead, or be expected to lead, to a significant decrease in the quantity of the chemical used or to reduced risk to the environment or human health. In addition, there was lack of agreement as to whether there is ongoing trade. For the notification by members of the Sahelian Pesticides Committee, van Leeuwen reported a lack of agreement as to whether the notification meets criteria for: data generated, and data reviews performed and documented, by scientifically-recognized methods; and whether there is ongoing trade.

On the EU notification, India stated that the regulatory action was taken based on exceedance of the groundwater limits only and did not include an assessment of risks to air, sediment or soils, and that he could not agree that the notification was based on a risk evaluation, as defined under Annex II (b).

Germany and Austria drew attention to information that the regulatory action also recognizes risks to aquatic animals. Canada and Switzerland recalled that countries are free to set domestic limits on substances.

Switzerland observed that modeling data accounting for registered use patterns, which she said means that the regulatory action was based on prevailing conditions of use. India noted the lack of field monitoring and reliance on modeling, and, in response, the Netherlands drew attention to monitoring data in the supporting documents.

CropLife International underlined that a risk evaluation requires examination of substance-specific exposure and hazard data, and said that the notification was based on a general regulatory trigger value for groundwater pesticides, and is not substance specific. An observer from the US said that there is a lack of atrazine toxicity data.

On the notification from Cabo Verde, Chad, the Gambia, Mauritania, Niger, Senegal and Togo, Canada noted that the bridging information qualitatively used linked the risks identified by other jurisdictions to prevailing conditions of use. Germany recalled that CRC-4 concluded that a notification from Jamaica for aldicarb met the criteria based on bridging information used from the US, coupled with qualitative statements regarding use and conditions.

The Gambia highlighted the vulnerability of the Sahelian region, which depends on freshwater sources. India underscored that the notification does not meet the criteria and pointed out that Burkina Faso is not a notifying country. The Gambia responded that Burkina Faso shares the same climatic conditions, meaning that the notification can use the information from Burkina Faso as bridging information.

Austria, Germany and Poland said that the notification meets the criteria.

An observer from the US drew attention to a lack of information on how data from other regions combines in prevailing conditions of use in the notifying countries.

CropLife International said, *inter alia*, that the EU decision serves as a basis of the notifications from the Sahelian countries, and that notification was not based on a risk evaluation.

CRC members agreed to establish a contact group to conclude if the criteria are met and, if so, to draft the rationale and a draft decision.

Van Leeuwen and Ana Gabriela Ramírez Salgado (Honduras) co-chaired the group.

On Tuesday, van Leeuwen reported that the contact group was unable to complete its work the evening before, but did compile all the comments and agree that the EU notification met the criteria. She said a CRC member raised a point of order about the process, and noted lack of agreement on the notification from the Sahelian countries. India objected to two contact groups working in parallel.

Chair Helbig requested that the contact group reconvene to record the comments of a member who was absent and to draft a rationale that reflects the different views.

On Wednesday, the Secretariat introduced documents on which notifications do or do not meet the criteria (CRP.15), and comments from the notes on what meets or does not meet criteria (CRP.16). Van Leeuwen reported on the contact groups discussions and said the group could not reach agreement on whether either notification met the Annex II criteria. She presented the draft decision where both notifications in the conclusion section were bracketed.

In the ensuing discussion, the Gambia noted disappointment with the reopening of the EU notification, as the contact group agreed on Monday that the EU notification met all criteria. PAN underscored that the Sahelian notification provided evidence of a risk evaluation in the context of exposure in those countries, therefore meeting the Convention requirement.

Chair Helbig concluded that as there was no agreement on either notification, the CRC would defer consideration of the item to its next meeting.

**Carbofuran:** The Secretariat introduced the document on the notifications of final regulatory action for carbofuran and supporting documentation (UNEP/FAO/RC/CRC.11/6, INF/11-INF/13).

Sarah Maillefer (Switzerland), Co-Chair of the task group, presented the task group report, which concludes that the three notifications, from the EU, Sahelian countries and Canada, met all the Annex II criteria.

