

15th 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: 8-10 October 2019

At its fifteenth meeting, the Chemical Review Committee (CRC) completed its technical work to support the Rotterdam Convention's goals of promoting shared responsibility and cooperation in the trade of hazardous chemicals and environmentally sound use of such chemicals. The CRC reviewed notifications from countries that took a domestic final regulatory action (FRA) that banned or severely restricted three chemicals: amitrole (an herbicide), decabromodiphenyl ether (decaBDE) (a flame retardant used in textiles, electronics, and building materials), and nonylphenols and nonylphenol ethoxylates (NP and NPEs) (surfactants used in a variety of industrial and consumer products).

For amitrole and NP and NPEs, the Committee concluded that some of the notifications for each chemical meet the criteria, but noted that the successful notifications come from only one prior informed consent (PIC) region. Notifications from two PIC regions are required before a chemical can be listed in the Convention. Therefore, no further action will be taken on amitrole or NP and NPEs until a country from another PIC region notifies that it has taken an FRA that bans or severely restricts the use of these chemicals.

For decaBDE, the Committee agreed that the notifications received meet the criteria and recommended that it be listed in Annex III of the Rotterdam Convention, making it subject to the PIC procedure.

The Committee also reviewed the draft decision guidance document (DGD) for perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds, which will provide information to parties when trading in these chemicals.

The CRC-15 continued to flexibly apply its past practice and precedents to reflect the complexities of the global chemicals trade, while continuing to encourage countries to notify the Convention when they take a final regulatory action.

CRC-15 took place in Rome, Italy, from 8-10 October 2019. Over 90 participants attended, including CRC members and observers from parties, governments, industry, and civil society.

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

Over the past 40 years, growth in chemical production and trade has 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 UN Food and Agriculture Organization (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 severely hazardous pesticide formulations (SHPFs). The Convention creates legally binding obligations for the implementation of the PIC Procedure.

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The role of the CRC: The CRC is a subsidiary body of the Rotterdam Convention established to review notifications of FRA against the criteria set out by the Convention in Annex II (for chemicals) and IV (for SHPFs) and make recommendations to the Conference of the Parties (COP) for listing such chemicals in Annex III. Proposals to include chemicals under Annex III are submitted to the CRC, with the final decision 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 FRA 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.

The CRC has met annually since the Convention's entry into force.

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

CRC-14: In 2018, the CRC adopted the DGDs for acetochlor, HBCD, and phorate and agreed that these chemicals met the criteria to be listed in Annex III. The Committee agreed that the notifications for PFOA, its salts and PFOA-related compounds met the criteria and established an intersessional drafting group to work on the DGD. CRC-14 agreed to take no further action on a notification submitted by Canada on HBCD, given that two notifications from two PIC regions had been accepted, and it set aside a notification on methyl-parathion, deciding that it had not met all the criteria for listing.

COP-9: In 2019, COP-9 adopted a compliance mechanism through a vote that established a new annex to the Convention, concluding 15 years of negotiations on the issue. The COP agreed to include HBCD and phorate in Annex III, but could not agree to list carbosulfan, acetochlor, paraquat, fenthion, and chrysotile asbestos.

CRC-15 Report

Chair Noluzuko "Zukie" Gwayi (South Africa) opened the meeting on Tuesday, 8 October 2019, welcoming participants to the session and encouraging all members and observers to engage constructively in the important work of the Committee.

Hans Dreyer, Executive Secretary of the Rotterdam Convention-FAO, outlined the agenda and noted the importance of the CRC's work in achieving the Sustainable Development Goals (SDGs), especially through the sound management of chemicals and waste. He further highlighted that more than 100 notifications of FRA have been received, and said that these, and the efforts of the CRC, drive the work of the Convention.

Carlos Martin-Novella, Deputy Executive Secretary of the Basel, Rotterdam and Stockholm (BRS) Conventions Secretariat, on behalf of Rolph Payet, Executive Secretary, BRS Conventions, welcomed participants to CRC-15, noting the work of the Committee has enabled over 160 governments around the world to better manage hazardous chemicals and pesticides. He underscored that the sound management of chemicals is a prerequisite to sustainable development and underpins every SDG. He explained that this is the last meeting for half of the committee members, and thanked them for their work. In closing, he stressed the need for science-based action in implementing the Convention.

