

Summary of the 17th 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: 20-24 September 2021

With an unusually heavy agenda and shorter workdays due to the virtual format, participants at the Seventeenth Meeting of the Rotterdam Convention’s Chemical Review Committee (CRC-17) managed to review notifications of final regulatory action (FRA) on only four of the seven pesticides on its agenda: terbufos, thiodicarb, iprodione, and methidathion. Work on these chemicals was unexpectedly time consuming, and the Committee was unable to open discussion of the remaining three chemicals (chlorfenvinphos, carbaryl, and methyl parathion).

CRC-17’s work was dominated by questions about whether the information Mozambique had submitted in each of its notifications was sufficient to fulfill the requirements of the Convention. All notifications must meet the information requirements delineated in Annex I, including properties, identification and uses of a substance, as well as the Annex II criteria for listing banned or severely restricted chemicals. A key concern across all four notifications reviewed during CRC-17 was whether a general survey of agricultural workers, which was central to all of Mozambique’s decision to take FRA, provided sufficient evidence to constitute a valid risk evaluation.

As participants raised questions related to all the notifications submitted by Mozambique, the CRC created an extra contact group specifically to deal with these common issues. This group enabled members and observers to discuss “big picture” issues, such as how the Committee determines whether requirements of the Convention are fulfilled. However, the Committee found that the case for each chemical varied and the path to agreement on one notification did not necessarily apply to others. Ultimately, the CRC was unable to conclude its work on two of the four reviews it initiated during this meeting and agreed to continue discussions of methidathion and thiodicarb at its next meeting.

The CRC did conclude that notifications of FRA on terbufos and iprodione meet the criteria for listing banned or severely restricted chemicals in the Rotterdam Convention. The Committee

will carry out intersessional work to prepare draft decision guidance documents on these substances for consideration at CRC-18. The CRC will forward this guidance to the COP with its recommendations to list these substances in Annex III to the Convention.

CRC-17 convened online from 20-24 September 2021. Over 120 people participated in this meeting, including Committee members and observers from governments, civil society, and industry. Current members of the CRC include: Jonah Ormond (Antigua and Barbuda), Eliana Munarriz (Argentina), Anahit Aleksandryan (Armenia), Mara Curaba (Belgium), Martin Lacroix (Canada), Jinye Sun (China), Lady Jhoana Dominguez Majin (Colombia), Victor N’Goka (Congo), Gloria Venegas Calderón (Ecuador), Juergen Helbig (European Union), Timo Seppälä (Finland), Joseph Edmund (Ghana), Suresh Amichand (Guyana), Dinesh Runiwal (India), Yenny Meliana (Indonesia), Kristine Kazerovska (Latvia), Hassan Azhar (Maldives), Peter Korytár (Malta), Shankar Paudel (Nepal),

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Peter Dawson (New Zealand), Zaigham Abbas (Pakistan), Agnieszka Jankowska (Poland), Christian Sekomo Birame (Rwanda), Aita Sarr Seck (Senegal), Noluzuko Gwayi (South Africa), Sumith Arachchige (Sri Lanka), Sarah Maillefer (Switzerland), Nuansri Tayaputch (Thailand), Youssef Zidi (Tunisia), Daniel Ndiyo (Tanzania), and Clorance Matewe (Zimbabwe).

A Brief History of the Rotterdam Convention and the CRC

Over the past 40 years, growth in chemical production and trade has increasingly raised concerns about the potential risks posed by hazardous chemicals and pesticides to human health and the environment. Developing countries are particularly vulnerable to these effects, as they largely lack the infrastructure to monitor chemicals' import and use. In response to these concerns, under the auspices of the Food and Agriculture Organization (FAO) of the United Nations and the United Nations Environment Programme (UNEP), the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade was adopted in September 1998.

The Convention 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
- contribute to the environmentally sound use of those hazardous chemicals by facilitating information exchange about their characteristics, providing for a national decision-making process on their import and export, and 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.

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. If the CRC finds the criteria are met, it recommends listing the chemical in Annex III and prepares a decision guidance document (DGD) for consideration by the COP.

Any party that is a developing country or country with an economy in transition can propose a SHPF for listing, and the Committee screens these against the criteria in Annex IV.

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

Recent Highlights

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 Handbook of working procedures and policy guidance for the CRC.

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 voted to adopt a compliance mechanism 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, or chrysotile asbestos.

CRC-15: In 2019, the CRC agreed to recommend the listing of decaBDE, a flame retardant, in Annex III, and reviewed the draft DGD on PFOA, its salts and PFOA-related compounds. The committee reviewed notifications of FRA on the herbicide amitrole and the industrial chemicals nonylphenols and nonylphenol ethoxylates, but in both cases determined that no further action would be taken until a country from a second PIC region notifies the CRC that it has taken action to ban or severely restrict the use of these chemicals.

CRC-16: Due to the COVID-19 pandemic, this meeting was held online in 2020. The CRC agreed to recommend that the COP list PFOA, its salts and PFOA-related compounds in Annex III of the Convention. The CRC also streamlined the language in the draft DGD on decaBDE, which recommends that decaBDE be listed in Annex III.

COP-10: With the COVID-19 pandemic continuing to prevent in-person meetings, the joint meetings of the COPs to the Basel, Rotterdam and Stockholm Conventions were split into two, with an online segment held in July 2021 and an in-person segment scheduled for 2022. The first segment of the COP addressed a streamlined agenda of essential work, including adoption of interim budgets for 2022 and election of members of the recently-established Rotterdam Convention Compliance Committee. It did not consider any chemicals recommended for listing.

CRC-17 Report

On Monday, 20 September 2021, CRC-17 Chair Noluzuko Gwayi (South Africa), welcomed participants, noting the meeting was being held online due to the ongoing disruption created by the COVID-19 pandemic.

Rémi Nono Womdim, Executive Secretary of the Rotterdam Convention, FAO, underscored that the growing number of notifications of FRA for the Committee's review represents a "huge success" in enhancing the effectiveness of the Rotterdam Convention. Highlighting the goals of achieving better production, nutrition, environment, and life, leaving no one behind, he said the sound management of chemicals and waste is a prerequisite for achieving the Sustainable Development Goals.

Rolph Payet, Executive Secretary of the Basel, Rotterdam and Stockholm (BRS) Conventions, UNEP, emphasized that the CRC's recommendations are the basis for international action that transcends the boundaries of the BRS Conventions, and thanked outgoing CRC members for their contributions to the Committee's work.

Organizational Matters

The CRC adopted the provisional agenda (UNEP/FAO/RC/CRC.17/1) and agreed to the organization of work proposed by the Secretariat (UNEP/FAO/RC/CRC.17/1/Add.1; UNEP/FAO/RC/CRC.17/INF/1; UNEP/FAO/RC/CRC.17/INF/2). Chair Gwayi explained that the CRC would review FRA notifications on up to seven chemicals and, if warranted, would prepare recommendations to the COP for each one. She said the prioritization of the agenda is designed to ensure high quality work, full participation of members and observers, and full utilization of the five meeting days.

Rotation of the Membership

On Monday, the Secretariat introduced this item (UNEP/FAO/RC/CRC.17/INF/4), noting that due to the disruption caused by the COVID-19 pandemic, the terms of 17 Committee members have been extended until the end of the face-to-face meeting of the Rotterdam Convention COP scheduled to take place in June 2022. She said it is expected that the nomination process for new members for consideration at the COP will take place as normal.

