



*Interim Secretariat for the Rotterdam Convention on
the Prior Informed Consent Procedure for
Certain Hazardous Chemicals and Pesticides in
International Trade*



PROCEEDINGS

**of the Regional Workshop for the Rotterdam Convention on the
Prior Informed Consent Procedure for Certain Hazardous
Chemicals and Pesticides in International Trade**

Apia, Samoa, 22-26 September 2003

**HOSTED BY THE GOVERNMENT OF SAMOA WITH THE
FINANCIAL ASSISTANCE OF THE GOVERNMENT OF
SWITZERLAND**

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Prior Informed Consent Procedure for Certain Hazardous
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**Hosted by the Government of Samoa with the financial assistance of the
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INTRODUCTION

Background

The Conference of Plenipotentiaries which took place in Rotterdam, 10-11 September 1998, adopted the Rotterdam Convention on the Prior Informed Consent (PIC) procedure for Certain Hazardous Chemicals and Pesticides in International Trade. The Final Act of the Conference was signed by 73 States. The Convention was opened for signature at the United Nations Headquarters in New York from 12 September 1998 to 10 September 1999. As of August 2003, there were 46 Parties to the Rotterdam Convention. The Convention will enter into force once 50 instruments of ratification have been deposited.

The voluntary PIC procedure has been operated by UNEP and FAO since 1989, based on the amended London Guidelines for the Exchange of Information on Chemicals in International Trade and the FAO International Code of Conduct on the Distribution and Use of Pesticides.

A resolution on interim arrangements was adopted at the Conference of Plenipotentiaries by which the voluntary PIC procedure was modified to bring it line with the procedure established by the Convention. The interim PIC procedure will be in place until the entry into force of the Convention. The resolution on interim arrangements also invites the Executive Director of UNEP and the Director General of FAO to convene further sessions of the Intergovernmental Negotiating Committee (INC) to oversee the operation of the PIC procedure and to prepare for the first meeting of the Conference of the Parties. Finally, the resolution requests the Executive Director of UNEP and the Director General of FAO to provide secretariat services during the interim period.

As a first among the multilateral environmental agreements, Governments have agreed to continue to implement the voluntary PIC procedure using the new procedures of the Convention until the Convention formally enters into force and is a clear indication of the importance Governments attach to this Convention.

The eighth session of the INC (8-12 October 2001) requested the secretariat to develop a comprehensive guidance manual for designated national authorities (DNAs) clearly setting out all actions required of those authorities in performing their functions in accordance with the Convention taking into consideration comments and feedback from DNAs. It was also requested that the secretariat provide practical training to DNAs through regional and sub-regional workshops.

The purpose of this workshop is to inform DNAs of the Convention, the interim arrangements and what is required to operate the new, interim procedure and to facilitate discussion and exchange of experience among DNAs in the region, thus assisting in the shift from implementation of the old, voluntary procedure towards the new interim procedure.

The goals of the workshop are to:

- promote the signing, ratification and implementation of the Convention in the region;
- provide practical training on the operation of the Convention including the roles and responsibilities of the DNAs;
- develop a better understanding of the needs and constraints of countries in the implementation of the interim PIC procedure and ratification of the Convention including identifying opportunities for regional cooperation; and
- increase awareness of and benefits associated with the Rotterdam Convention.

Proceedings from the workshop

The proceedings of the workshop contain the introduction to the work and the outcome of the breakout groups that took place on the different sessions of the workshop. It also includes the agenda, the list of participants and the presentations made by the Secretariat as well as by invited speakers.

NOTE

For ease of placement on the web and downloading purposes, the proceedings have been collated in an order different to that followed during the workshop and provided in the Agenda. The first part of the proceedings includes the outcome of the practical sessions, the opportunities for cooperation and a section addressing the challenges and questions raised during the workshop. The second part contains the presentations describing the Convention and its operation as well as a section dealing with information exchange.

AGENDA AND TIMETABLE

MONDAY 22 SEPTEMBER

09:00-10:00	Registration of participants	
1st Session:	OPENING	<i>Bill Murray, Secretariat</i>
10:15-11:00	Opening Prayer - Fr. Mosese Vitolio Tui (Principal Don Bosco Technical Centre)	
	Opening Remarks	
	FAO Representative and Sub-regional representative for the Pacific Islands On behalf of FAO	<i>Mr. V. Fuavao</i>
	Executive Secretary for the Rotterdam Convention On behalf of UNEP	<i>Mr. J. Willis</i>
	Representative of the Government of Switzerland	<i>Ms G. Löw</i>
	Official Opening Address – Host Government On behalf of the Government of Samoa	<i>Hon. Tuisugaletau Sofara Aveau Hon. Minister of Agriculture</i>
	Official Photograph Session	
11:00-11:15	BREAK	
11:15-11:45	Election of Chairperson	<i>B. Murray, Secretariat</i>
	Presentation of participants	
	Overview of the agenda and organization of the workshop	
	<ul style="list-style-type: none"> • Objectives/ Structure • Presentation of moderators and secretariat • Local arrangements 	<i>A. Pouono Chair</i>
		<i>M. Porea, Secretariat</i>
2nd Session	INTRODUCTION TO THE ROTTERDAM CONVENTION	<i>A. Pouono, Chair</i>
11:45-12:30	General overview/Background to the Rotterdam Convention	<i>J. Willis, Exec. Sec.</i>
	<ul style="list-style-type: none"> ▪ Brief history of the INC and the negotiation process ▪ Interim arrangements ▪ Scope of the Convention – what it is/what it is not ▪ Overview of Convention obligations 	
12:30-13:30	Lunch	
13:30-14:00	Key elements of the Rotterdam Convention	<i>B. Murray, Secretariat</i>
	<ul style="list-style-type: none"> ▪ Highlights of the key elements of the Convention ▪ To consider who, what ,when, where, why <ul style="list-style-type: none"> - Key players – terminology - Description of the PIC procedure and information exchange 	
14:00-14:15	What has been accomplished	<i>S. Logan, Secretariat</i>

	<ul style="list-style-type: none"> ▪ Overview of progress since September 1998 ▪ Activities underway and planned 	
14:15-14:30	Overview of the work of the Interim Chemical Review Committee	<i>R. Arndt</i>
14:30-15:00	Overview of the Basel and Stockholm Conventions and synergies with the Rotterdam Convention	<i>J. Willis, Exec. Sec.</i>
15:00-15:30	Break	
15:30-16:15	Overview of Signature and Ratification	<i>G. Wyrwal, Secretariat</i>
	Presentations by invited Speakers <ul style="list-style-type: none"> ▪ Experience in ratifying the Convention ▪ Samoa's Ratification and Accession process for MEA 	<i>J. Kumar F. Alama</i>
	Panel discussion – lessons learned	
16:15-16:30	Preparation for Session 4 breakout groups	<i>G. Wyrwal, Secretariat</i>

TUESDAY 23 SEPTEMBER

3rd Session	OVERVIEW OF THE ROTTERDAM CONVENTION	<i>A. Pouono, Chair</i>
9:00-10:00	Operation of the interim PIC procedure	<i>B. Murray, Secretariat</i>
	Scope of the Convention <ul style="list-style-type: none"> ▪ What chemicals are included 	
	Key players <ul style="list-style-type: none"> ▪ Who they are and what they do (DNA, INC, ICRC, Secretariat) 	
	Operation of the Interim PIC procedure <ul style="list-style-type: none"> ▪ Adding chemicals <ul style="list-style-type: none"> - Notifications of regulatory control actions - Proposals for severely hazardous pesticide formulations ▪ The PIC procedure <ul style="list-style-type: none"> - Decision guidance documents (DGDs) - Import decisions ▪ Importing and exporting country responsibilities <ul style="list-style-type: none"> - Export notification ▪ Information exchange 	
	Questions – comments	
10:00-10:30	Break	
4th Session	IDENTIFICATION OF CHALLENGES - QUESTIONS TO CONSIDER	
	<i>Moderator: A. Mayne</i>	
10:30-10:45	Introduction – Plenary <ul style="list-style-type: none"> ▪ Brief review of questions circulated prior to meeting ▪ Objectives of breakout groups - results will assist in framing the discussion in the practical sessions and be reviewed in Session 11 to determine ability of Workshop to address such issues 	<i>G. Wyrwal, Secretariat</i>