Chair Gwayi then introduced, and the Committee adopted, the provisional agenda (UNEP/FAO/RC/CRC.15/1) and its

annotations (UNEP/FAO/RC/CRC.15/1/Add.1). The Secretariat presented the organization of work, including the scenario note and schedule for the meeting (UNEP/FAO/RC/CRC.15/INF/1 and INF/2).

The Secretariat provided an overview of the outcomes of the fifteenth session of the Persistent Organic Pollutants Review Committee (POPRC) that took place immediately prior to the CRC-15 from 1-4 October 2019.

Review of COP-9 Outcomes

The Secretariat introduced a review of the outcomes of Rotterdam Convention COP-9 that are relevant to the work of the CRC (UNEP/FAO/RC/CRC.15/INF/15). She noted COP decisions and intersessional work on, *inter alia*, enhancing the effectiveness of the Convention, and improving participation, openness, and transparency in the CRC process, including increasing the participation of experts, parties, and observers, and improving capacity building.

Colombia supported the development of an online course and further tools on risk assessment and evaluation, noting that they would be useful for building the capacity of government officials.

Reiterating the need for training, Chair Gwayi highlighted that more than 100 FRA notifications have been submitted, but only 33 were of high enough quality to meet the criteria. The Secretariat noted that while they are not formally opening this issue for consultations, they welcome informal suggestions and proposals from experts, parties, and observers at any time.

The Committee took note of the information.

Rotation of the Membership

On Tuesday, the Secretariat introduced information on the rotation of the CRC membership (UNEP/FAO/RC/CRC.15/INF/3), welcoming the new CRC members from Canada and Pakistan, as well as 14 new members whose terms start in 2020. Noting outgoing Bureau members Marit Randall (Norway) and Norma Sbarbati-Nudelman (Argentina), Chair Gwayi invited the Latin American and Caribbean Group (GRULAC) and the Western European and Others Group (WEOG) to propose new Bureau members by the end of the week. The Committee confirmed Marit Randall as meeting rapporteur.

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, Republic of Congo, Rwanda, South Africa, Sri Lanka, Sudan, Thailand, Tonga, United Kingdom, and Yemen.

On Thursday, the Committee agreed that Lady Jhoana Domínguez Majin (Colombia) would serve on the Bureau for the GRULAC region, and Martin Lacroix (Canada) and Kristfne Kazerovska (Latvia) would serve for the WEOG region.

Technical Work

Consideration of Draft DGDs: PFOA, its salts and PFOA-related compounds: On Tuesday, the Secretariat introduced the draft DGD for PFOA, its salts and PFOA-related compounds (UNEP/FAO/RC/CRC.15/3) and a summary of comments on the draft DGD (UNEP/FAO/RC/CRC.15/INF/6).

Drafting group Chair Viliami Manu (Tonga) introduced the draft, and drafter Timo Seppälä (Finland) guided participants through the process, underscoring the format and basis for the draft DGD. He outlined the timeframe for the drafts, how comments had been received and integrated at each step, and the resulting fourth draft presented for consideration at CRC-15. He

expanded on the issues encountered, noting that the information in the notification may not be up to date as legislation may have changed. He cautioned that for groups of chemicals, national FRAs may differ in scope and cover different chemicals.

He drew attention to decision CRC-14/5 that does not specify PFOA compounds and does not list CAS numbers. He noted that the Stockholm Convention COP decided to list PFOA in Annex A (elimination) with some specific exemptions and that the decision defined the compounds through an indicative list that would be updated over time.

He then returned to the differences in the scope of the national FRAs, stressing that the Canadian notification addresses an inexhaustive list, where some entries do not have CAS numbers, while the Norwegian notification relates to eight chemicals only and these overlap with those included in the Canadian FRA.

Seppälä noted that the Stockholm Convention PFOA listing is broader in scope and highlighted that the CRC might receive notifications in the future that include more CAS numbers.

Pakistan drew attention to a lack of capacity in developing countries to track PFOA, as well as inappropriate labelling.

Canada underscored the need to include only the overlapping CAS numbers between the Canadian and Norwegian notifications. Norway said its national PFOA regulations were changing and that it was planning to provide pertinent information before CRC-16.