The Secretariat further stated CRC-17 is the last Committee meeting for the current Bureau members. She explained that the CRC Chair is elected by the COP, but members elect the remaining Bureau members; thus, members could decide to elect new Bureau members at this meeting or wait until the next meeting of the COP.

In response to a request for clarification, the Secretariat said each region can use a different election method. She explained that if a decision is taken at CRC-17 to elect new members, the new Bureau would be in place for the organization of CRC-18; however, this would preclude re-electing current members. She said taking a decision at the meeting of the COP would allow "old" Bureau members to be reelected.

The Chair invited the Committee to take note of the information presented and decide on how to proceed with the election of Bureau members. Members took note of the information and agreed to return to this issue later in the week.

On Friday, CRC Chair Gwayi noted regional consultations on this issue had concluded. She said the Western European and Others Group elected Juergen Helbig (Austria), and the Latin America and

the Caribbean Group elected Jonah Ormond (Antigua and Barbuda). These members will start their terms immediately following the close of CRC-17. The members from the Eastern European Group and Asia-Pacific Group will be elected after the next meeting of the COP. The African Group will determine whether it needs to elect a new member after the meeting of the COP.

Technical Work

Report of the Bureau on the preliminary review of notifications of final regulatory action: The Secretariat introduced this agenda item (UNEP/FAO/RC/CRC.17/2, UNEP/FAO/RC/CRC.17/INF/5 and UNEP/FAO/RC/CRC.17/INF/6).

Martin Lacroix (Canada) presented the Bureau's report, noting four intersessional task groups had been established to review notifications of FRA on seven chemicals. He said the Task Groups had not taken decisions on whether the notifications meet the regulatory requirements, but had made recommendations for the Committee's consideration. He said the preliminary reviews by the Task Groups were expected to inform discussions at CRC-17. The Committee took note of the report.

Review of a notification of final regulatory action for thiodicarb: The Secretariat introduced the relevant documents (UNEP/FAO/RC/CRC.17/9, UNEP/FAO/RC/CRC.17/INF/20 and UNEP/FAO/RC/CRC.17/INF/21), saying notifications of FRA to ban or severely restrict this pesticide had been submitted by the European Union (EU) and Mozambique.

Zaigham Abbas (Pakistan), Chair of the intersessional Task Group on thiodicarb, introduced the agenda item. Sarah Maillefer (Switzerland), as Drafter, presented the Task Group's report, saying both notifications meet the information requirements outlined in Annex I and the Annex II criteria for listing banned or severely restricted chemicals.

Dominguez, Lacroix, Jankowska, Munarriz, Ormond, Ndiyo, Seck, Meliana, Seppälä, Birame, Korytár, Edmund, Tayaputch, Curaba, Helbig and an observer from the US supported the Task Group's conclusion that the EU's notification fulfills the Annex I and II criteria.

Participants were split as to whether Mozambique's notification of FRA meets the criteria in Annex I and Annex II. Expressing concerns about the approach Mozambique has taken in all of its FRA notifications, Dawson, supported by Abbas, Lacroix, and Munarriz, called for a general discussion on issues common to all the notifications. Dawson questioned whether the notification is based on a national policy controlling the use of thiodicarb, as required by Annex II.

While Korytár, Dominguez, and Helbig supported Mozambique's notification, they also supported holding a general discussion on the issues arising from all of Mozambique's FRA notifications.

Munarriz, supported by Runiwal and observers from the US, Brazil, and CropLife International, did not support the notification from Mozambique, emphasizing that exposure data had not been collected and no risk evaluation had been conducted, and said accepting this notification could set a concerning precedent. The observers from the US and CropLife International questioned whether a risk evaluation on thiodicarb had been carried out. Some observers called for inclusion of "bridging information," an approach by which the risk or hazard evaluations and exposure

assessments completed in one country are used by another country to support its notification of FRA, as long as both countries have similar local conditions. Members and observers also raised concerns about whether data on exposure had been collected. Pesticide Action Network (PAN) opposed these objections, stating bridging information had, in fact, been provided.

Chair Gwayi established a contact group on thiodicarb, with a mandate to discuss the Mozambican notification and, if applicable, to draft the rationales for both the Mozambique and EU notifications. This group was chaired by Abbas, with Maillefer as Drafter.

The CRC also established a contact group to discuss common issues of concern across all Mozambique's notifications, to be co-chaired by Seppälä and Birame. The proceedings of this contact group are summarized in a separate section below.

The contact group on thiodicarb convened for the first time on Wednesday. Maillefer presented a draft text for the rationale, noting that discussions in plenary indicated the EU notification met all the Annex II criteria. She facilitated a paragraph-by-paragraph review of the text.

Participants identified and corrected a small number of errors in the text.

One observer expressed concern that the draft rationale uses vague language to explain the CRC's conclusion on the EU notification, as well as the risks considered in the CRC's reasoning. She said previous rationales had been more explicit. Maillefer noted that a previous decision, CRC-15/1 on amitrole, followed a similar format. Participants said the iprodione contact group had developed a more explicit rationale. Participants agreed to amend the text on the CRC's reasoning and conclusion, but did not add suggested text on risks arising from non-chemical issues, such as data gaps, and issues around ground and surface water.

When plenary resumed on Wednesday afternoon, Abbas and Maillefer reported that the contact group had agreed on the text of the rationale for the EU notification, concluding that it meets the Annex II criteria. Noting the limited time remaining for the meeting, Chair Gwayi further proposed requesting the Secretariat to prepare a draft decision on thiodicarb that would contain alternative formulations indicating possible outcomes, including that only the EU's notification or both the EU and Mozambique's notifications meet the Annex II criteria. She emphasized that no conclusion would be reached until the contact group finished its work. Members agreed to this proposal.

The contact group reconvened on Thursday. Following the agreement reached by the contact group discussing terbufos earlier in the day, participants took a similar approach—establishing that the pesticide in question is either a Highly Hazardous Pesticide (HHP) or is highly toxic—to determine whether a risk evaluation had been conducted. This included providing clear linkages between the general use survey and supporting evidence, based on toxicity levels, to establish whether Annex II criterion b(iii) (risk evaluation) had been fulfilled. Some members and observers expressed concern that since thiodicarb is not an HHP, unlike terbufos, this approach is ill-suited, especially as the term “close-to-HHP” is a category primarily used in Mozambique. Others emphasized that if the chemical is considered hazardous by Mozambique, whether it is an

HHP or a World Health Organization (WHO) Class 1 substance is irrelevant.

Following extensive discussion of this approach, one member suggested using bridging information between the Mozambican study and studies from other countries. After considering the data contained in the notification, participants agreed that it did not appear there was strong enough bridging information to support a conclusion that the risk evaluation criterion was met. Several noted this is because the information presented in the notification indicated that recent reviews from the EU and US question the carcinogenicity of thiodicarb, and no other sufficient bridging information was available.

Returning to discussion of the use of toxicity data, one member reminded participants that the rationale has to be approached with caution and be well thought out, since the CRC will forward it to the COP. Another noted that the rationales must be robust enough to withstand the COP's scrutiny. Members were unable to reach agreement and decided to suspend the contact group with the text of the draft rationale remaining bracketed.