- 10:45-12:00 Breakout groups – Challenges and questions
 ▪ Based on their experience and in response to questions circulated in advance of the workshop, participants will identify issues/questions regarding the operation of the interim PIC procedure
- 12:00-13:00 **Lunch**
- 13:00-13:30 Plenary Session – Challenges and Questions *Moderator: A. Mayne*
 ▪ Moderator to present a consolidated list of questions/challenges from the work groups for consideration by the plenary
- 5th Session PROPOSALS FOR SEVERELY HAZARDOUS PESTICIDE FORMULATIONS**
Moderator: K. Choi
- 13:30-14:15 Introduction – Plenary *B. Murray, Secretariat*
 ▪ Presentation of the incident report form as basis for submission of proposals for severely hazardous pesticide formulations
- Challenges and constraints in proposing severely hazardous pesticide formulations *M. Halimi*
- Brief explanation of the objectives of breakout groups and outline of the work to be undertaken *B. Murray, Secretariat*
- 14:15-14:45 **Break**
- 14:45-16:45 Breakout groups – Severely Hazardous Pesticide Formulations
 ▪ Practical session on process of completing an incident report form and preparing a proposal for submission
 ▪ Identify challenges and/or constraints in reporting incidents including gaps in the incident reporting process and where guidance may be needed

WEDNESDAY 24 SEPTEMBER

- 9:00 – 9:30 Plenary Session – Severely Hazardous Pesticide Formulations *Moderator: K. Choi*
 ▪ Moderator to present a consolidated report of the work of the break out groups regarding the process for submitting a proposal for candidate formulations and associated documentation including where guidance may be needed
- 6th Session NOTIFICATIONS OF FINAL REGULATORY ACTION – BANNED AND SEVERELY RESTRICTED CHEMICALS**
Moderator: A. Mayne, Australia
- 9:30-10:15 Introduction – Plenary *G. Wyrwal, Secretariat*
 ▪ How the notification process works, the importance of the process and key documents
- Australian experience in providing notifications of final regulatory action *J. Rymer*
- Brief explanation of the objectives of breakout groups and outline of the work to be undertaken *G. Wyrwal, Secretariat*
- 10:15-10:30 **Break**
- 10:30-12:30 Breakout groups – Notifications of banned and severely

- restricted chemicals
- Practical session on completing a notification form for submission
- Identify challenges and constraints with the notification process and the supporting documentation

12:30-13:30 **Lunch**

13:30-14:00 Plenary Session

Moderator: A. Mayne

- Moderator to present a consolidated report of the work of the breakout groups regarding the notification process and associated documentation – including where further guidance may be needed

7th Session DECISION GUIDANCE DOCUMENTS AND IMPORT DECISIONS

Moderator: J. Rymer

14:00-14:45 Introduction – Plenary

S. Logan, Secretariat

- Presentation of the process for preparation of import decisions, the importance of the import response and key documents

- Country presentation on experience with preparation and submission of import responses

F. Qarani

- Brief explanation of the objectives of breakout groups and outline of the work to be undertaken

S. Logan, Secretariat

14:45-15:00 **Break**

15:00-17:00 Breakout groups – Decision Guidance Documents and Import Decisions

- Practical session on completing an import response form based on information available in the DGD
- Identify challenges or constraints in preparing and submitting an import response including gaps in the reporting process and where further guidance may be needed

THURSDAY 25 SEPTEMBER

09:00-9:30 Plenary Session

Moderator: J. Rymer

- Moderator to present a consolidated report of the work of the break out groups regarding the preparation of import responses including where further guidance may be needed

8th Session: EXPORT NOTIFICATION

Moderator: P. Fontana

09:30-10:00 Plenary

Export notification under the Convention

S. Logan, Secretariat

- Presentation of the key elements- what it is and what it is not

National implementation of the export notification programme
Experience gained with the export notification procedure in

P. Fontana

- How it operates, key elements and key documents
- Introduction to CAS numbers and Harmonised System Customs Codes

Brief explanation of the objectives of break out group and outline of the work to be undertaken

Moderator: P. Fontana

10:00-10:30	Break	
10:30-12:30	Breakout groups – Export Notification <ul style="list-style-type: none"> ▪ Practical session on the process of export notification – from perspective of the exporting country and the importing country ▪ Review the information included in an actual export notification and steps that could be taken in a country upon receipt of such a notification 	
12:30-13:30	Lunch	
13:30-14:00	Plenary Session <ul style="list-style-type: none"> ▪ Moderator to present a consolidated report of the work of the breakout groups regarding the use of export notifications including where guidance may be needed 	<i>Moderator: P. Fontana</i>
9th Session:	INFORMATION EXCHANGE <i>Moderator: M. Halimi, Malaysia</i>	
14:00-14:20	(a) OPPORTUNITIES FOR INFORMATION EXCHANGE Overview of opportunities for information exchange <ul style="list-style-type: none"> ▪ How to access and use key elements including: Convention Website, PIC Circular, list of DNAs. ▪ Data availability from NGOs 	<i>S. Logan, Secretariat</i> <i>J. Wickens</i>
14:20-15:20	(b) RELATIONSHIP BETWEEN THE BASEL (WAIGANI), ROTTERDAM AND STOCKHOLM CONVENTIONS Introduction to the session <ul style="list-style-type: none"> ▪ Interactions of the Rotterdam, Stockholm and Basel Conventions ▪ Overview of developments under the Waigani Conventions ▪ Integrated Implementation of the Basel, Rotterdam and Stockholm Conventions – the Swiss Experience 	<i>S. Logan, Secretariat</i> <i>J. Willis, Exec. Sec.</i> <i>C. Peteru</i> <i>G. Löw</i>
15:20-15:50	Break	
15:50 -16:30	The Synergies of Chemical Conventions – an NGO perspective	<i>M. Lloyd Smith</i>
16:30-17:00	Panel Discussion	<i>Moderator: M. Halimi</i>

FRIDAY 26 SEPTEMBER

10th Session	OPPORTUNITIES FOR REGIONAL COOPERATION <i>Moderator: M. Porea</i>	
9:00-10:00	(a) Existing mechanisms of regional cooperation Opportunities for regional cooperation/ existing cooperative mechanisms; consideration of how they might be used with respect to implementation of the interim PIC procedure <ul style="list-style-type: none"> • Status of establishment of the Pacific Regional Centre for the joint implementation of the Basel and Waigani Conventions • Regional Activities concerning Pesticides and IPM • Regional activities of NGOs 	<i>C. Peteru</i> <i>M. Porea</i> <i>M. Lloyd Smith</i>