Chair Gwayi proposed, and others agreed, to establish a contact group and to include the comments from this meeting into the INF/6 document. The contact group, chaired by Manu, with Seppälä as the drafter, met Tuesday afternoon and as a drafting group on Thursday.

The PFOA DGD contact group discussed the details of the DGD and examined the compounds it covers. Participants explored parallels with the Stockholm Convention PFOA listing as well as exemptions and their length. They discussed how CRC-7 had addressed PFOS, moving towards a DGD with specific CAS numbers, yet at CRC-8, the scope was broadened, amending the CRC-7 decision to simply say “PFOS, its salts and PFOS-related compounds” without listing CAS numbers. Some suggested that this precedent illustrates that the CRC can amend previous CRC decisions.

On Wednesday, the Secretariat introduced three new draft documents for consideration: a draft decision on PFOA (UNEP/FAO/RC/CRC.15/CRP.4); a revised draft DGD for PFOA (UNEP/FAO/RC/CRC.15/CRP.9); and a compilation of comments and responses relating to the draft DGD for PFOA (UNEP/FAO/RC/CRC.15/CRP.10).

Seppälä highlighted that the main unresolved issues relate to the scope of PFOA chemicals included in the decision, specifically, whether to include CAS numbers in the decision. He also noted discussions on the classification of PFOA as a probable or possible carcinogen.

The Committee adopted the revised draft DGD with no further amendments, and Chair Gwayi explained that it will be forwarded to COP-10 along with the compilation of comments and responses relating to the draft DGD.

The Committee then considered the draft decision. Pakistan, Norway, Malta, and Ghana supported the draft decision, and Canada, New Zealand, and observers from Australia and the US supported explicit reference to the eight PFOA CAS numbers that are in both the Norwegian and Canadian notifications. Participants discussed the merits of including and excluding the CAS numbers in the decision, and the Secretariat clarified that there is legal precedent for both approaches.

On Thursday, the Committee adopted the comments and responses related to the DGD (UNEP/FAO/RC/CRC.15/CRP.10). Manu reported from the drafting group and presented the draft decision (UNEP/FAO/RC/CRC.15/CRP.4/Rev.1), which the Committee adopted.

Canada suggested a discussion on potential future modifications to the DGD as future notifications that include additional CAS numbers are received. He suggested a modification of the DGD at CRC-16 based on information received, perhaps by Norway or by other parties, of FRA related to PFOA.

The Secretariat stated that the DGD would be forwarded to the COP. She said that if notifications were received and considered by CRC-16, members could discuss whether to revise the DGD. She noted that this has not occurred in the past, but is within the mandate of the Committee.

Final Decision: In the decision (UNEP/FAO/RC/CRC.15/CRP.4/Rev.1), the CRC, *inter alia*:

- recommends that the COP should list PFOA, its salts and PFOA-related compounds in Annex III as industrial chemicals;
- adopts the draft DGD for PFOA, its salts and PFOA-related compounds (CAS Nos. 335-67-1, 3825-26-1, 335-95-5, 2395-00-8, 335-93-3, 335-66-0, 376-27-2, 3108-24-5), and decides to forward it, together with the related summary of comments, to the COP for its consideration.

Report of the Bureau on the preliminary review of notifications of FRA: On Tuesday, the Secretariat introduced the Bureau report (UNEP/FAO/RC/CRC.15/2) 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.15/INF/5). Bureau member Marit Randall reported on the preliminary review, highlighting the establishment of an intersessional task group for each candidate chemical. She further noted the review did not make any recommendations on the chemicals, but rather identified possible information gaps and prepared an analysis of whether each of the candidate chemicals meets the criteria for listing. Canada emphasized the Bureau's role in identifying information gaps in time to rectify them before the CRC meets.

Review of notifications of FRA: Amitrole: The Secretariat introduced notifications of FRA for amitrole from Thailand and the European Union (EU) on Tuesday, along with their supporting documents (UNEP/FAO/RC/CRC.15/4, INF/7/Rev.2 and INF/8, respectively). Chair Gwayi explained that if the CRC finds the notifications from Thailand and the EU meet the Annex II criteria, the Committee should prepare a rationale explaining how the criteria have been met.