On Friday, contact group Chair Abbas reported that the group had finalized a rationale on the EU notification but had not completed its work on Mozambique's notification. Maillefer noted that while the terbufos rationale was the starting point for discussions on thiodicarb, a few members felt the arguments for terbufos were not applicable because thiodicarb is less acutely toxic.

CRC Chair Gwayi asked if there was a chance that agreement could be reached on whether Mozambique's notification of FRA meets the Annex II criteria. Lacroix, supported by Dawson and Abbas, expressed concern that the supporting information is weak and does not support the rationale as it currently stands. Noting general concerns with Mozambique's notification and rationale, Chair Gwayi suggested deferring further consideration of the rationale to the next meeting of the CRC.

The CRC then turned to consideration of the EU notification of FRA. Chair Gwayi introduced the draft rationale for the EU notification (UNEP/FAO/RC/CRC.17/CRP.13) and the draft decision on thiodicarb (UNEP/FAO/RC/CRC.17/CRP.10), reiterating these have no impact on the Mozambique notification. The CRC adopted the draft rationale and draft decision.

Chair Gwayi suggested keeping a record of the text of the rationale for the Mozambique notification by placing it in an INF document, in order to facilitate discussion at CRC-18 and allow discussions to continue from where they were left off. Members agreed.

Review of a notification of final regulatory action for terbufos:

The Secretariat introduced the relevant documents (UNEP/FAO/RC/CRC.17/8/Rev.1, UNEP/FAO/RC/CRC.17/INF/18 and UNEP/FAO/RC/CRC.17/INF/19/Rev.1), saying notifications of FRA to ban or severely restrict this pesticide had been received from Mozambique and Canada.

Agnieszka Jankowska, Chair of the intersessional Task Group on terbufos, introduced the agenda item. Martin Lacroix, as Drafter, reported on the work of the Task Group and said it had concluded that the two notifications meet all the Annex II criteria for listing banned or severely restricted chemicals in Annex III of the Rotterdam Convention.

Domínguez, Ndiyo, Amichand, and other members and observers supported the conclusion that the notification from Canada meets the Annex II criteria.

Regarding the notification from Mozambique, Abbas asked if any scientific study or survey of environmental risk of terbufos was conducted prior to the FRA. Dawson, supported by Seppälä, Munarriz, Lacroix, and others, called for more discussion on whether the notification meets Annex II criterion b(iii) on risk evaluation, noting this issue affects all six notifications from Mozambique. Ndiyo, Seppälä, Ormond, and others supported the conclusion that the notification from Mozambique meets all criteria in Annex II.

Munarriz said the FRA does not fulfill the risk evaluation requirement, emphasizing that “context” should not weaken the demands of a thorough risk evaluation.

Chair Gwayi took note of the requests for further discussion and stressed that this discussion should be guided by Annex II of the Convention, not by the Handbook of Working Procedures and Policy Guidance for the CRC. She further noted that Annex II requires a risk evaluation, not a risk assessment, and said the mandate is to consider whether a risk evaluation was conducted by Mozambique.

In response to the query from Abbas, Lacroix clarified that the notification from Mozambique is focused on human health and the related survey focused on the exposure of farmers, not on environmental impacts. Abbas concurred, suggesting further deliberation in a contact group since the environmental impact had not been addressed. Helbig clarified that an FRA notification explains the regulatory action taken by a party, and it can be based on a risk evaluation that considers human health issues, environmental issues, or both. He suggested focusing on the information related to human health rather than environmental issues, since the committee did not receive any information about the latter.

Chair Gwayi confirmed a notification does not need to include information on both environmental and human health impacts. She further emphasized that each notification must be assessed individually, even if a country submits more than one.

Domínguez supported the conclusions of the Task Group, but said it would be useful to discuss how Mozambique’s notification meets the Annex II criteria, taking into account the definition of risk evaluation under the Rotterdam Convention.

CropLife International expressed concern that CRC members are becoming overly reliant on the Handbook of Working Procedures and Policy Guidance, saying it has been updated by the Secretariat without formal review by the Committee, and different interpretations of the text may lead to inconsistent outcomes across reviews.

An observer from the US emphasized that: conducting a risk evaluation is a core requirement of Annex II b(iii); a general survey is not a risk evaluation; and it did not believe any of the notifications from Mozambique would be found to meet this requirement.

PAN emphasized that: the Task Group concluded that the Mozambique’s work did constitute a risk evaluation because it took into account both hazard and exposure; the FRA was a government initiative to reduce risks from pesticides; and requiring “very heavy risk assessment procedures” would preclude a large number of parties from submitting notifications.

PAN Asia-Pacific underscored the importance of not conflating the Handbook and the Convention text and said the notification clearly meets the requirements of the Convention for a simple risk evaluation.

CRC-17 agreed to establish a contact group for further discussion of this chemical, to be chaired by Jankowska, with Lacroix as Drafter.

On Wednesday, the contact group convened to review the rationale for a conclusion on the notifications submitted by Canada and Mozambique. Participants swiftly reached agreement on the rationale for the Canadian notification, with minor amendments.

On the notification from Mozambique, contact group Chair Jankowska suggested that the contact group focus on Annex II criterion b(iii) and the conclusion. Participants discussed a range of issues, including whether the notification is supported by a risk evaluation, what information about expected exposure could be identified, and whether the low levels of import of terbufos undermined the case for expected exposure to this substance.

Some participants questioned whether terbufos was a focus of Mozambique’s regulatory actions, as it was not explicitly addressed in the survey of farmers and farmworkers. Noting that assessment of actual or expected exposure is part of a risk evaluation, some participants also emphasized that, in the general use survey, exposure was anticipated because the chemical is registered for use in Mozambique.

Several members said the criterion for a risk evaluation is fulfilled, as the notification contains all components of a risk evaluation, including information about hazard and expected exposure. One observer underscored that risk is a combination of actual hazard and probability of exposure, and the survey has demonstrated that the probability of exposure in Mozambique is very high.

Another observer reiterated calls for additional data on actual exposure, emphasizing that without better measures the threshold for evidence is too low.

Noting there were more members who supported the notification than opposed it, the group began drafting a rationale for a conclusion that the notification fulfills all the criteria.

On the scope of Mozambique’s regulatory action, participants considered whether to expand on the information presented, such that where the text refers to the project for risk reduction of HHPs, it notes that both HHPs and substances that are “close to” classification as HHPs were identified as part of the project. Many noted that “close-to-HHPs” is not a term commonly used outside of Mozambique. Others suggested that since the rationale is specifically about notifications on terbufos, other pesticides need not be referenced. In order to ensure full information and transparency, one member proposed to instead state that the project identified “HHPs and others.” Several participants supported this suggestion.

Delegates then considered text concerning Annex II criterion b(iii), which requires the FRA to be “based on a risk evaluation involving prevailing conditions within the Party taking the action.” One of the issues considered was whether the general use study measured expected exposure and prompted regulatory action at the national level. If so, the general use study undertaken by Mozambique could be considered to fulfill the requirement for a risk evaluation.