	Panel Discussion	<i>M. Porea</i>
	(b) Identification of key next steps/ priorities at national and regional level	
10:00-10:15	Brief explanation of the objectives of breakout groups and outline of the work to be undertaken	<i>M. Porea</i>
10:15-10:30	Break	
10:30-12:30	Breakout groups: Key next steps/priorities - national and regional <ul style="list-style-type: none"> • As appropriate, identify “key next steps” at the national level for the implementation of the interim PIC procedure and ratification of the Convention • Identify those “key next steps” that are common across countries as basis for sharing experience and developing common approaches • Identify set of break out group priority activities - at both the national level and regionally 	
12:30-13:30	Lunch	
13:30-15:00	Plenary Session: Key next steps/priorities - national and regional <ul style="list-style-type: none"> • Review breakout groups priority activities • Identify an overall set of workshop priority activities 	<i>M. Porea</i>
11th Session	ADDRESSING CHALLENGES AND QUESTIONS	<i>A. Pouono, Chair</i>
15:00-15:30	Plenary Session – review questions and challenges <ul style="list-style-type: none"> • Review list of questions and challenges identified in Session 4 • Consider those addressed by the workshop and those that are outstanding 	<i>B. Murray, Secretariat</i>
15:30-15:45	Workshop review <ul style="list-style-type: none"> • What went well - what might be improved 	<i>G. Wyrwal, Secretariat</i>
15:45-16:00	Closure of the Meeting	<i>A. Pouono, Chair</i>

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PART I
PRACTICAL SESSIONS

**SESSION 4: IDENTIFYING QUESTIONS AND CHALLENGES IN THE
IMPLEMENTATION OF THE INTERIM PRIOR INFORMED CONSENT (PIC)
PROCEDURE AND RATIFICATION OF THE ROTTERDAM CONVENTION**

GUIDANCE

Objective: In preparing for the workshop participants were requested to prepare a list of issues and/or challenges that, based on national experience, had been identified in implementing the interim PIC procedure or in working towards ratification of the Rotterdam Convention.

To assist in this task the Secretariat prepared a series of points to consider in characterising country experience (see below).

Methodology: Breakout groups were convened on the second day of the workshop (Session 4) to consider the list of issues raised and challenges identified by individual workshop participants. The results of the breakout group discussions were a common list of issues and challenges. Ideally all of the points raised would be considered in subsequent sessions of the workshop. The list developed in Session 4 was reviewed on the last day of the workshop (Session 11) in order to determine which of these questions had been answered and to consider how the outstanding issues and challenges identified might be addressed at the national level and/or through regional or sub-regional cooperation.

There are two principal areas that participants were asked to consider, the first concerns the implementation of the interim PIC procedure and the second the process for ratification of the Rotterdam Convention.

A) Implementation of the interim PIC procedure

Six subject areas had been identified which reflect the key elements of the interim PIC procedure. In reviewing these points participants should consider experience in the operation of those different aspects of the interim PIC procedure including understanding of the relevant processes and associated documentation. In addition a set of points to consider were listed under each area to facilitate analysis of the current situation in participants' countries.

1. Designated National Authorities (Article 4):
 - Capacity to perform the functions required under this Convention.
 - Means to communicate official decisions to the Secretariat, such as import decisions for chemicals subject to the interim PIC procedure, or notifications for chemicals that have been banned or severely restricted nationally.
 - Flow of information and communication (between the Designated National Authority (DNA) and relevant ministries and among ministries e.g. agriculture, health, environment).
2. Notifications of final regulatory actions - banned or severely restricted chemicals (Article 5 and Annex 1)
 - Legal and regulatory infrastructure to ban industrial chemicals and pesticides.
 - Capacity to perform scientific assessments of risks in order to arrive at regulatory actions.
 - Documentation of the decision making process.
 - Understanding of/experience with the process for the preparation and submission of notifications of final regulatory action for banned or severely restricted chemicals.
3. Proposals for severely hazardous pesticide formulations (Article 6 and Annex IV)
 - Identification of incidents and preparation and submission of proposals for severely hazardous pesticide formulations causing problems under conditions of use in participant's country.

- Official follow-up to local reports on poisoning incidents (human health or environment) related to the use of pesticides.
 - Understanding of/experience with the preparation and submission of proposals for severely hazardous pesticide formulations.
4. Import decisions for future imports of chemicals subject to the interim PIC procedure (Article 10)
- Taking import decisions for chemicals subject to the interim PIC procedure.
 - Procedures for informing relevant groups (e.g. customs authorities, importers, extension services, farmers, grower associations) about participants' national import decisions and those of other countries, as published in the PIC Circular.
 - Understanding of/experience with the preparation and submission of decisions regarding future imports of chemicals subject to the interim PIC procedure.
5. Export notification (Article 12 and Annex V)
- Process of export notification.
 - Frequency with which export notifications from exporting countries are received.
 - Action taken, if any, following receipt of an export notification e.g. who receives it, who is informed, does the chemical notified receive any special attention?
6. Access to information/ information exchange:
- Receipt of information e.g. PIC Circular, Decision Guidance Documents, reports of Workshops, reports of the Interim Chemical Review Committee etc.
 - Accessibility to electronic media such as e-mail and the Rotterdam Convention website (www.pic.int).
 - Viable alternatives for disseminating information to DNAs.

B) Ratification of the Rotterdam Convention

In reviewing the points listed below, participants should consider their understanding of the steps required in their country for the ratification of a legally binding international treaty such as the Rotterdam Convention.

- status of participants' country regarding ratification of the Rotterdam Convention;
- understanding of the process of ratification in the country, what are the steps to be taken and who is involved
- implications of ratification of the Rotterdam Convention for the country, including; financial and human resource requirements, the need to modify existing legislation, and ability to enforce the obligations as a consideration in seeking final approval and ratification.

**SESSION 4: IDENTIFYING QUESTIONS AND CHALLENGES IN THE
IMPLEMENTATION OF THE INTERIM PRIOR INFORMED CONSENT (PIC)
PROCEDURE AND RATIFICATION OF THE ROTTERDAM CONVENTION**

OUTCOME OF BREAK OUT GROUP DISCUSSIONS

Questions/issues identified by Break-out Groups

Part A: Implementation of PIC

1. Designated National Authorities - Article 4

- a) Does the DNA have to be a person / or can it be a position or an office or authority e.g. the Minister for Agriculture?
- b) What are the skills/qualifications necessary for effective DNAs?

Operational issues

- c) How do we keep up to date with information about recent decisions, etc.?
 - o Particularly given national administrative arrangements, changes in domestic staff and generally poor communication of information within the jurisdiction; and
 - o Within complex regulatory frameworks that involve many players, many ministries and multiple legislative frameworks?
- d) How do we build efficient and effective mechanisms for coordination at the national level that support DNAs, thereby enabling them (or their subordinates) to deliver on their obligations?
 - o To implement domestic responsibilities effectively;
 - o To ratify and implement PIC; and
 - o To build linkages with other conventions.
- e) How can we improve communication between DNAs within a jurisdiction (pesticides and industrial).
- f) Is it possible to have duplicate information provided to people other than the DNA (i.e. deputies, line officers)?

2. Notifications of final regulatory actions -Article 5 (Session 6)

Basic Issue: DNAs in the region need to understand and have confidence in the notification process and its intent.

- a) Is there a possible common regulatory model for the region – a ‘PIC for Pacific Island Countries’ approach; and/or
- b) Are there examples of implementation infrastructures for small island developing states that can be used as examples for other developing countries?

Operational issues:

- c) What is a ‘final regulatory action’ in practical terms and who makes it?
 - o Do these actions have to be risk based to qualify as a notifiable decision? What does risk-based mean?