Domínguez Majin, Chair of the intersessional task group, introduced its work on amitrole, noting that members and observers agreed with the general conclusions of the task group's report.

Randall presented the intersessional task group's review of Thailand's notification, which concludes that it meets Annex I criteria, but does not meet all of Annex II criteria.

She then presented the intersessional task group's review of the EU's notification, which concludes that it meets both Annex I and Annex II criteria.

Thailand highlighted that her country's notification did not meet the risk assessment criteria due to lack of resources.

The UK, Canada, New Zealand, and an observer from the US noted that the EU's decision regarding amitrole and drinking water is a policy-level decision, related to a concentration level, rather than based on scientific testing, and should be referred to accordingly. Pesticide Action Network (PAN) stressed that

amitrole has a great potential to enter groundwater and urged the inclusion of this information in the report.

The Committee established a contact group on the EU notification, chaired by Domínguez Majin, and with Randall as drafter. The contact group met on Wednesday.

On Thursday, the Secretariat introduced the draft rationale for the conclusion that the EU's amitrole notification meets the Annex II criteria (UNEP/FAO/RC/CRC.15/CRP.12). Canada, an observer from the US, and CropLife International reiterated that the rationale for the EU's notification meeting criteria b(iii) (risk evaluation) should not include the EU's groundwater threshold policy. Malta supported its inclusion. Participants adopted the draft rationale.

The Secretariat introduced, and participants adopted, the draft decision on amitrole (UNEP/FAO/RC/CRC.15/CRP.5).

Final Decision: In the decision (UNEP/FAO/RC/CRC.15/CRP.5), the CRC, *inter alia*:

- concludes that EU's notification of FRA for amitrole meets the criteria set out in Annex II;
- adopts the rationale for the Committee's conclusion; and
- notes that, since only a notification of FRA from one PIC region meets the criteria set out in Annex II, it will take no further action on amitrole at present.

Decabromodiphenyl ether (decaBDE): On Tuesday, the Secretariat introduced a note containing notifications of FRA relating to decaBDE from Japan, Norway, and Canada (UNEP/FAO/RC/CRC.15/5) and the supporting documentation provided by each notifying country (UNEP/FAO/RC/CRC.15/INF/9, UNEP/FAO/RC/CRC.15/INF/10 and UNEP/FAO/RC/CRC.15/INF/11, respectively).

DecaBDE Intersessional Task Group Chair Suresh Amichand (Guyana) described the group's work and drafter Peter Dawson (New Zealand) presented an analysis of the three notifications, reviewing each criterion one by one. He noted that the scope of the Canadian notification went beyond only decaBDE to include all polybrominated biphenyl ethers, while the notifications from Norway and Japan focused exclusively on decaBDE. Dawson noted that initial information gaps in the Japanese notification had been filled, in particular for criteria b (iii) (risk evaluation). Outlining the details of the task group's work, he reported that the task group agreed that the three notifications met all the criteria set out in Annex II.

On Japan's notification, Pakistan asked for clarification on the scope of each notification. Dawson clarified that CRC-15 is addressing decaBDE only.

Canada drew attention to the Handbook of working procedures and policy guidance for the CRC, highlighting section 2.1 on focused summaries that outlines the rationale for a country's FRA.

CropLife International questioned the timing of additional information provided by Japan, noting that such additions should be presented eight weeks prior to a CRC meeting. An observer from the US also drew attention to section 2.1 of the Handbook, stating that the Japanese notification and the supplementary information did not present the basis for the FRA.

On the Norwegian and Canadian notifications, members had no substantive comments.

Chair Gwayi proposed, and members agreed, to establish a contact group to be chaired by Amichand with Dawson as the drafter. The contact group met on Wednesday.

On Thursday, participants adopted: the draft rationale for the conclusion that Japan, Norway, and Canada's decaBDE notifications meet the Annex II criteria (UNEP/FAO/RC/CRC.15/CRP.11); the draft workplan for the preparation of a draft DGD

(UNEP/FAO/RC/CRC.15/CRP.7); and the draft decision on decaBDE (UNEP/FAO/RC/CRC.15/CRP.6/Rev.1). Canada noted and welcomed the inclusion of a CAS number in the decision, highlighting that this may prevent confusion at a later date, and an observer from the US encouraged parties to develop and submit clear and complete notifications, drawing attention to the focused summaries.