Some members suggested the Committee could refer to potential exposure, since the notification did not provide information about actual exposure to terbufos in Mozambique. Others supported this approach, but suggested the language be bracketed in order to find agreed language that clearly states that Mozambique conducted a risk evaluation. One member noted that, should the language be agreed, it could potentially be used for the rationales for the other three chemicals under consideration. Delegates agreed to bracket the text and other related paragraphs for consideration at a later stage.

When plenary resumed later that day, Jankowska and Lacroix reported that the contact group had agreed on the text of the rationale for the notification from Canada, but had not finalized the rationale for the notification from Mozambique. They explained that members had expressed a preference for waiting for the other notifications from Mozambique to be discussed before finalizing the rationale. Chair Gwayi emphasized that the contact group's mandate was to consider the notification on terbufos specifically and instructed them not to wait for the discussions on the other chemicals.

Noting the limited time for the meeting, Chair Gwayi further proposed requesting the Secretariat to prepare a draft decision on terbufos that would contain alternative formulations indicating possible outcomes, including that only Canada's notification or both Canada and Mozambique's notifications meet the Annex II criteria. She emphasized that no conclusion would be reached until the contact group finished its work.

The US questioned the appropriateness of drafting decisions before a contact group has completed its work, saying this is unusual and sets a bad precedent. Chair Gwayi reiterated that some members were exhausted, the Committee needs to make use of the limited time remaining for CRC-17, and that the decisions will remain drafts until CRC members reach agreement.

On Wednesday, the contact group on terbufos met to finalize the draft rationale for a conclusion on the notification from Mozambique. At the start of the session, Lacroix informed the group that some members had worked overnight to draft text addressing some of the issues raised the previous day, including the call for more information specific to terbufos. The new text indicated, *inter alia*, that while no imports of terbufos formulations were recorded in the four years prior to and including the period when the survey was conducted, registrations for use of terbufos remained in place and therefore future use could not be precluded. The text further indicated that the registered uses were for maize, sorghum, potato, and beans, and that these cropping systems were included in the survey, and were the predominant crops in three of the regions surveyed. It also noted that vegetable crops were reported as being the crops most frequently over-sprayed by HHPs.

Many of the members supported including the proposed text, with one underscoring that this would increase the transparency of the rationale for a conclusion that the notification fulfills the requirements of the Convention. A small number of observers expressed reservations about the new text, with one reiterating calls for additional data to demonstrate more specific links between exposure and the prevailing conditions of use of terbufos in Mozambique.

Ultimately all the members participating in the contact group supported removing the brackets around the text, and the group

agreed to forward the draft rationale to plenary for consideration by the full Committee.

On Friday, the CRC considered the draft rationale for the conclusion that the notifications of FRA submitted by Canada and Mozambique meet the criteria of Annex II to the Rotterdam Convention (UNEP/FAO/RC/CRC.17/CRP.14).

Dawson said the notifications meet all of the criteria and suggested using terbufos as an example of a pesticide with a defined hazard classification in the Handbook, with some revisions to the guidance. Lacroix, supported by Domínguez, noted that text in the Handbook without specific examples is subject to a wide range of interpretations, and suggested intersessional work to continue these discussions of the guidance ahead of CRC-18's review of the remaining notifications from Mozambique.

Korytár supported the draft rationale and amending the Handbook, but preferred to defer the latter until after the CRC has dealt with all of Mozambique's notifications. Helbig, supported by Seppälä, also favored revising the Handbook, but said the Committee should not rush into this work.

Abbas, Munarriz, Edmund, Ormond, Azhar, Meliana, Seck, Seppälä, and Helbig supported the draft rationale.

Noting there were no objections to the draft rationale, Chair Gwayi invited the Secretariat to outline the draft workplan for preparation of a draft DGD on terbufos (UNEP/FAO/RC/CRC.17/CRP.8). CRC members agreed to this plan. The Committee then adopted the decision. Chair Gwayi proposed, and the Committee agreed, to establish an intersessional drafting group for terbufos, to be chaired by Jonah Ormond (Antigua and Barbuda), with Lacroix as Drafter.

Final Decision: In the decision (UNEP/FAO/RC/CRC.17/CRP.11), the CRC, *inter alia*:

- concludes that the notifications of FRA for terbufos submitted by Canada and Mozambique meet the criteria set out in Annex II to the Convention;
- adopts the rationale for the Committee's conclusion set out in the annex to the present decision;
- recommends, in accordance with paragraph 6 of Article 5 of the Convention, that the COP should list terbufos in Annex III to the Convention as a pesticide; and
- decides to prepare a draft DGD for terbufos.

Review of a notification of final regulatory action for iprodione: The Secretariat introduced the relevant documents (UNEP/FAO/RC/CRC.17/5, UNEP/FAO/RC/CRC.17/INF/11 and UNEP/FAO/RC/CRC.17/INF/12), saying notifications of FRA to ban or severely restrict this pesticide had been received from the EU and Mozambique.

Christian Sekomo Birame, Chair of the intersessional Task Group on Iprodione, introduced the agenda item. Timo Seppälä, as Drafter, reported on that the Task Group had concluded that the two notifications meet all criteria in Annex II of the Convention.

Lacroix, Domínguez, Abbas, Jankowska, Edmund, Munarriz, Kazerovska, Curaba, Seck, Korytár, Amichand, Dawson, Helbig, Meliana, and observers from CropLife International and the US supported the Task Group's conclusion that the notification from the EU meets the Annex II criteria.

Domínguez, Korytár, Helbig, and PAN supported the Task Group's conclusion that the notification from Mozambique meets the Annex II criteria.

Lacroix, Abbas, Dawson, Munarriz, and Ormond called for further discussion regarding whether Mozambique's notification meets the criteria. CropLife International said the notification does not meet the Annex II criteria.

CRC-17 established a contact group to consider this agenda item, to be chaired by Birame, with Seppälä as Drafter.

When the contact group convened on Wednesday, contact group Chair Birame informed members that a draft rationale for the conclusion that the EU notification meets the Annex II criteria had been prepared. Members reviewed the text of the rationale paragraph by paragraph.

On text stating that the data used in the risk evaluation is relevant, and identifying information related to human health, members and observers discussed whether there is a need to refer to iprodione's classification as a Category 2 carcinogen in accordance with European Council (EC) regulations. After some discussion and clarification about the text's relevance to a subsequent paragraph on residue levels, members retained the text but amended the language for clarification.

When plenary resumed on Wednesday afternoon, Co-Chair Seppälä reported that the contact group agreed on the text of a rationale supporting a conclusion that the EU notification meets the Annex II criteria. Noting the limited time remaining for the meeting, Chair Gwayi further proposed requesting the Secretariat to prepare a draft decision on iprodione that would contain alternative formulations indicating possible outcomes, including that only EU's notification or both the EU and Mozambique's notifications meet the Annex II criteria. She emphasized that no conclusion would be reached until the contact group finished its work.

On Thursday, the contact group on iprodione focused on Mozambique's notification of FRA, considering whether it meets Annex II b(iii) criteria on risk evaluation. The contact group used the Task Group report as guidance to see if consensus could be reached on this point. As had been the case in other contact groups, participants debated whether the survey conducted by Mozambique constitutes a risk evaluation and, if not, whether there is another basis for considering that Annex II criterion b(iii) was met.