- How do you accommodate the significant differences, in terms of regulatory processes and approaches to risk, between the systems for pesticides (generally well developed) and industrial chemicals (not regulated in the same way and less understood) when implementing PIC obligations?
- d) How can obligations be fulfilled when there is, or is likely to be, a limited capacity to perform the necessary scientific assessments for regulatory controls – noting that science capacity is better generally for pesticides than for industrial chemicals?
- In the context of referencing regulatory decisions by other jurisdictions to regulate domestic pesticides, what is the opportunity for using these decisions to satisfy the requirements of final regulatory actions made in our jurisdictions? Is this possible in the context of Industrial chemicals?
 - What are the benefits and risks of ‘piggy-backing’ off risk assessments undertaken by other jurisdictions?

3. **Proposals for severely hazardous pesticide formulations - Article 6 (Session 5)**

Operational issues:

- a) How is information captured about adverse incidents - how do we obtain it and ensure that the information is meaningful in the context of PIC;
- Noting, that this information is critical to maintaining safe and effective domestic schemes and that systems to report adverse experiences are lacking within jurisdictions generally;
- b) Are there existing processes and is it possible to make links to, or use of, them?

4. **Decision Guidance Documents and Import Decisions - Article 10 (Session 7)**

Basic Observation: The convention introduces requirements for conscious decisions by the jurisdictions, which is significantly different to some current systems that generally rely on global pressures on chemicals to keep them out of their jurisdictions.

Operational issues:

- a) How is it possible to make an import decision when the chemical is not controlled domestically?
- In this context, does this mean that some significant legislative adjustments may need to be made within jurisdictions?
- b) Import decisions need to be based on information about a country’s needs
- If a pesticide is not approved or used in a jurisdiction, is it possible to simply say no? Does such a decision require a risk assessment, etc?
 - Could you do the same for industrial chemicals?
- c) How is it possible to satisfy the requirement for manufacturing controls, if a ‘no import’ decision is made, when some jurisdictions do not control manufacturing in any form within their jurisdiction.
- d) Is it possible to use the PIC import procedures to control imports of pesticide wastes/pesticide residues?

5. Export Notification - Article 12 (Session 8)

Basic Observation: Many jurisdictions are not exporters and do not have experience in export-notifying the chemicals.

Operational Issues:

- a) **Transit chemicals** - What are the possible controls under this scheme for chemicals in transit through marine territories or temporary landing?
- b) **Re-export** - What are the obligations for chemicals in this circumstance - e.g. a chemical is imported into a country, then reformulated, and subsequently exported - Is the country that has conducted the reformulating, the exporting country?

6. Information exchange/Access to information (Session 9)

- a) Is it possible to have a session to demonstrate the PIC website – possibly one lunch time here at the workshop
- b) Is it possible for the Secretariat to circulate substantial amounts of critical information on a disk/CD – those with limited access only have to download small amounts of information every six months, for example.

Operational issues:

- c) How do we keep national systems and libraries current?

B: Ratification of the Rotterdam Convention

Operational issues:

- a) How to influence the government's agenda?
- b) How to ensure that the process for ratification is well planned and that there is good communication between DNAs and other stakeholders (links back to No 1 – DNA)?
- c) What are the domestic requirements needed to fulfil the obligations of the convention? For example are the right regulatory tools to implement the convention already established (links No 2 & 4)? Would new legislation be required? What are the financial implications?
- d) Where is information/assistance available to help us influence the agenda, undertake the necessary analysis and prepare the appropriate documentation?
- e) Is it possible to ratify with limited resources?

SESSION 5: SEVERELY HAZARDOUS PESTICIDE FORMULATIONS

Introduction by the Secretariat

Slide 1

SESSION 5

Proposal for a severely hazardous pesticide formulation

Slide 2

Structure of Session 5

- Introduction
- Presentation by participant based on their experience
- Practical work in breakout groups

Slide 3

Objectives of Session 5

- 1) understand the provisions of the Convention and the process for submission of a proposal
- 2) understand the role of the PIC Circular as a source of information on pesticide formulations posing problems under conditions of use
- 3) understand the role of the DNA and the incident report form in preparing a proposal
- 4) provide feedback to the Secretariat on the clarity of the process

Slide 4

Introduction

- Key provisions of the Convention
- The detailed process for submission of a proposal including:
 - Key players: role of DNA and Secretariat
 - Key documents: SHPF report form and PIC Circular
- Overview of severely hazardous pesticide formulations under the Rotterdam Convention
- Key points

Slide 5

• **Key provisions of the Convention**

- **Article 2** Definition
 - Severely Hazardous pesticide formulation
- **Article 6** Procedure for severely hazardous pesticide formulations
 - the opportunity for developing countries and those with economies of transition to propose a pesticide formulation
 - the process to be followed for the submission of a proposal
- **Annex IV** Information and criteria for listing SHPF in Annex III

Slide 6

Article 2 Definitions

Severely hazardous pesticide formulation

means a chemical formulated for pesticidal use that produces severe health or environmental effects observable within a short period of time after single or multiple exposure, under condition of use

Slide 7

Article 6 Procedures for severely hazardous pesticide formulations

- Country experiences problems with a specific pesticide formulation under conditions of use in its territory,
- DNA submits a proposal for inclusion of the pesticide formulation in the Convention,
- Secretariat verifies that the information requirements of Annex IV, part 1 have been met,
- Summary is published in the PIC Circular (Appendix II)

Slide 8

Annex IV, part 1, Information requirements

- Description of the pesticide formulation
- Description of the way the formulation is used in the country
- Clear description of the incidents related to the problem including the adverse effects

Slide 9

Process for submission of a proposal

1. Proposals must come from a DNA

- May draw upon technical expertise from any relevant source
- Part A: transmittal form must be signed by the DNA

Slide 10

Process for submission of a proposal

Severely hazardous pesticide formulation report form

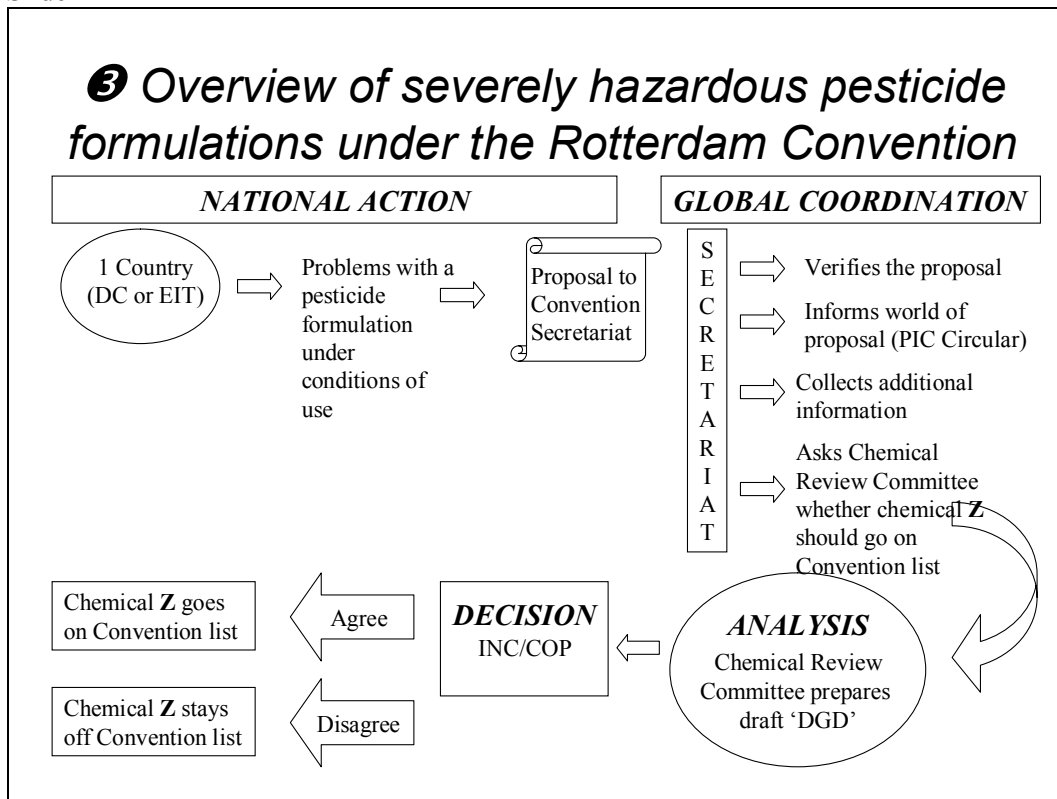
- Part A: transmittal form
- Part B: pesticide incident report form
 - description of formulation, incident, adverse effects, the way in which the formulation was used