Final Decision: In the decision (UNEP/FAO/RC/CRC.15/CRP.6/Rev.1), the CRC, *inter alia*:

- concludes that Japan, Norway, and Canada's notifications of FRA for decaBDE meets the criteria set out in Annex II;
- adopts the rationale for the Committee's conclusion;
- recommends that the COP list decaBDE (CAS No. 1163-19-5) in Annex III as an industrial chemical; and
- decides to prepare a draft DGD for decaBDE, led by an intersessional drafting group.

Nonylphenols and nonylphenol ethoxylates (NP and NPEs):

The Secretariat introduced the three notifications received for NP and NPEs from South Africa, the EU, and Switzerland (UNEP/FAO/RC/CRC.15/6), alongside their supporting documents (UNEP/FAO/RC/CRC.15/INF/12, INF/13/Rev.1 and INF/14, respectively).

Christian Sekomo Birame (Rwanda), Chair of the Intersessional Task Group, introduced the notifications, adding that the notifications from the EU and Switzerland contain NP and NPEs as both an industrial chemical and a pesticide, while the South African notification is only for NP and NPEs as a pesticide.

Seppälä, Drafter of the Intersessional Task Group, reported that they found the notifications from the EU and Switzerland to meet all Annex II criteria, but that the South African notification did not.

On South Africa's notification, PAN questioned the rejection of criterion b (i) (risk evaluation based on data generated from scientifically recognized standards), stating that the notification contained three peer-reviewed scientific articles. An observer from the US highlighted that the criterion relates more to how the articles are used in the notification, and the Netherlands lamented that if the notification had been presented differently, there might have been a very different result.

On the EU notification, experts and observers discussed at length whether the Committee should consider the EU's 2005 notification, or the June 2019 update that informs the CRC that the scope of the relevant legislation has been amended. There was general agreement that the Committee can only consider the information submitted to them, and that CRC-15 is reviewing the EU's 2005 notification. Canada encouraged the EU to submit a new updated notification.

The Committee established a contact group on the Swiss and EU notification, with Birame as Chair and Seppälä as drafter. The contact group met on Wednesday.

On Thursday, the Committee considered and adopted the draft rationale for the conclusion that Switzerland and the EU's NPs and NPEs notifications meet the Annex II criteria (UNEP/FAO/RC/CRC.15/CRP.13). Participants noted that the rationale addressed the EU's 2005 notification and not the letter submitted in 2019, and Canada encouraged parties to resubmit formal notifications of FRA when they change or update relevant regulation.

Final Decision: In the decision (UNEP/FAO/RC/CRC.15/CRP.8), the CRC, *inter alia*:

- concludes that Switzerland and the EU's notifications of FRA for NP and NPEs meet the criteria set out in Annex II;
- adopts the rationale for the Committee's conclusion; and

- notes that, as only a notification of FRA from one PIC region meets the criteria set out in Annex II, it will take no further action on NPs and NPEs at present.

Venue and Date of the Next Meeting

CRC-16 will take place from 8-11 September 2020 at FAO Headquarters in Rome, Italy.

Other Matters

There were two issues discussed under other matters: updates to the CRC Handbook and effective participation.

The Secretariat reported on updates to the CRC Handbook carried out since last year, noting the updated Handbook is now available online. On country examples included in the Handbook, participants discussed, and agreed to, removing the names of any countries that submitted notifications that did not meet the criteria, but retaining the names of country examples that did meet the criteria.

On effective participation, the Secretariat reported on implementation of activities to enhance effective participation in the CRC, including training and orientation workshops, e-learning tools, regional workshops on enhancing effective participation, debriefing webinars, and the translation of the CRC pocket guide into Arabic, Chinese, French, and Spanish.

Canada suggested collecting feedback on the orientation workshops one year after attendance. An observer from the US highlighted the suggestions from the COP to improve the transparency of the CRC, noting many have yet to be implemented. Participants took note of the information and participants' comments.

Closure of the Meeting

On Thursday, the Committee adopted its report (UNEP/FAO/RC/CRC.15/L.1).