Several members emphasized that Mozambique's notification meets all the Annex II criteria, including b(iii). One member said even if the survey alone does not constitute a risk evaluation, there are other linking elements that mean the notification fulfills the criterion b(iii), such as: the provision of import information for iprodione for one year; the use of the chemical as a fungicide, especially for vegetables; and the inclusion of this use in the survey. Another member stressed that the hazard and exposure information provided in the supporting documentation is sufficient to meet the criterion b(iii).

Other members and observers said the notification did not fulfill the criterion, with one observer stating that: the survey was a hazard evaluation, not a risk evaluation; there was no modeling for exposure; and no poisoning incidents related to iprodione use had been reported, despite its import. Another member said while the survey alone does not constitute a risk evaluation, the notification could still meet the criterion b(iii) based on bridging information

provided in the notification. He identified this bridging information as: the US Environmental Protection Agency's classification of iprodione as a "likely" human carcinogen; the requirement for risk mitigation measures to be taken in the US; and Mozambique's conclusion that these measures are not feasible. One observer objected to consideration of this bridging information, stating that personal protective equipment (PPE) requirements in one country cannot be used as a risk evaluation in another country.

The group transitioned into a members-only drafting group to prepare a rationale based on a combination of these elements.

On Friday, Seppälä reported that the drafting group had formulated text that was acceptable to all members of the group, saying the group had adapted information from the rationale on terbufos and added some text on bridging information. He said the group needed time to finalize its work. Plenary was subsequently suspended to allow for the drafting group to complete its task.

When plenary resumed, the Secretariat introduced the draft rationale for the conclusion that the EU's notification meets the Annex II criteria (UNEP/FAO/RC/CRC.17/CRP.12). Lacroix reiterated that the rationale for the EU's notification meeting Annex II criterion b(iii) should not include the EU's groundwater threshold policy. Members adopted the draft rationale.

The Secretariat then introduced the draft rationale for the conclusion that Mozambique's notification meets the Annex II criteria (UNEP/FAO/RC/CRC.17/CRP.15).

Dawson, supported by Abbas, reiterated the difficulties with Mozambique's notifications, noting they were heavily reliant on a general survey and emphasizing that the CRC had not reached agreement that a general survey in itself is sufficient for Annex II criterion b(iii). Domínguez called for further consideration of the issue of risk evaluation under the Rotterdam Convention, noting that Convention requires a risk evaluation, not a more stringent risk assessment, and highlighting that it is difficult for developing countries to undertake a risk assessment. CropLife International reiterated that a survey alone plus the limited bridging information provided do not meet the Annex II criterion b(iii) and highlighted inconsistency in the CRC's approach to Mozambique's use of a survey. An observer from the US said there is an opportunity to strengthen the bridging information provided, if Mozambique can submit additional information, for instance regarding the iprodione formulations used. Several members called for clarifying the difference between a risk evaluation and a risk assessment.

Members then adopted the draft rationale. Chair Gwayi said the workplan adopted for terbufos (UNEP/FAO/RC/CRC.17/CRP.8) will be applied to iprodione.

The Secretariat introduced, and members adopted, the draft decision on iprodione (UNEP/FAO/RC/CRC.17/CRP.9). Ndiyo and Seppälä were appointed as Chair and Drafter, respectively, of the intersessional drafting group to prepare the DGD for consideration by CRC-18.

Final Decision: In the decision (UNEP/FAO/RC/CRC.17/CRP.9), the CRC, *inter alia*:

- concludes that the notifications of FRA for iprodione submitted by Mozambique and the EU meet the criteria set out in Annex II to the Convention;
- adopts the rationale for the Committee's conclusion set out in the annex to the present decision;

- recommends that the COP should list iprodione in Annex III to the Convention as a pesticide; and
- decides to prepare a draft DGD for iprodione.

Review of a notification of final regulatory action for

methidathion: On Tuesday, the Secretariat introduced the relevant documents (UNEP/FAO/RC/CRC.17/6; UNEP/FAO/RC/CRC.17/INF/13; UNEP/FAO/RC/CRC.17/INF/14).

Peter Korytár, Chair of the intersessional Task Group on Methidathion, introduced the work of the Task Group. Lady Jhoana Domínguez Majin, as Drafter, presented the group's report, noting the CRC had received notifications from Mozambique and Uruguay.

Domínguez explained that Mozambique had banned the import and use of methidathion in its territory because of the toxic nature and hazardous properties of the substance which, combined with improper use, can damage human health. She also clarified that a "risk evaluation is an evaluation of intrinsic toxicological and ecotoxicological properties and actual or expected relevant exposure, which may include information on actual incidents." She explained that Mozambique's FRA was based on a hazard evaluation of methidathion, the prevailing conditions of use in Mozambique, and the resulting risks. She said the Task Group had determined that all the Annex II criteria were met by Mozambique's notification.

Domínguez further explained that Uruguay's FRA was taken to protect both human health and the environment, and that Uruguay has other, lower-risk options to manage pests in crops. She said the Task Group had determined Uruguay's notification meets all the Annex II criteria.

Regarding the notification from Mozambique, Lacroix, Munarriz, Abbas and an observer from the US said they were unable to support the Task Group's conclusions and looked forward to discussing the issue further in the contact group. CropLife International said the notification does not meet Annex II criteria.

Helbig, Kazerovska, Seck, Edmund, Amichand, Ndiyo, and observers from PAN Asia-Pacific, the Dominican Republic, and THANAL supported the Task Group's conclusion.

Edmund expressed "general support" for the Task Group's conclusions but called for further discussion. Amichand said he was inclined to support the Task Group's conclusions but had some questions and would like to discuss the notification further.

Regarding the notification from Uruguay, Lacroix, supported by Abbas and observers from the US and CropLife International, said the notification does not meet the Annex II criteria. He highlighted problems with the use of Environmental Impact Quotient (EIQ) models for risk evaluation, as noted in FAO guidance, including that the models: were designed for use in the US and are not necessarily applicable to developing countries; are simple models that sacrifice accuracy for simplicity and run the risks of false positives and false negatives; and are not intended as a risk evaluation tool but for comparing pesticides.

Helbig agreed with Canada's comments on the shortcomings of the EIQ models, but, supported by PAN UK, said the risk evaluation meets Annex II criteria despite the weaknesses in approach.

Ndiyo, Munarriz, and Ormond supported the Task Group's conclusions and expressed willingness to discuss the notification in a contact group.

A contact group, chaired by Korytár, with Domínguez as Drafter, was established to consider Mozambique's notification and, if applicable, to prepare a rationale. Additionally, the CRC agreed to add methidathion to the mandate of the contact group on common issues among Mozambique's notifications.

The contact group met on Thursday. On the notification from Mozambique, the group considered text for a rationale based on the intersessional Task Group's report and the rationale prepared by the terbufos contact group. The group agreed to most of the rationale, but questions remained about whether the Annex II criterion b(iii) was fulfilled, with some bracketed text.

On the notification from Uruguay, there was no agreement that the Annex II criterion b(iii) is fulfilled, with members disagreeing on whether the use of EIQ models is an appropriate risk evaluation tool. One member noted that the EIQ models were developed for use in the US to enable comparison of pesticides for the purpose of integrated pest management. An observer stressed that the models measure comparative, rather than absolute, risk and that they do not provide information on risk to the environment or human health. Those objecting to the use of the EIQ models felt accepting the models as a risk evaluation tool would be a "slippery slope" as countries would then be able to use these models, despite the caveats provided by the FAO, instead of developing their own, more appropriate, risk management tools.