On the EU notification, India indicated that modeling data should be complemented by field data. Recalling the example of using hydrofluorocarbons (HFCs) as alternatives to

chlorofluorocarbons (CFCs), he called for a “comprehensive” risk assessment in order to avoid introducing only one substitute. Chair Helbig reminded India that the task group had already addressed this concern.

Germany replied that several examples show that modeling is a perfectly acceptable method, underscoring all the criteria required by the Convention have been met.

On the Sahelian notification, an observer from the US noted that the analysis on carbofuran’s risks is lacking; therefore, the relevant criteria had not been met. IPEN underscored that the supporting documentation provided by Sahelian countries contains sufficient information and adequate data that support the statement that this notification meets the criteria.

CropLife International questioned the use of “simple” qualitative statements without measured or predicted exposure data on risks regarding the contamination of water sources and concerns on workers’ or dietary safety.

IPEN highlighted the 2005 report of the US Department of Agriculture, which noted that the use of granular carbofuran conservatively resulted in an estimated annual loss of between 17-91 million birds in cornfields in the Midwestern US. PAN said the notification by Sahelian countries met the criteria. Austria “strongly supported” the observers from IPEN and PAN, agreeing with the conclusion that the criteria had been met, and indicating that one granule is still able to kill a bird in countries that lack protection goals for risk assessment of pesticides.

An observer from Canada said that this notification presents a qualitative assessment of risks and does not meet the Convention criterion “prevailing conditions of use” within the notifying country.

Switzerland explained that those qualitative descriptions still concern exposure data, underscoring that the task group’s conclusion was based on all information having been provided and by taking into account risk to farmers and consumers due to the lack of adequate training and food treatment in Africa.

Bulgaria said the criteria are “easily met” if the evaluation is based on all the provided data. Chair Helbig established a contact group to evaluate the notifications and to draft a decision.

On Tuesday, the Secretariat introduced the draft decision (CRP.7), draft rationale for carbofuran (CRP.8) and draft workplan (CRP.9). Maillefer reported that the contact group made no changes to the sections of the report for the EU and Canadian notifications, and made small changes to the sections on the notifications from the Sahelian countries.

India raised a concern that one of the Co-Chairs is from a country that notified final regulatory action. The Secretariat, and Poland, clarified that the Bureau decides which members should co-chair task groups based on individual expertise. Chair Helbig, Brazil and Poland underscored that CRC members serve in their individual capacity as experts and not as representatives of their countries.

India reiterated his concern and Chair Helbig said it would be noted in the meeting report. India further asked that the Co-Chairs for the intersessional work undertaken to draft the DGD not be from any notifying party.

The Committee adopted the draft decision, draft rationale and draft workplan for carbofuran.

**Final Decision:** In its final decision on carbofuran (UNEP/FAO/RC/CRC.11/CRP.7), the CRC: concludes that the notifications of final regulatory action from the EU, Canada, Cabo Verde, Chad, the Gambia, Mauritania, Niger, Senegal and Togo meet the criteria set out in Annex II to the Convention; adopts the rationale for the Committee’s decision; recommends that the COP list carbofuran in Annex III to the Convention as a pesticide; and decides to prepare a draft DGD for carbofuran.

**Carbosulfan:** On Tuesday morning, the Secretariat introduced the document on the notifications on final regulatory action for carbosulfan and supporting documents (UNEP/FAO/RC/CRC.11/7, INF/14 and 15).

Parvoleta Luleva (Bulgaria), Co-Chair of the task group, presented the task group report, which concludes that the notifications from the EU and eight Sahelian countries met all Annex II criteria.

India said that the EU notification lacks information and only drew the conclusion of “possible risk to groundwater” from modeling data.

Germany, with Poland, indicated that modeling is an acceptable scientific method, and drew attention to the supporting documentation. The Netherlands indicated that the Handbook of Working Procedures and Policy Guidance for the CRC indicates that modeling data are sufficient to meet Annex II criteria. Austria noted that the EU regulatory action is based on various types of data, including field studies.

India reiterated that the document lacks many pieces of relevant information. Germany clarified that Annex I only requires parties to provide estimated quantities of the chemical produced, exported, imported and used, when such information is available.