Christine Fuell, FAO, relayed comments from Hans Dreyer, Executive Secretary of the Rotterdam Convention, lauding the members' active participation in the work of the Committee and side events held during the meeting.

Carlos Martin-Novella, Deputy Executive Secretary, BRS Conventions, congratulated members and observers for their work, both at the meeting and, especially, during the intersessional period. He noted that this intersessional work makes the CRC unique among multilateral fora and contributes to the scientific foundations of the Convention.

Chair Gwayi observed that half of the members will be leaving after this Committee meeting and encouraged all participants to support the incoming members. She urged participants to help promote understanding and awareness of the Rotterdam Convention, and to represent and defend the work of the Committee at the next meeting of the COP.

A Brief Analysis of CRC-15

When Emperor Caesar Augustus erected the Golden Milestone monument, little did he know that over two thousand years later, participants at the fifteenth meeting of the Chemical Review Committee (CRC-15) of the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade would still find that all roads lead to Rome.

Indeed, delegates gathered at the headquarters of the Food and Agriculture Organization of the UN (FAO) spent considerable amounts of time discussing two possible routes to listing families of chemicals such as those used in non-stick cookware and

stain-resistant carpets and fabrics, only to find that all paths lead toward the same destination: chemicals being listed in Annex III of the Rotterdam Convention—chemicals subject to the PIC Procedure.

The CRC was established to review the notifications of final regulatory action (FRA) for potentially hazardous chemicals and pesticide formulations. When countries take action to ban or severely restrict a chemical, they notify the Secretariat, which, in turn, provides the notifications to the CRC. If two regulatory actions taken by countries from two PIC regions meet the criteria (Africa, Asia, Europe, Latin America and the Caribbean, Near East, North America, and Southwest Pacific), the Committee may then recommend to the Conference of the Parties (COP) that the chemical be listed in the Convention. Such a listing does not constitute a ban, but initiates an information-sharing process and requires the prior informed consent of importing countries during the trade of these chemicals or severely hazardous pesticide formulations. The CRC identifies chemicals that are of concern to parties and provides information that can aid in their safe management and trade.

CRC-15 swiftly completed its technical tasks, focusing on one draft decision guidance document (DGD) and three notifications of FRA. Although these technical stepping stones toward listing substances under the annexes to the Convention have been well-used over the Committee's history, CRC-15 was a reminder that both past and emerging challenges can still surface. This led to several exchanges on the best way forward and on how to appropriately leverage past experience. By the end of the three-day meeting, CRC-15 achieved its goals and validated its role in the global chemicals management arena. This brief analysis explores the way the Committee addressed the challenges encountered and the mechanisms put in place to minimize future friction, elaborating on the relevance of the CRC in today's chemical landscape.

Emerging Challenges: Looking at the past to better chart the future

Even though the CRC has reviewed over 100 FRAs to date, new procedural questions continue to arise. At CRC-15, it quickly became apparent that the dynamic nature of chemicals production and management challenge the Committee to apply its tried and tested procedures to new issues and cases. Far from mechanically fulfilling its review, CRC-15 demonstrated how the Committee can draw on its mandate and precedents while showing flexibility to address challenges.

One issue that proved thorny, for instance, was families of industrial chemicals with complicated structures. Such substances under review at CRC-15, in particular perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds, which are used in non-stick cookware, stain-resistant carpets and fabrics, and nonylphenols and nonylphenol ethoxylates (NPs and NPEs) surfactants used in the manufacture of latex paints, laundry detergents, and personal hygiene, automotive, and garden care products. Delegates were drawn to debate how to apply the rules that underpin how such chemicals are nominated for listing. Since a listing in the Rotterdam Convention is based on domestic action by states and requires notifications from two PIC regions, many felt that only the chemicals that are specifically listed in both notifications can be included.

A few members and observers were less sure, suggesting that a more inclusive listing approach could be possible. They recalled the case of stain-repellant perfluorooctanesulfonic acid (PFOS), where CRC-8 revised CRC-7's outcome and recommended to the COP a broader family of chemicals, by not listing the CAS

numbers in its decision only in the accompanying documentation. COP-6 was then left with the question of which chemicals to list, a task some felt was inappropriate for the political body. One observer recollected that COP-6 may have expanded the list of chemicals beyond those that overlapped between the notifications.