Part B of the form can be replaced by national incident report forms where available

Slide 11

Process for submission of a proposal

2. Submitted proposal is reviewed by the secretariat
 - where it meets the information requirements of part 1 of Annex IV
 - summary is published in the PIC Circular (Appendix II)
3. Secretariat initiates collection of information listed in part 2 of Annex IV



- #### 4 KEY POINTS
1. Mechanism for the identification of pesticide formulations causing problems under conditions of use and for their inclusion into the Convention
 2. Facilitates the timely sharing of information on hazardous pesticide formulations
 3. An incident report form has been developed to facilitate the submission of proposals by DNAs

SESSION 5: SEVERELY HAZARDOUS PESTICIDE FORMULATIONS

Presentation by Mahmud Halimi

Slide 1

**CHALLENGES AND
CONSTRAINTS IN
PROPOSING SHPF**

(MALAYSIA'S EXPERIENCE)

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Slide 2

**KEY ELEMENTS OF SHPF
FORM**

- PART A : TRANSMITTAL FORM**
 - Contains summary of incident
 - To be completed by the Pesticide Board (DNA)
 - To be forwarded to Secretariat
- PART B: PESTICIDE INCIDENT REPORT FORM**
 - Contains detailed information on the incident
 - To be completed by the field staff
 - To be submitted to the Pesticide Board (DNA)
 - To be forwarded to Secretariat by the Pesticide Board (DNA)

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FORM A: TRANSMITTAL FORM

1. Name of formulation
2. Type of formulation
3. Trade name and producer
4. Name of active ingredient
5. Amount of active ingredient
6. Product label
7. Common and recognized pattern of use
8. A clear description of the incident
9. Regulatory & administrative measures taken or to be taken

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**FORM B: PESTICIDE INCIDENT
REPORT FORM –
5 Parts**

- I. Product Identity
- II. Description of the incident
- III. Description of the adverse effects
- IV. Management
- V. Reporting/Communication

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**GENERAL COMMENTS ON SHPF
PROPOSAL**

- Provide an opportunity to for us to propose SHPF which causes severe health effects in the country
- Obtain information on SHPF in other countries (PIC Circular, Appendix II)
- Review the legal status of reported formulation (whether or not it finally listed in Annex III)
- Generally, forms are easy to use and comprehensive enough to describe the incident associated with SHPF
- Field staff (using Form B) and DNA (using Form A) might face some difficulties in completing the forms.

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FORM B: Part I – Product Identity

- Malaysia has pesticide legislation in place**
 - All pesticide products used in the country are registered with the Pesticides Board
 - All registered products are labelled according with Labelling Regulation
 - All information on the identity of the product are stated on the label.
- Product label in national language-**
Must it be translated into UN languages before forwarding to Secretariat ?

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FORM B: Part I – Product Identity

- Countries without pesticide legislation – Field staff might face difficulties**
 - Imported products
 - Product label in foreign languages
 - Some information might not be on the label e.g. formulation type, name and amount of active ingredient(s)
 - Foreign producer instead of local importer/distributor

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FORM B: Part II – Description of the incident

- Date of incident**
 - Could be over a period of time
 - To tally with item 12 (e) – duration of exposure period
- Other pesticide formulation used at the same time (Item 13)**
 - Should separate Form B be completed for each formulation?
 - Could lead to confusion if information given is incomplete
 - Suggest be provided in separate part of Form B

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FORM B: Part III – Description of the adverse effects

- Adverse Effects**
 - Signs and symptoms might not be fully recognised or reported by the field staff e.g. OPs and carbamates
 - Might need to interview the victim
 - To involve medical personnel in recognising the symptoms
- Onset of the symptoms**
 - Should be as precise as possible e.g. minutes, hours, days etc.

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FORM B: Part IV – Management

- Treatment, hospitalisation and other details**
 - In consultation with medical personnel

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FORM B: Part V – Reporting/Communication

- Date of data collected**
 - Might be collected over a period of time
- Incident report (Form B) in national language.**

Must the report be translated into UN languages before forwarding it to the Secretariat ?

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OTHER ISSUES AND CONSTRAINTS

1. **Determination of the actual cause of incident**
 - Possibility of adverse effects caused by toxic contaminants e.g. malaoxon, iso-malathion and sulfotep
 - Problems might be caused by fake, imitation or illegally obtained products
 - Lab analysis to determine contents
 - Draw expertise from other agencies

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OTHER ISSUES AND CONSTRAINTS

2. **Definition of 'severely hazardous pesticide formulation'**

" means a chemical formulated for pesticide use that produces health and environmental effects observable within a short period of time after single or multiple exposure, under condition of use"

 - "Multiple exposure" – adverse effects may be medium terms

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OTHER ISSUES AND CONSTRAINTS

3. **To report or NOT to report**
 - Cumulative incident reports
 - Occasional incident but with clear/consistence trend
 - Incident as result of multiple exposure over time e.g. skin rashes, nails damage etc.
 - Report without sufficient details

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OTHER ISSUES AND
CONSTRAINTS

4. Consolidating/verifying incident report by related agencies

- Establishment of inter-agency consultation mechanism
 - Pesticides Board
 - Pesticides Technical Committee
- Consultation with all the stake holders including producer and NGO

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OTHER ISSUES AND
CONSTRAINTS

5. Different products of similar ingredients (and percentage) and formulation type BUT not associated with reported incident

6. Adverse effects as a result of inconsistency with label recommendations e.g. not using proper PPE, wrong application technique, overdose etc.

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OTHER ISSUES AND
CONSTRAINTS

7. Illiterate users

8. Production and sale quantity are sometime difficult to obtain (Item 7, Part A)

9. Replacing Form B with national report form.

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SESSION 5: SEVERELY HAZARDOUS PESTICIDE FORMULATIONS

SUMMARY NOTES FOR BREAK OUT GROUPS

Introduction:

The obligations of countries and the process for the identification and review of severely hazardous pesticide formulations are contained in **Article 6** while **parts 1 and 2 of Annex IV** detail respectively, the relevant supporting information required and the criteria considered in reviewing candidate formulations for inclusion in **Annex III** of the Convention. Those provisions were included in the Convention in recognition of the fact that there are some formulations that cause problems under the conditions of use in developing countries and countries with economies in transition that might not be banned or severely restricted in accordance with Article 5.

A country, experiencing problems with a hazardous pesticide formulation under the conditions of use in its territory, may submit a proposal to the Secretariat.

The Secretariat verifies whether the proposal contains the information requirements of part 1 of Annex IV and, where the proposals are found to contain that information, prepares a summary for inclusion in the PIC Circular (Appendix II). The Secretariat also initiates collection of additional supporting information.

The Interim Chemical Review Committee (ICRC) reviews the proposal and the additional information in the light of the criteria in part 3 of Annex IV, and makes a recommendation to the Intergovernmental Negotiating Committee (INC) as to whether the formulation should be included in the Convention.