PAN said the supporting documentation provides sufficient information on risk to human health, including data from an additional review in 2009.

In the discussion on the notifications from Sahelian countries, Canada said he was “flexible in his views,” yet called for bridging data indicating the prevailing patterns of use, such as what these countries previously provided in their notifications for endosulfan.

Germany highlighted a study from Burkina Faso that shows most farmers are uneducated, and cannot read labels or follow safety instructions, and said that this constitutes exposure information generated from within countries. The Gambia highlighted that Burkina Faso has similar climatic conditions, and similar patterns of use as the other Sahelian countries. Austria highlighted that these countries considered toxicity data, when coupled with the study from Burkina Faso, that showed a lack of use of personal protective equipment, and said this comparison constitutes a risk evaluation that does not need to be quantified.

India noted that several information boxes were empty and objected to the fact that not all notifications are in English. The Secretariat clarified that the eight notifications are from the same final regulatory action, which was taken at the regional level, and therefore the notifications are identical. She further clarified that an English translation is available and that the Secretariat already confirmed that the notifications contained all mandatory information listed in Annex I.

CropLife International underlined that there is no exposure data directly linked to carbosulfan, and that the information on agricultural practices could apply to any pesticide. He observed that the poisoning cases reported were from a mixture of pesticides and questioned why it was attributed to carbosulfan.

IPEN underscored that the notifications were based on an adequate risk evaluation that concluded there is an unacceptable risk to non-target organisms. She stated that there is adequate information on hazards, including environmental fate data, and that farmers do not use the chemical safely.

An observer from Canada asked if a single adverse incident report is sufficient for prevailing patterns of use, and if general statements on ecological and worker conditions constitute a risk evaluation.

Canada said that, with Committee members' comments, he agreed that the notification met the Annex II criteria.

Noting general agreement that one notification meets the criteria, a contact group was established. Luleva and Jack Holland (Australia) co-chaired the contact group, which met Tuesday evening.

On Wednesday, Luleva reported back from the contact group and presented the draft rationale for the conclusion by the CRC that the notifications of final regulatory action submitted by the EU, and by Burkina Faso, Cabo Verde, Chad, the Gambia, Mauritania, Niger, Senegal and Togo, meet the Annex II criteria (CRP.13), providing a sufficient basis to include carbosulfan in Annex III. The Committee then adopted the rationale without amendment.

The Secretariat introduced, and the Committee adopted, the draft decision for carbosulfan (CRP.14).

Chair Helbig then proposed nominating Holland and Luleva as Co-Chairs of the intersessional drafting group to prepare the draft DGD.

India indicated a conflict of interest with nominating a Co-Chair from an EU member state. The Netherlands recalled that the Committee has followed this procedure since CRC-1, and said it should not be changed. Austria underscored that the CRC members are independent experts.

The Secretariat drew attention to the procedures adopted by the COP and the working arrangements followed by the CRC for eleven years. She outlined that the COP agreed to measures to ensure an independent atmosphere free of direct and indirect pressures and that, as such, all CRC members should declare any interests that could constitute a real or potential conflict of interest. She reported that all members have made these declarations, that the procedure of the COP has been followed, and that no conflict of interest has been identified.

India asked that it be noted in the meeting report that Co-Chairs of the intersessional groups should not be from the nominating parties.

**Final Decision:** In its final decision on carbofuran (UNEP/FAO/RC/CRC.11/CRP.14), the CRC: concludes that the notifications of final regulatory action for carbosulfan submitted by the EU and by Burkina Faso, Cabo Verde, Chad, the Gambia, Mauritania, Niger, Senegal and Togo meet the criteria set out in Annex II to the Convention; adopts the rationale for the

Committee's conclusion; recommends that the COP should list carbosulfan in Annex III to the Convention as a pesticide; and decides to prepare a draft DGD for carbosulfan.

**REVIEW OF THE PROPOSAL FOR THE INCLUSION OF DIMETHOATE EMULSIFIABLE CONCENTRATE 400G/L AS A SHPF IN ANNEX III:** On Tuesday, the Secretariat introduced documents related to a notification, received from Georgia, to list dimethoate emulsifiable concentrate 400g/L (dimethoate) as a SHPF (UNEP/FAO/RC/CRC.11/8, INF/16 and INF/16.Add.1).