The debate manifested itself for CRC-15 in a discussion over whether to specify CAS numbers for PFOA and NPs and NPEs and how to further specify new CAS numbers within a same family. Ultimately, the CRC agreed to specify the CAS numbers of the chemicals that are contained in both the Canadian and Norwegian PFOA notifications. Yet, many members seemed to anticipate further work on this issue, especially if Norway or Japan, as rumored, submit notifications with an expanded list of PFOA chemicals. For NPs and NPEs, no decision was taken as only one notification met all the criteria.

The power of precedent prompted debate in discussions related to the herbicide amitrole. The EU notification was found to have met the criteria, despite doubts raised by some observers that this decision followed past practice. These participants drew parallels with a past CRC discussion on atrazine (an herbicide) where the FRA was taken in response to an exceedance of the thresholds for groundwater concentrations. Then, several members and observers suggested that the risk evaluation, a crucial component of the criteria that notifications must meet, should not be based on a policy decision regarding thresholds, but on exposure and hazard data specific to the substance. Similarly, the EU notification for amitrole cited the exceedance of groundwater concentrations as a reason prompting the EU to ban or restrict the chemical in its FRA. The outcomes differed: atrazine was set aside pending further information while amitrole is now potentially one notification away from a recommendation to list it in the Convention. The differing outcomes led to a call for "consistency with what has been done before" cautioning against deviating "when it no longer suits us." After much debate, members eventually settled with the decision, mainly because when drafting the rationale for the decision, ample information was provided relating to the risk evaluation.

Characteristically, CRC-15 demonstrated its innate ability to learn from the past while remaining flexible to adapt to new situations and open to further discussions to ensure all members are on board and fully comprehend past decisions pertaining to listing.

Existing Challenges: Improving notifications to promote listing

CRC-15, like CRC-14, had a light workload, and once again several wondered how to encourage more countries to submit notifications when they take action against a chemical.

While one participant suggested that some countries may not be submitting notifications because they are unlikely to meet the Convention's criteria, others pointed to the information and capacity required to prepare the notifications in a way that meets the guidance set out in the CRC Handbook. Some observers thought that Japan's notification for decabromodiphenyl ether (decaBDE), a flame retardant, did not follow the guidance in the Handbook on how to clearly summarize the rationale for its FRA. In an effort to bolster their notifications, Thailand and Japan provided more information on their FRAs for amitrole and decaBDE, respectively. Several appreciated the extra effort to aid the Committee's review. But, only Japan's notification was found to meet the criteria. Some suggested developing an online toolkit to help countries prepare their notifications. Better notifications lead to clearer decisions by the Committee, and thus a better chance that the COP will agree to list the chemical.

Some wondered if the new compliance mechanism recently adopted by the COP may encourage notifications. Article 5 of the Convention requires parties to submit notifications of FRA, and is in the scope of the compliance mechanism. Whether parties will use the compliance mechanism to support themselves or others to prepare notifications is still to be seen.

More immediately, CRC-15 delegates were impressed both with the work of the intersessional groups and the efforts of the drafters in providing clear guidance and top-notch documents. Furthermore, both parties and the Secretariat have initiated a number of robust capacity-building measures nationally and regionally. These include orientation workshops for new members to familiarize themselves with the working procedures of the CRC and efforts to strengthen the listing process, as well as translating the CRC Pocket Guide and making the Handbook more widely available. These efforts have clearly paid off as the work of the Committee becomes more efficient and the quality of its discussions continually improves.

CRC in the Broader Chemicals Landscape

Several delegates found themselves in Rome via Bangkok, where the negotiations for the post-2020 chemicals and wastes framework were held the previous week. Others had just completed work for the Stockholm Convention's Persistent Organic Pollutants Review Committee (POPRC), the subsidiary body that reviews chemicals to determine if they should be listed as POPs and eliminated from production and use.

As chemicals management issues continue to evolve, the CRC cemented its role as a key piece in the global chemicals governance puzzle. With half of the membership ending their terms, it will be incumbent on the remaining members to serve as institutional memory and pass on the precedents to new CRC members. Through this legacy approach, the Committee can continue to provide its recommendations to the COP and, if they are accepted, sound technical information to parties and others working toward the sound management of chemicals. In this light, any challenges faced during the CRC pale into insignificance when the greater goals of protecting human health and the environment from potential harm come into focus.