The Intergovernmental Negotiating Committee (INC) makes the final decision whether to include the formulation in the Convention.

Key points:

1. The submission of a proposal for a severely hazardous pesticide formulation is one of the two mechanisms to identify candidate chemicals for inclusion in the Convention
2. The PIC Circular (Appendix II) facilitates the timely sharing of information among DNAs on pesticide formulations that have caused problems under the conditions of use in at least one country.
3. A two-part report form has been developed to facilitate the preparation and submission of proposals for candidate formulations by DNAs.

The process for submission of a proposal:

A developing country or country with economy in transition that is experiencing problems with severely hazardous pesticide formulations under the conditions of use in its territory can propose such formulations as candidates for inclusion in the Convention. The proposals must contain the information specified in part 1 of Annex IV and be officially submitted by the DNA of that country to the Secretariat. In preparing such proposals the DNA may draw upon technical expertise from any relevant source.

To facilitate the development and submission of such proposals, the severely hazardous pesticide formulation report form was developed. The form consists of two parts, Part A and Part B. Part A (Transmittal Form) is to be used by the DNA to transmit an incident report form to the Secretariat. Part B (Pesticide Incident Report Form) has been developed to meet the information requirements of

the Convention, that is, a clear description of the incidents related to the use of the pesticide formulation, including the adverse effects and the way in which it was used. If there are other forms/formats for collecting pesticide incident reports in use in a country, they may be used (in replacement of Part B) in preparing a submission and forwarding it through the DNA to the Secretariat using Part A of the form, provided that those submissions meet the information requirements of part 1 of Annex IV of the Convention.

On receiving a proposal the Secretariat verifies whether or not the information requirements of part 1 of Annex IV have indeed been met. Where the submitted proposal is verified as meeting the information requirements a draft summary is prepared by the Secretariat. The notifying country is informed that their proposal was complete and invited to review the draft summary. The summaries of the verified proposals are published in Appendix II of the PIC Circular within six months of their being received. At the same time the Secretariat initiates collection of the information listed in part 2 of Annex IV.

The proposal and the additional information collected by the Secretariat are forwarded to the ICRC for consideration. The ICRC reviews the submitted documentation in the light of the criteria set out in part 3 of Annex IV and makes a recommendation to the INC regarding inclusion of the specific formulation in the Convention. A positive recommendation is also the signal for drafting a Decision Guidance Document (DGD) for the formulation in question. The INC reviews the recommendation of the ICRC and the draft DGD and makes a final decision regarding inclusion of the severely hazardous pesticide formulation in the Convention

SESSION 5: SEVERELY HAZARDOUS PESTICIDE FORMULATIONS

CASE STUDY

Your tasks:

1. Review a blank Severely Hazardous Pesticide Formulation Report form (SHPF-form) and the associated instructions..
2. Study the information provided in this case study and, based on the information provided, complete an empty SHPF-form using the instructions provided. Where the case study does not provide sufficient detailed information required to fill out the form, the participant is invited to use his/her own experience based on the conditions of use in their country, to complete the form.
3. Identify those points in the instructions that need further clarification or need to be elaborated in more detail.
4. Review the summaries of the proposals that were published in Appendix II, Part A, of the PIC Circular (PIC Circular XIV). Based on your review of the information available to the Secretariat through the Severely Hazardous Pesticide Formulation Report form is there any further information that could be included in such summaries in future that would help designated national authorities to better understand the incident.
5. Review the already completed SHPF-form
6. Once this practical exercise has been completed the Group is to:
 - discuss experience in identifying pesticide poisoning incidents
 - discuss their experience in collecting information on pesticide poisoning incidents
 - discuss the process of completing and submitting a Severely Hazardous Pesticide Formulation Report form as the basis for a proposal to the Secretariat
 - identify the problems and constraints in submitting proposals for individual formulations and in using the instructions to complete the form
 - discuss how the summaries of verified incidents circulated as Annex II of the PIC Circular might be used by designated national authorities

To facilitate discussion and in the preparation of a summary by the break out group chairs and the moderator a set of guidance questions has been prepared.

Attached:

- Blank Severely Hazardous Pesticide Formulation Report (SHPF) form and instructions
- Completed SHPF form verified to meet the information requirements of Part 1 of Annex IV
- Case study: Description of the incident related to the use of the severely hazardous pesticide formulation (conditions of use, description of epidemiological study, and label of pesticide formulation used in the example)

Case study: Description of incidents related to the use of a hazardous pesticide formulation

- The formulation is called: Hitox Ultra.
- The product is available in the formulation as: Dustable Powder
- The relative amount of each active ingredient in the formulation:
Maneb (15%), Isofenphos (10%), Carbofuran (20%) (concentration)

Common and recognized patterns of use of the formulation within the country:

- Dustable powder for seed treatment of peanuts to prevent damping-off; 100g. of powder per 40kg of seeds to ensure protection until 50 days after sprouting.
- The formulation is registered in the country and its use is authorized.
- Uses allowed: Peanut seed treatment only.
- Handling or applicator restrictions: There are no handling restrictions.
- Quantity used: About 55,000 kg/year; used on the 6 or 7 regions where peanuts are cultivated.

Other information on how the formulation is commonly/typically used in the country:

The Ministry of Environment of country X together with a local Non-Governmental Organization (NGO) have reported the incidents. Their report provides additional information on the use patterns of the pesticide formulation: "Farmers peel peanuts before sowing. The whole household helps peeling peanuts, using hands and mouth. Peanuts may have been treated a few months ahead but in some occasions they may have been treated again shortly before peeling. Then sowing starts. Farmers use a sowing-machine to scatter peanut seeds on the ground. They proceed as follows: they put a certain amount of peanut seeds in the sowing machine. The sowing machine is pulled by traction animals and pushed on shifts by different persons involved in the job: generally young boys strong enough to handle the sowing-machine. Exposure occurs by inhalation as well as by contact when they fill the containers or mix the grains with the pesticide, as no protective measures (gloves or masks) are taken. People handling the powder are said to inhale much of the product when filling the seeding machine, depending on the direction of the wind. Sowing takes from 5 to 10 days, depending on the composition of the land to cultivate, and lasts from May to July."

Description of incident(s) related to the problem, including adverse effects and the way in which the formulation was used:

It appears that the incidents are most probably related to carbamate poisoning. Carbamates are being distributed together with the peanut seeds to farmers. The scheme of free distribution of seeds and pesticides was expanded, leading to an over-consumption of the products. This led to an increased exposure of people handling the seeders, that is the young males, as well as a small proportion of women working in peanut fields. Furthermore, many of the new farm workers were not used to handle the toxic product, they may have over-estimated the quantity of pesticides necessary to fill-in the seeder. Unfortunately, the policy for distribution of the pesticide product is not accompanied by a good awareness raising programme for farm workers regarding the hazard posed by these products, and on the necessary precautionary measures associated with the use of pesticides, for instance washing the hands, wearing masks and gloves, applying pesticides against the wind.

A total of 20 incidents were reported by country X. The incidents occurred in September 2000 in several small villages.

Persons injured were male, aged 45. The incidents occurred when farmers treated peanut seeds. Protective clothing was not worn as it was not available. The product was for use in the field. No animals were treated. The product was applied manually in amounts of 4 bags of 100g for 40 kg of peanuts. Exposure to the pesticide occurred for about 1 hour during treatment of the seeds, and again for 3 to 4 days when sowing the treated seeds.

The pesticide was packaged in its original, properly labelled container, but the farmers were illiterate. The label reported that the pesticide is authorised for treatment of peanut seeds. The reported incidents are typical of the way in which the formulation is used. The incident occurred under hot and very humid climatic conditions.