Other members and observers said the criterion was fulfilled and questioned why one country could not use a tool developed by another country. One member stressed that most tools are created by developed countries and can be used by developing countries. She also noted that the FAO guidance envisages the use of the EIQ models by different countries, not just by the US. Several highlighted that Uruguay had taken into consideration its own prevailing conditions, including national values of doses, types of crops, and agricultural practices, when applying the EIQ models, and that the b(iii) criterion is therefore met.

On Friday, Korytár reported that the contact group had unresolved concerns about whether the Annex II b(iii) criterion on risk evaluation was fulfilled by either notification of FRA. He noted concerns about Mozambique's notifications related to the Annex II criterion b(iii) on risk evaluation. Chair Gwayi said further discussions would be needed, but time constraints would make this difficult at CRC-17.

Chair Gwayi asked members whether, if given more time, they could reach agreement on whether Mozambique's notification meets the criteria in Annex II. Domínguez noted some members had worked overnight to craft new text providing additional information to support whether Mozambique's notification meets the risk evaluation criterion, and suggested using the draft rationale as a basis for discussions at CRC-18. The information provided shows, *inter alia*, that while the active ingredient in methidathion is an HHP, the formulation registered in Mozambique is "close to HHP." It also describes Mozambique's efforts to develop and implement an HHP and "close to HHP" Action Plan as a national policy.

Lacroix, supported by Dawson, said the information was insufficient to support Mozambique's notification. Regarding Uruguay's notification, he questioned the use of EIQ models, and

suggested holding a session prior to CRC-18 to discuss the use of these models. He queried the process for dealing with notifications where there is no agreement.

Korytár noted that consensus could not be reached without further work and suggested the amended rationale be further considered at CRC-18.

Following requests for clarification on the validity of forwarding this agenda item to the next meeting, the BRS Legal Officer said if there is no agreement on an agenda item, it is considered incomplete, and the Rules of Procedure state that members will resume discussion of the item at the next meeting of the Committee.

Based on this advice, CRC Chair Gwayi suggested returning to the agenda item at CRC-18. She suggested recording the text in an information document so that there is a record of the work for new members. Dawson, supported by Ormond, Munarriz, Helbig, Lacroix, Edmund, Abbas, and Ndiyo, suggested, due to the significant changes to the Committee membership that will take place ahead of CRC-18, the full text of both rationales should be forwarded in brackets. Members agreed.

An observer from the US, supported by CropLife International, cautioned that forwarding agenda items to future meetings because no agreement was reached sets a dangerous precedent. She said her interpretation is that, in cases where the Committee disagrees, the Rules of Procedure do not allow for a chemical to be forwarded to future meetings.

PAN UK said not giving the CRC time to reach a conclusion would send a message to African countries that despite assistance from experts, UN agencies and others, their notifications might be unable to “get through the process.” He said the Mozambique general use survey should have been considered sufficient for a risk evaluation.

Dawson emphasized that when experts and UN agencies assist countries with developing notifications and providing supporting data, they should ensure that the notifications will meet the requirements of the Rotterdam Convention.

Dominguez thanked Mozambique and Uruguay for submitting notifications and encouraged developing countries to continue to submit notifications where they deem it necessary and to ensure their notifications comply with required criteria. Helbig noted the majority of countries felt that Mozambique’s notifications meet all Annex II criteria because the general survey on pesticide use is sufficient to demonstrate how pesticides are used in Mozambique. Dawson said accepting a general survey as sufficient for Annex II criterion b(iii) would set a new precedent, and said if this is to be done, it should be done in a considered manner and called for further consideration of what a risk evaluation is. Ndiyo called for building developing countries’ capacity to ensure they can submit notifications that meet Annex II criteria. Korytár said Mozambique’s notifications meet all criteria and urged CRC members to reach consensus to this effect.

Contact group on common issues among the notifications from Mozambique on terbufos, thiodicarb, iprodione, and methidathion

In response to divided views on the notifications submitted by Mozambique, on Tuesday, the CRC established a contact group on common issues among the notifications from Mozambique on

terbufos, thiodicarb, iprodione, and methidathion. This group, co-chaired by Seppälä and Birame, was mandated to discuss whether the four chemicals meet the criterion in Annex II, paragraph b(iii), which specifies that: “The final regulatory action was based on a risk evaluation involving prevailing conditions within the party taking action.” In initial discussions, several members called for the group to first clarify what constitutes a risk evaluation, and then to assess whether a risk evaluation has been conducted. One member clarified that a risk evaluation is a combination of hazard and exposure evaluations generated at the national level, and said whether this meets the criteria under Annex II of the Convention is considered on a case-by-case basis. Another highlighted three issues: whether a general use survey is considered sufficient for a risk evaluation; whether there is any basis for using a general use survey in a risk evaluation; and whether Mozambique has a national policy to address the issues in its notification.

Some delegates argued that a risk evaluation had been conducted, emphasizing that the notifications contain information on hazards to human health, this information triggered next steps at the national level, and the survey was a socio-economic study that demonstrated that farmers and farmworkers in Mozambique do not have the capacity to appropriately use pesticides that are hazardous to human health. Several emphasized that the risk evaluation that was conducted was simple but meets the Annex II criteria, underscoring that risk evaluations are not as stringent as risk assessments. A few participants noted examples in the Handbook that are similar to the notifications under consideration at CRC-17, emphasizing that the CRC has previously approved notifications on the basis of similar information.

Stressing that risk evaluations are by design less stringent than risk assessments, one member lamented that concerns about whether a risk evaluation has been conducted always arise when African countries submit notifications. He emphasized that the requirement for a risk evaluation is a concrete recognition of the challenges faced by lower- and middle-income countries, and said it is simply a process of identifying and measuring risk, as Mozambique has done.

An observer underscored that the CRC is creating new hurdles that will make it more difficult for low- and middle-income countries to submit notifications, and reminded the CRC that the Rotterdam Convention facilitates information exchange and does not ban chemicals.

Another observer said hazard information plus improper use do not constitute a risk evaluation; they merely demonstrate domestic challenges in the proper handling of pesticides. Another participant emphasized that the CRC exists to facilitate effective international management of pesticides, and said she could not understand why people cannot accept that these pesticides are poisoning people and cannot be used safely in some countries.

Some observers called for “bridging information,” an approach by which the risk or hazard evaluations and exposure assessments completed in one country are used by another country to support its notification of FRA, as long as both countries have similar local conditions. A CRC member clarified that bridging information is not needed in this case because there is no specific reference to a risk evaluation carried out by another country, and Mozambique has used hazard data and information on exposure generated in Mozambique.

In response to calls for exposure data and concerns that the survey Mozambique conducted does not provide pesticide-specific data, a member highlighted Convention text referencing “potentially” harmful impacts, and said Mozambique’s objective is to protect farmworkers from harm on the basis of anticipated exposure. He noted that Mozambique also provided information on actual harm by citing information on poisoning incidents, and said the combination of information provided constitutes a risk evaluation.