Task group coordinator Gilberto Fillmann (Brazil) introduced the proposal, noting it was prompted by an incident related to a man exposed to dimethoate from 1998-2010 who developed throat cancer after repacking the substance from large containers into small packets. He noted the preliminary review by the Secretariat and the Bureau indicated that the proposal does not meet all requirements of Part 3, Annex III.

Fillmann noted the proposal failed to meet the criteria on reliability of the evidence (Annex IV, Part 3a), and the relevance of such incidents to other states with similar conditions (Annex IV, Part 3b). On the significance of reported effects in relation to the quantity of the formulation used (Annex IV, Part 3d), Fillmann said the criterion remained open.

On the criteria that the existence of handling or applicator restrictions involving technology or techniques may not be applied in states lacking infrastructure (Annex IV, Part 3c) and that intentional misuse is not in itself an adequate reason for listing (Annex IV, Part 3e), Fillmann said the group considered these to be met.

In the ensuing discussion, Canada, the Netherlands and India said the Annex IV Part 3a, b and d criteria were not met. PAN underscored the relevance of the proposed SHPF to other states, citing evidence of similar repacking practices across the region. The Indian Chemicals Council said repackaging should not be considered as a use.

In the discussion on the Annex IV Part 3c and e criteria, India said the Annex IV Part 3e criterion was also not met, and Germany underscored that the Committee has previously received legal advice on misuse, and said that the proposal met the Annex IV Part 3e criterion.

Chair Helbig proposed, and delegates agreed, to note in the report of the meeting that the SHPF proposal does not meet all of the criteria, and that no further action will be taken. He said the report would note that Annex IV Part 3a, b and d criteria were not met, and will also state that the Committee agrees that Annex IV Part 3c and e criteria are met, with the exception of one party who raised concerns about the Annex IV Part 3e criterion.

#### **VENUE AND DATE OF THE NEXT MEETING**

On Wednesday, the CRC agreed that CRC-12 would be held from 12-16 September 2016, at FAO headquarters in Rome, Italy. The Secretariat noted that this meeting will occur just before the POPRC meeting.

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

The Secretariat introduced the draft report (UNEP/FAO/RC/CRC.11/L.1) and the Committee adopted it with editorial amendments.

Co-Executive Secretary William Murray congratulated members and said that the notifications from Sahelian countries, upon which some decisions were based, are a sign that the Convention is making a difference. Chair Helbig congratulated members for overcoming challenges and realizing a successful outcome. He gavelled the meeting to a close at 12:05 pm.

## A BRIEF ANALYSIS OF CRC-11

The eleventh meeting of the Chemical Review Committee met in the aftermath of the seventh meeting of the Conference of the Parties to the Rotterdam Convention, which many viewed as disappointing due to its failure to add four of the five recommended chemicals to the PIC Procedure. Hopes that the CRC, as a technical subsidiary body, would remain insulated from the politicization of science-based decisions evident at the Rotterdam COP were dashed. Despite a difficult atmosphere because of the politicization, the Committee succeeded in approving both the draft decision guidance documents (DGDs), and recommended that two new pesticides be included in the PIC Procedure. The Committee deferred its decision on one pesticide, notably atrazine.

CRC members, through their undeterred focus on technical issues, were able to successfully complete much of their work. This brief analysis considers the extent to which the attempts to politicize the CRC affected the outcomes of the Committee's work at this meeting.

Earlier this year, Rotterdam Convention COP-7, which convened in May 2015, agreed to add to the PIC Procedure only one of five chemicals that were recommended for listing. Among the four chemicals that the COP could not agree to list were historic standouts, such as chrysotile asbestos and the severely hazardous pesticide formulation (SHPF) paraquat. At COP-7, parties were also unable to agree on making the pesticides trichlorfon and fenthion subject to the PIC Procedure, despite the CRC's recommendation to do so. For each of these four chemicals, the COP neither disputed the CRC's work, nor questioned the integrity of the outcome or the process. It simply deferred consideration. Such a low conversion rate of making recommended listings subject to the PIC Procedure led to the effectiveness of the Rotterdam Convention being called into question.