Adverse effects:

Dizziness, nausea, salivation, and vomiting,

further reported were:

headache, impairment of visual acuity,

some severe cases:

miosis, non-reactive pupils, dyspnoea, respiratory depression, convulsions,

LABEL OF PESTICIDE FORMULATION

HITOX T

Maneb 15%
Isofenphos 10%
Carbofuran 20%

SHELLED PEANUT SEED TREATMENT

DOSAGE:

1 bag of 100g for
- 25 kg oil peanuts
- 40 kg mouth peanuts

PRECAUTIONS

HITOX is a toxic compound that requires the following precautions:

Store out of reach from children and animals.
If you do not have gloves, wrap your hands in plastic bags prior to mixing.
Avoid handling this product where there are open wounds or cuts on hands.
Do not drink, or smoke or eat during application.
Avoid to breath the dust during the mixing, apply with the back to the wind.
Wash carefully all the tools that have been used for mixing.
Never eat treated seeds even if they have been rinsed or if they are without skin

Net weight
100 g.

SESSION 5: SEVERELY HAZARDOUS PESTICIDE FORMULATIONS

OUTCOME OF BREAK OUT GROUP DISCUSSIONS

Overall

- The provisions of the Convention regarding severely hazardous pesticide formulations and the process for their submission and review were generally well understood.

Problems and constraints in identifying and reporting incidents

1. Many countries lack a process or mechanism for collecting or reporting pesticide poisoning incidents
2. Many countries lack a process or mechanism for dealing with completed incident report forms
 - Investigate other related processes or mechanisms that may be in place in a country e.g register for adverse drug reactions, as possible models for pesticide poisoning incidents
 - Need to improve communication exchange experience between countries about existing mechanisms or current programs in collecting pesticide poisoning information
 - There is a need for training of field staff on the use of the form

Comments and observations

1. There is a need for more detailed guidance on the how to complete the incident report form including:
 - clarification of some of the terminology e.g. what constitutes an incident
2. There is an inconsistency between the health and environment forms in terminology and format of answering questions
3. The summaries of the proposals in the PIC Circular might be a trigger for action at the national level i.e. include a review of such summaries as a regular item on the agenda of pesticide registration committees.

SESSION 6: NOTIFICATION OF FINAL REGULATORY ACTION BANNED AND SEVERELY RESTRICTED CHEMICALS

Introduction by the Secretariat

Slide 1

SESSION 6

**Notifications of Final Regulatory Action
on
Banned or Severely Restricted Chemicals**

Slide 2

Structure of Session 6

- Introduction
- Presentation by a participant based on their experience
- Practical work in breakout groups

Slide 3

Objectives of Session 6

- 1) understand the provisions of the Convention and how the notification process operates
- 2) role of Appendix I of the PIC Circular as a source of information on banned and severely restricted chemicals
- 3) understand the role of DNA, gain practical experience in completing a notification of regulatory action form
- 4) provide feedback to the Secretariat on the clarity of the instructions

Slide 4

Introduction

- Key provisions of the Convention
- The notification process including:
 - Key players role DNA and Secretariat
 - Key documents notification form and PIC Circular
- Overview of banned or severely restricted chemicals under the Rotterdam Convention
- Key points

Slide 5

• **Key provisions of the Convention**

- **Article 2** – Definitions
 - Banned Chemicals
 - Severely Restricted Chemicals
 - Final Regulatory Action
- **Article 5** – Procedures for banned or severely restricted chemicals
 - the responsibilities of countries
 - the process to be followed
- **Annex 1** – Information Requirements for Notifications made pursuant to Article 5

Slide 6

Article 2 - Definitions:

Banned Chemical

means a chemical **all uses** of which within one or more categories **have been prohibited** by final regulatory action, in order to protect human health or the environment. It includes a chemical that **has been refused approval** for first-time use or **has been withdrawn by industry** either from the domestic market or from further consideration in the domestic approval process and where there is clear evidence that such action has been taken in order to protect human health or the environment;

Slide 7

Article 2 - Definitions Severely restricted chemical

means a chemical **virtually all uses** of which within one or more categories **have been prohibited** by final regulatory action in order to protect human health or the environment, but for which **certain specific uses remain allowed**. It includes a chemical that has, for virtually all use, **been refused for approval or been withdrawn by industry** either from the domestic market or from further consideration in the domestic approval process, and where there is clear evidence that such action has been taken in order to protect human health or the environment.

Slide 8

Article 5 Procedures for banned or severely restricted chemicals

For **new** regulatory actions

- DNA is to *inform* the Secretariat within 90 days

For **existing** national regulatory actions

- DNA is to *inform* the Secretariat when the Convention enters into force for that country
- *for those not submitted under the voluntary procedure*

Slide 9

Article 5 Procedures for banned or severely restricted chemicals

For **all** final regulatory actions to ban or severely restrict a chemical

- Designated National Authority completes a *notification of final regulatory action form*
 - mirrors information requirements of Annex I
 - describes the national regulatory action

Slide 10

Article 5 Procedures for banned or severely restricted chemicals

- Secretariat verifies that the information requirements of Annex I have been met
- Summary is published in Appendix I of the PIC Circular

Slide 11

Annex I: Information Requirements

1. Properties, identification and uses
2. Final regulatory action
 - a) Information specific to the final regulatory action
 - b) Category/categories (*pesticide or industrial chemical*)
 - c) Relevance to other states and regions
 - d) Other relevant information

Slide 12

🕒 The Notification Process

Secretariat verifies the notification is **complete**

Does it meet the requirements of Annex I of the Convention?

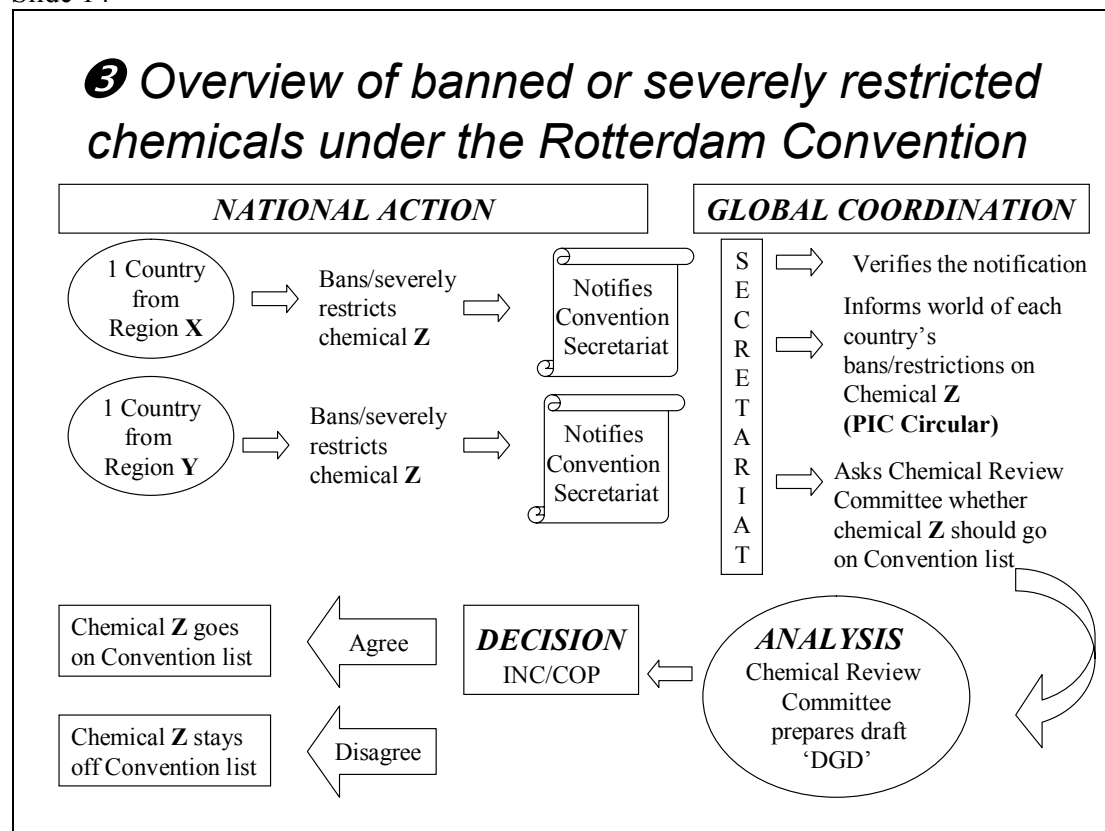
- **if yes**, a verification letter is sent with a summary of each notification and a completed checklist
- **if no**, a verification letter is sent with a checklist indicating where the notification is incomplete and detailed guidance of what is missing