The contact group also considered whether it should address the notifications of the four chemicals separately or whether to “pass or fail” them as a group. Some participants supported splitting consideration of the chemicals, with some suggesting grouping them by toxicity. One participant said the intersessional Task Group on terbufos had concluded that the notification meets Annex II criteria because terbufos is a HHP and Mozambique had a national policy to address it.

One observer cautioned against considering the toxicity of the chemicals, noting that Annex II criteria does not require the chemical to be an HHP and determination of whether a chemical is an HHP is not an exact science. Another member agreed, noting that the key issue is whether the survey conducted by Mozambique qualifies as a risk evaluation.

On Tuesday afternoon, the Co-Chairs reported back to plenary, noting a good discussion but diverging views on whether Mozambique’s approach could be considered a risk evaluation. Following this report, Chair Gwayi again suspended plenary to allow work to continue in the contact group, emphasizing the need for members to have a common understanding of what constitutes a risk evaluation under the Rotterdam Convention. When the contact group resumed its work, participants revisited many of the issues discussed earlier in the day. After lengthy discussions, contact group Co-Chair Seppälä expressed concern about how to find common ground, said it would not be possible to reach consensus in the contact group, and adjourned the session.

On Wednesday morning, contact group Co-Chair Seppälä reported to plenary that almost all CRC-17 participants joined the contact group, and said there was no agreement that a risk evaluation was present in any of the four notifications under consideration. He also noted diverging views about how examples from the Handbook could be applied, as well as whether Mozambique’s actions constituted a national policy or a project under the Strategic Approach to International Chemicals Management (SAICM).

Venue and Date of CRC-18

On Friday, the Secretariat announced that dates for CRC-18 have not been confirmed. She said the meeting is planned for five days, will likely be held at the headquarters of the FAO in Rome, and is expected to be held back-to-back with the eighteenth meeting of the Persistent Organic Pollutants Review Committee to the Stockholm Convention.

Other Matters

Effective participation in the work of the Committee: The Secretariat reported that while no face-to-face activities to enhance effective participation had been held in the past year due to the

COVID-19 pandemic, the Secretariat had organized webinar training for members and general briefing webinars on CRC-17 for the public, and intends to hold post-meeting debriefing webinars.

Intersessional work: Citing the large number of notifications of FRA to be forwarded to CRC-18 and the expected submissions of new notifications, the Secretariat underscored that the Committee is facing a substantial workload. She also noted that 17 new members will be appointed by COP-10, which is scheduled for June 2022, and said this would leave little time before CRC-18, which is tentatively scheduled for September or October 2022. Chair Gwayi confirmed that the Secretariat will work with the Bureau to finalize a plan for intersessional work.

Closure of the Meeting

On Friday, the Committee adopted the report of its meeting with minor editorial amendments (UNEP/FAO/RC/CRC.17/L.1).

Rolph Payet, Executive Secretary, BRS Conventions, commended participants for their constructive teamwork in difficult circumstances, citing the heavy agenda, challenges of convening across different time zones, and shortened work sessions necessary in an online meeting. He expressed the view that the concerns addressed during this meeting are related to the challenges of meeting online, and said he looked forward to productive sessions at CRC-18.

Rémi Nono Womdim, Executive Secretary of the Rotterdam Convention, FAO, underscored the importance of the CRC’s decisions on terbufos and iprodione, emphasizing that subjecting pesticides to a structured process for information exchange is important to ensuring safe and nutritious food for all while protecting the environment.

CRC Chair Gwayi reminded participants that this meeting represented the CRC’s first experience reviewing new notifications online, saying this challenge was compounded by the exhaustion that is typical of virtual meetings. Noting that CRC-18 will have another heavy agenda, she expressed hope that participants will be able to meet face-to-face in the beautiful city of Rome. Noting the ongoing COVID-19 pandemic, she wished participants well and declared the meeting closed at 6:16 pm (UTC+2).

A Brief Analysis of CRC-17

With seven chemicals on its agenda and limited time for work due to the online format of this meeting, the Chemical Review Committee (CRC) faced significant challenges from the start of its seventeenth meeting. These challenges were compounded by concerns about all of the notifications submitted by one country, with members and observers questioning whether they provided the technical information necessary to fulfill the requirements of the Rotterdam Convention. This issue revealed a deep divide among participants’ expectations and raised significant questions about standards for evidence and the practical accessibility of the Rotterdam Convention for low-income countries.

Ultimately CRC-17 only had time to consider four of the seven chemicals on its agenda. Opening discussions revealed significant differences in participants’ views about the quality of the notifications of final regulatory action received from developing countries, with many members and observers questioning whether

any of these notifications fulfilled the Annex I information requirements or Annex II criteria for listing banned or severely restricted in the Rotterdam Convention.

This brief analysis considers the outcomes of CRC-17 and the implications of this meeting for future technical work under the Rotterdam Convention.

Balancing Science with Action

The CRC is responsible for determining whether notifications of final regulatory action (FRA) meet the criteria set out in Annexes I and II of the Rotterdam Convention. At CRC-17, this proved to be a complicated task that required members reach a shared understanding of acceptable methods of data collection and thresholds for evidence. In particular, discussions at CRC-17 were dominated by debate about what constitutes a risk evaluation, with some participants expressing strong preferences for much more extensive data than had been provided in many of the notifications. Others argued that the Convention requires only a simple risk evaluation, specifically to enable countries with limited capacity to submit notifications of final regulatory action.

While the CRC can rely on its “Handbook of working procedures and policy guidance” for assistance in understanding how the Committee has dealt with various cases in the past, the Convention text itself does not define some key concepts, including risk evaluation. Nor does it delineate highly specific thresholds for evidence. Many participants at CRC-17 emphasized the importance of producing robust, science-based reviews that can withstand the scrutiny of the Conference of the Parties (COP), which has, in recent years, declined to list some substances that meet the criteria for listing, but are also of ongoing economic significance to some countries. Others, seeking more definitive evidence of negative impacts of the agricultural chemicals under review, called for provision of more extensive data to demonstrate the risks of nominated substances to human health and/or the environment in the notifying country.

Many participants, however, questioned the feasibility of attaining this information in conditions where chemicals are not tightly controlled. One member noted that, in many countries, pesticides are sold informally in markets, with farmers and farmworkers purchasing small quantities in unlabeled bags. Mozambique’s notification also pointed out that 93% of the farmworkers it surveyed would not have been able to read the labels even if they had been present. Virtually none of the workers surveyed had access to personal protective equipment that could have reduced their exposure. In light of this information, one observer expressed disbelief that others were asking for more evidence of risk, saying that demanding evidence not required by the Convention simply will not result in better pesticide management.

Despite extensive discussions throughout the week, participants could not reach consensus on what constituted a risk evaluation. Members did agree that the Annex II criteria were fulfilled by the notifications on the pesticides terbufos and iprodione, but in both cases the draft rationales relied on either information from supporting documents (which provided toxicity information, in the case of terbufos) or bridging information to relate hazard or risk evaluations conducted elsewhere to local conditions set out in the notification (as was the case for iprodione). The inclusion

of this information satisfied members of the CRC, but some observers still raised strong objections, arguing that the core of Mozambique’s notifications should have included more quantitative data demonstrating actual exposure. Other participants lamented what they perceived to be shifting standards that create barriers to participation in the Rotterdam Convention.

When Should a Notification be Set Aside?