In the context of the lack of progress at COP-7, a key outcome of the COP was agreement to convene an intersessional group on the effectiveness of the Convention, which could meet in mid-2016. The group will be chaired by Australia and is tasked with reviewing cases in which the COP was unable to reach consensus and developing options to improve the effectiveness of the decision-making process. Many Committee members expressed hope that this group is successful in moving the Convention out of its "political rut."

Frustration with the COP-7 outcome and the current state of the Rotterdam Convention was evident at CRC-11. In their opening remarks, several Committee members voiced disappointment with the COP, particularly that a small minority of parties was able to block the listing of chemicals. Yet, many also expressed hope that the CRC, as a scientific subsidiary body, would remain insulated from the political discussions that are the sole purview of the COP.

CRC-11 did, however, feel the pull of politics. Many CRC members said that the issues raised by the Committee member from India were not based in science. Interventions on such issues as capacity building and technical assistance needs, which are very relevant to the Convention, but not to the technically-specific mandate of the CRC, were ultimately redirected by the CRC Chair to the appropriate body. Concerns were raised about adding information to DGDs on alternatives, which many viewed as less relevant, since making a chemical subject to the PIC Procedure does not constitute a ban for that chemical. The purpose of the Rotterdam Convention is the provision of information to allow countries to make informed decisions, not to halt production and use of a chemical. With that aim in mind, some questioned why information on alternatives was stressed in the early part of the meeting, since the CRC does not recommend moving to alternatives; it only provides information in its DGDs. Other issues India raised included implications of a conflict of interest or perceived violations of procedure, and were noted in the meeting report, as opposed to being discussed in detail. In short, CRC-11 members held their ground regarding the scientific role of the subsidiary body, even remaining late in the evening in the contact groups to, as one member put it, "show solidarity with our Co-Chairs," and banded together to retain the CRC's scientific integrity.

Committee members also sought to insulate their Committee through adapting to the current politicized environment. CRC-11's agreement to defer a decision on atrazine until CRC-12 is somewhat unprecedented. A long-serving observer recalled a single instance where the CRC deferred its decision, which was on Sweden's notification for paraquat. During the 2009 meeting, some of the information was provided at the meeting and in Swedish, leaving members to defer its consideration to the 2010 meeting. Operating under very different circumstances, CRC-11 meticulously noted the areas of disagreement for atrazine, and agreed to defer its consideration of the notifications. While no additional information is to be collected, since the CRC considers the information that informed the final regulatory acts of the notifying parties, the CRC has another year to reconsider the conclusions, and seek agreement among its members, based on the available information. Several seasoned delegates noted the wisdom of this approach, hoping for a change in the political tide. The alternative would have been to agree that the notifications did not meet the Annex II criteria, and to set them aside, meaning they cannot be considered again.

Many viewed CRC-11 as a success, given the evident ongoing political challenges. Others worried that the many notes in the meeting report in relation to concerns over procedure and disagreements could inform what one observer called "a long play." That is, by noting concerns about procedural issues in the meeting report, some parties could call the CRC's recommendations into question at the next Rotterdam COP in 2017. This could slowly serve to erode the trust that the COP has in its subsidiary body.

Looking ahead, there is still one further CRC meeting before COP-8. Members will likely continue to build solidarity and communicate with their national governments the rationale for the CRC's decisions. Such informal bonds could serve the Committee well when explaining the sound basis on which



it views the decisions taken during CRC-11 and why some chemicals should be listed in the Rotterdam Convention and subject to the PIC Procedure. In addition, in the broader context, the intersessional group on effectiveness can also develop recommendations and options for improving the outlook for the Rotterdam Convention.