Upcoming Meetings

Montreal Protocol MOP-31: The 31st Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer will address, *inter alia*, implementation of the Kigali Amendment, linkages between hydrochlorofluorocarbons (HCFCs) and hydrofluorocarbons (HFCs) in transitioning to low global warming potential alternatives, issues related to energy efficiency while phasing down HFCs, and critical and essential use exemptions. **dates:** 4-8 November 2019 **location:** Rome, Italy **www:** <http://ozone.unep.org/>

3rd Meeting of the expert working group on the review of Annexes to the Basel Convention: The expert working group will continue its work so as to enable the development of amendment proposals and for presentation and discussion at the twelfth meeting of the Open-ended working group (OEWG-12). **dates:** 5-8 November 2019 **location:** Bratislava, Slovakia **www:** <http://www.basel.int/>

Third Meeting of the Conference of the Parties to the Minamata Convention on Mercury: COP-3 is expected to discuss, *inter alia*, waste thresholds, releases, interim storage, contaminated sites, open burning of waste, review of Annexes A and B, and harmonized customs codes. **dates:** 25-29 November

2019 **location:** Geneva, Switzerland **www:** <http://www.mercuryconvention.org>

57th Meeting of the Global Environment Facility (GEF) Council: The 57th meeting of the GEF Council will take place in December. The Council meets twice annually to develop, adopt and evaluate the operational policies and programs for GEF-financed activities. It also reviews and approves the work program (projects submitted for approval), making decisions by consensus. **dates:** 17-19 December 2019 **location:** Washington D.C., USA **www:** <https://www.thegef.org/council-meetings>

4th Meeting of the Intersessional Process (IP4) considering the Strategic Approach and the Sound Management of Chemicals and Waste beyond 2020: IP4 is expected to continue the discussions on a possible post-2020 platform for chemicals and waste and will convene ahead of the fifth session of the International Conference on Chemicals Management (ICCM-5), scheduled for 5-9 October 2020 in Bonn, Germany. **dates:** 23-26 March 2020 **location:** Bucharest, Romania **www:** <http://www.saicm.org/>

8th International Nitrogen Initiative Conference: The conference is expected to stimulate an exchange among policymakers and other relevant stakeholders of results, ideas, and visions to improve future holistic management of reactive nitrogen. **dates:** 3-7 May 2020 **location:** Berlin, Germany **www:** <https://ini2020.com/>

12th Helsinki Chemicals Forum (HCF): HCF 2020 is organized by the Chemicals Forum Association, in cooperation with the European Chemicals Agency, the European Commission, the European Chemical Industry Council, and the Finnish Government with local partners, including the City of Helsinki, the Chemical Industry Federation of Finland, and the University of Helsinki. **dates:** 4-5 June 2020 **location:** Helsinki, Finland **www:** <https://helsinkichechemicalsforum.messukeskus.com/>

42nd Meeting of the Open-Ended Working Group (OEWG-42) of the Parties to the Montreal Protocol: OEWG-42 will convene to prepare for the next Meeting of the Parties. **dates:** 13-17 July 2020 **location:** Montreal, Canada **www:** <https://ozone.unep.org>

Sixteenth Meeting of the Persistent Organic Pollutants Review Committee: The POPRC will review the possible listing of hazardous chemicals under the various annexes of the Stockholm Convention. **dates:** 14-18 September 2020 **location:** Rome, Italy **www:** www.pops.int

Sixteenth Meeting of the CRC: The CRC will review the possible listing of chemicals in the Rotterdam Convention. **dates:** 8-11 September 2020 **location:** Rome, Italy **email:** brs@brsmeas.org **www:** 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
decaBDE	Decabromodiphenyl ether
DGD	Decision Guidance Document
FAO	Food and Agriculture Organization of the UN
FRA	Final Regulatory Action
NP and NPES	Nonylphenols and nonylphenol ethoxylates
PAN	Pesticide Action Network
PIC	Prior Informed Consent
PFOA	Perfluorooctanoic acid