Despite the intensive work of members, many of whom worked outside of meeting hours to draft evidence-based text in the hope of advancing discussions in contact groups, CRC-17 was unable to reach a conclusion on two of the chemicals under review: methidathion and thiodicarb. Some members had hoped that consensus on one chemical would pave the way to agreement on the rest, since a key issue for all four notifications was whether the information presented constituted a risk evaluation. Ultimately however, the cases varied significantly, and the Committee needed more time to work through the individual notifications.

On Friday, when time ran out for further discussion, some members suggested resuming work on both methidathion and thiodicarb at CRC-18. This, they reasoned, would give members time to work through the questions about Mozambique’s notifications and reach a conclusion as to whether these substances meet the criteria for listing in the Rotterdam Convention. However, some observers rejected this idea, suggesting that the CRC’s work was not “inconclusive,” rather, it reflected fundamental disagreement among Committee members. They said since the Committee could not reach consensus on these substances by the close of the meeting, the notifications should be “set aside.” This would effectively end consideration of these substances until a new notification of final regulatory action is received by the Secretariat. Proponents of this view suggested that forwarding agenda items is tantamount to gaming the system, and waiting for the right combination of Committee members to agree that a chemical meets the criteria for listing. While at least one member indicated some sympathy for this perspective, some observers privately expressed concern that setting aside a notification when so much work remains to be done would amount to throwing out a notification on a technicality and would not be in keeping with the spirit of the Convention.

With confirmation from the Legal Advisor that unfinished items should be forwarded to the next meeting of the CRC, the Committee agreed to address these agenda items at its next meeting. The CRC has previously decided that notifications have not met the criteria for listing, and consequently, set them aside. A key issue for some members and observers will be how the Committee deals with cases of significant disagreement about the right course of action, should it be unable to reach consensus on whether a notification meets the criteria or should be set aside.

The Impact of Virtual Meetings on Complex Negotiations

With the COVID-19 pandemic continuing to prevent in-person meetings, the CRC was forced to convene virtually, with a compressed work schedule designed to allow people from time zones around the world to participate. Even with daily meetings that were shortened to four hours, exhaustion was evident in the interventions of many participants, with some noting that the meeting started at 11:00 pm in their time zone.

Several participants underscored the need for more time to work through the complicated questions on the agenda, and were not surprised when the Committee was unable to complete all of the tasks. As one member noted, “The Committee only had 16 hours to deal with four to seven chemicals.” At the conclusion of the meeting, several participants looked forward to the day when they will be able to gather in person, with the additional time and flexibility that in-person meetings entail.

Despite some participants’ evident disappointment that the Committee was unable to reach conclusions on more of the notifications under review, CRC-17 made significant progress on complicated substantive work, reaching conclusions on two significant agenda items. Some of this success is attributable to the extensive work of the intersessional Task Groups, which had prepared thorough reports that served as the basis for discussions. At the start of the week, participants were deeply divided on several complicated issues, and by the end of the week they reached consensus on two of them. They managed to negotiate tricky substantive issues, work collaboratively to draft text that reflected diverse concerns and preferences, and produce outcomes that satisfied the entire Committee. With all of the constraints of multilateral virtual meetings, this is an accomplishment.

Looking Ahead

The Rotterdam Convention COP is scheduled to convene face-to-face in June 2022, jointly and back-to-back with the COPs to the Basel and Stockholm Conventions. During this meeting, past work of the Chemical Review Committee will be considered, including recommendations to list the industrial chemicals decabromodiphenyl ether (decaBDE) and perfluorooctanoic acid (PFOA), its salts, and PFOA-related compounds. This meeting will also signal a significant change in the membership of the CRC, with 17 new experts scheduled to join the committee at the conclusion of the COP. The notifications from Mozambique with the related draft rationales were recorded and forwarded to CRC-18, so these members will not have to start their work from scratch. However, many will not have been present for the discussions that led to the decisions at CRC-17, and may bring different perspectives to the discussion.

CRC-18 will convene just a few months after the meeting of the COP, and will continue its work to review four notifications of final regulatory action submitted by Mozambique, in addition to notifications submitted by China and Uruguay on methyl parathion, and any new notifications submitted intersessionally. The Committee will need to contend with many of the same issues addressed at CRC-17, particularly with regard to questions about what, exactly, constitutes a risk evaluation, and how different answers to this question could affect parties’ ability to effectively use the Rotterdam Convention to facilitate information exchange about dangerous chemicals.

Upcoming Meetings

Seventeenth Meeting of the Persistent Organic Pollutants Review Committee: POPRC-17 will review the possible listing of hazardous chemicals under the various annexes of the Stockholm Convention. The dates and location will be decided by early October 2021. **dates:** January 2022 (TBC) **location:** Geneva, Switzerland or virtual **www:** pops.int/

Resumed Session of the UN Environment Assembly (UNEA5): Convening under the theme, “Strengthening Actions for Nature to Achieve the SDGs,” UNEA-5 will provide a platform for discussing and implementing nature-based solutions that contribute to the achievement of the 2030 Agenda, by holistically addressing its social, economic, and environmental dimensions. Building on the online session in February 2021, the meeting will discuss ways to ensure that policies for economic recovery following COVID-19 lead to a resilient and inclusive post-pandemic world. A special session of UNEA to commemorate the 50th anniversary of the establishment of UNEP will be held for two days (3-4 March 2022) in conjunction with the resumed session of UNEA-5. **dates:** 28 February – 4 March 2022 **location:** Nairobi, Kenya **www:** unep.org/environmentassembly/

Twelfth meeting of the Open-ended Working Group of the Basel Convention (OEWG-12): On 9 July 2020, the Bureau of the OEWG of the Basel Convention agreed to hold the OEWG-12 according to two components consisting of an online segment and a face-to-face segment. The online segment was held in September 2020. The face-to-face segment will address all remaining substantive issues on the agenda. **dates:** April or May 2022 (TBC) **location:** Nairobi, Kenya (TBC) **www:** basel.int

Basel Convention COP15, Rotterdam Convention COP10 and Stockholm Convention COP10: The face-to-face segment of the 15th meeting of the COP to the Basel Convention, the 10th meeting of the COP to the Rotterdam Convention and the 10th meeting of the COP to the Stockholm Convention will convene back-to-back. The meetings will include joint sessions covering matters of relevance to at least two conventions and separate sessions of the meetings of each of the three COPs. The theme is “Global Agreements for a Healthy Planet: Sound management of chemicals and waste.” **dates:** 6-17 June 2022 **location:** Geneva, Switzerland **www:** brsmeas.org/

Eighteenth Meeting of the Chemical Review Committee: CRC-18 will review chemicals and pesticide formulations and make recommendations to the COP for listing substances in Annex III to the Rotterdam Convention. **dates:** September or October 2022 (TBD) **location:** Rome, Italy (TBD) **www:** pic.int/

For additional upcoming events, see sdg.iisd.org/

Glossary

BRS	Basel, Rotterdam and Stockholm Conventions
COP	Conference of the Parties
CRC	Chemical Review Committee
DGD	Decision guidance document
FAO	Food and Agriculture Organization of the United Nations
FRA	Final regulatory action
HHP	Highly hazardous pesticide
PAN	Pesticide Action Network
PIC	Prior informed consent
UNEP	United Nations Environment Programme