## UPCOMING MEETINGS

**Regional workshop on sound life-cycle management of DDT under the Stockholm Convention:** This training workshop has several objectives, including to facilitate the implementation of sound life-cycle management practices for DDT, and to strengthen in-country coordination mechanisms of all stakeholders for DDT and information exchange on vector management. **dates:** 24-26 November 2015 **location:** Nairobi, Kenya **contact:** Tatiana Terekhova **phone:** +41-22-917-8729 **fax:** +41-22-917-8098 **email:** Tatiana.Terekhova@brsmeas.org **www:** <http://chm.pops.int/Implementation/TechnicalAssistance/Workshops/Africa/AfricaNairobiOct2015/tabid/4621/mctl/ViewDetails/EventModID/1421/EventID/558/xmid/14035/Default.aspx>

**Seventh Session of the Intergovernmental Negotiating Committee on Mercury (INC-7):** The seventh meeting of the Intergovernmental Negotiation Committee (INC-7) for the Minamata Convention on Mercury is scheduled to convene in Jordan. **dates:** 10-15 March 2016 **location:** Jordan **contact:** Sheila Logan, Interim Secretariat **phone:** +41-22-917-8511 **fax:** +41-22-797-3460 **email:** Sheila.logan@unep.org **www:** <http://www.mercuryconvention.org/Negotiations/INC7/tabid/4506/Default.aspx>

**Tenth Meeting of the Open-ended Working Group of the Basel Convention (OEWG-10):** The tenth meeting of the Open-ended Working Group of the Basel Convention (OEWG-10) will consider issues in advance of COP 13, including: strategic issues; scientific and technical matters; legal, governance and enforcement matters; international cooperation and coordination; and the programme of work and budget. OEWG 10 will consider revising the technical guidelines on e-waste adopted by COP-12 on an interim basis. **dates:** 30 May-2 June 2016 **location:** Nairobi, Kenya **contact:** BRS Secretariat **phone:** +41-22-917-8218 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** <http://www.basel.int/TheConvention/OpenendedWorkingGroup%28OEWG%29/Meetings/OEWG10/Overview/tabid/4626/mctl/ViewDetails/EventModID/8295/EventID/560/xmid/14062/Default.aspx>

**Intersessional Working Group on the Effectiveness of the Rotterdam Convention:** This intersessional work will be chaired by Australia. **dates:** mid-2016 **location:** TBA **contact:** BRS Secretariat **phone:** +41-22-917-8729 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** <http://www.pic.int>

**Eleventh Meeting of the Rotterdam Convention CRC (CRC-12):** The CRC will convene to consider, *inter alia*: notifications for atrazine, and DGDs for carbosulfate and carbofuran. It will also consider notifications found to meet Annex I criteria. **dates:** 12-16 September 2016 **location:** Rome, Italy **contact:** BRS Secretariat **phone:** +41-22-917-8729 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** <http://www.pic.int>

**Twelfth Meeting of the Persistent Organic Pollutants Committee (POPRC-12):** POPRC-12 will convene to consider, *inter alia*: the draft risk profiles for dicofol and PFOA; further information related to Annex F for decaBDE; and the draft risk management evaluation for SCCPs. **dates:** 19-23 September 2016 **location:** Rome, Italy **contact:** BRS Secretariat **phone:** +41-22-917-8729 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** <http://www.pops.int>

**Basel COP-13, Rotterdam COP-8 and Stockholm COP-8:** The 13th meeting of the COP to the Basel Convention, the eighth meeting of the COP to the Rotterdam Convention, and the eighth meeting of the COP to the Stockholm Convention are expected to convene back-to-back, with a high-level segment. **dates:** 23 April - 5 May 2017 **location:** Geneva, Switzerland **contact:** BRS Secretariat **phone:** +41-22-917- 8729 **fax:** +41-22-917-8098 **email:** brs@brsmeas.org **www:** <http://synergies.pops.int/>

## GLOSSARY

CAS	Chemical Abstract Services
COP	Conference of the Parties
CRC	Chemical Review Committee
CRP	Conference Room Paper
DGD	Decision guidance document
IPEN	International POPs Elimination Network
PAN	Pesticides Action Network
PIC	Prior Informed Consent
POPRC	Persistent Organic Pollutants Review Committee
SCCPs	Short-chained chlorinated paraffins
SHPF	Severely hazardous pesticide formulation
TBT	Tributyltin