Slide 13

🕒 The Notification Process: Information exchange on Notifications

PIC CIRCULAR the following specific information on notifications is provided:

- Appendix I** Synopsis of Notifications of Final Regulatory Actions Received Under the Interim PIC Procedure
- Part A** Summary of complete notifications of final regulatory action
- Part B** Information on incomplete Notifications of Final Regulatory Action



4 NOTIFICATION OF FINAL REGULATORY ACTIONS KEY POINTS

- 1) Notification of final regulatory action is one of two mechanisms to identify candidate chemicals for the Convention
- 2) Summaries of notifications are published in the PIC Circular
 - Source of information on chemicals banned/severely restricted in other countries
 - Countries importing chemicals that have been banned or severely restricted in an exporting country should receive export notifications from these countries

Notifications received from the Region
after 1998

Seven from Australia

**SESSION 6: NOTIFICATION OF FINAL REGULATORY ACTION
BANNED AND SEVERELY RESTRICTED CHEMICALS**

Presentation by Julia Rymer

Slide 1

**Australian Experience in
Providing Notifications of Final
Regulatory Action**

Designated National Authorities

- **Pesticides** – Australian Government Department of Agriculture, Fisheries & Forestry
- **Industrial Chemicals** – Australian Government Department of the Environment & Heritage

Slide 2

Basis for Notification

- **Pesticides** – regulatory action following review by the Australian Pesticides and Veterinary Medicines Authority
- **Industrial chemicals** – regulatory action by Australian and State/Territory governments

Slide 3

**Consideration of
Final Regulatory Action**

- Was the regulatory decision made because of human health and/or environment concerns?
- Does the action amount to a ban or severe restriction in terms of the Convention?
- Consultation with other Australian Government agencies, States/Territories Governments, industry

Slide 4

**Completing the Notification
Form**

- **Part I**
Properties, identification and uses
- **Part II**
Final regulatory action

Slide 5

**Australian notifications during
the interim procedure**

Pesticides

- Ethylene dibromide (EDB)
- Methazole
- Monocrotoph
- Parathion (ethyl)
- Tribufos

Industrial

- Asbestos – amphibole forms
- Polychlorinated biphenyls (PCBs)
- Polychlorinated terphenyls (PCTs)

Slide 6

**Case study:
Asbestos – amphibole forms**

Issues - What makes this notification different?

- the regulatory actions took place some time before notification
- regulation on asbestos in Australia had been taken in stages
- the restrictions are a result of several separate pieces of legislation – 7 different States and Territories

**SESSION 6: NOTIFICATION OF FINAL REGULATORY ACTION
BANNED AND SEVERELY RESTRICTED CHEMICALS**

SUMMARY NOTES FOR BREAK OUT GROUPS

Introduction:

The obligations of countries and the process for the notification of final regulatory actions by participating countries are contained in **Article 5** while **Annex I** details the information requirements and **Annex II** the criteria that are to be considered in reviewing candidate chemicals for inclusion in **Annex III** of the Convention.

When a country takes a final regulatory action to ban or severely restrict a chemical in line with the definitions in Article 2, it is obliged to notify the Secretariat.

The Secretariat verifies whether the notification meets the information requirements of Annex I and, where the information requirements have been met, prepares a summary of the notification and publishes it in the PIC Circular (Appendix I).

Once there are two verified notifications for the same chemical from at least two PIC regions the notifications and the supporting documentation are submitted to the Interim Chemical Review Committee (ICRC) for consideration for inclusion in the Convention.

The ICRC reviews this information in the light of the criteria set out in Annex II and makes a recommendation to the Intergovernmental Negotiating Committee (INC) as to whether the chemical should be included in the Convention.

The INC makes the final decision whether to include a chemical in the Convention.

Key Points:

1. The submission of a notification of final regulatory action is one of the two mechanisms to identify candidate chemicals for inclusion in the Convention.
2. The PIC Circular (Appendix I) facilitates the timely sharing of information among DNAs on chemicals that have been banned or severely restricted in at least one country.
3. When the countries that have submitted the notifications of regulatory actions included in the PIC Circular export those chemicals in future, importing countries should receive export notifications (see session 8).

The process for submission of a notification:

When a country takes a final regulatory action to ban or severely restrict a chemical in line with the definitions in Article 2, it is obliged to notify the Secretariat. Where it is available the notifications should contain the information set out in Annex I.

To facilitate the preparation and submission of these notifications of final regulatory actions a detailed form and instructions have been developed. On receiving a completed notification of regulatory action form, the Secretariat verifies whether or not the information requirements of Annex I have been met. In doing this review the Secretariat completes a detailed checklist. Where the submitted notification is verified as meeting the information requirements a draft summary is prepared and the notifying country is informed that their notification was complete and invited to review the draft summary. The

summaries of the verified notifications are published in Appendix I of the PIC Circular within six months of their being received.

Where a notification is found not to meet the information requirements of Annex I, the Secretariat sends a letter to the Designated National Authority (DNA) of the submitting country along with a completed checklist detailing the missing information. The DNA is invited to submit the missing information in order that the notification might be verified as complete and a summary prepared for publication in the PIC Circular. A list of those chemicals for which submitted notifications were incomplete is also included in the PIC Circular (Appendix I).

Once the Secretariat has received two verified notifications for the same chemical from at least two PIC Regions it requests the notifying countries to submit the supporting documentation referenced in their notification. The notification and the supporting documentation are forwarded to the ICRC for consideration. The ICRC reviews the submitted documentation in the light of the criteria set out in Annex III and makes a recommendation to the INC regarding inclusion of the chemical in the Convention. A positive recommendation from the ICRC is also the signal for drafting a Decision Guidance Document (DGD) for the chemical in question. The INC reviews the recommendation of the ICRC and the draft DGD and makes a final decision regarding inclusion of the chemical in the Convention.

**SESSION 6: NOTIFICATION OF FINAL REGULATORY ACTION
BANNED AND SEVERELY RESTRICTED CHEMICALS**

CASE STUDY

Your tasks:

1. The attached case study describes an example of a domestic regulatory action to ban a chemical. Review the case study and fill-out the notification form with the assistance of the instructions.
2. Review the summary of the notification included in Appendix 1 of the PIC Circular.
3. Once this practical exercise has been completed the Group is to:
 - discuss the process of taking a national regulatory action
 - discuss the process of completing and submitting a notification of final regulatory action form
 - identify the problems and constraints in taking a national regulatory action and in using the instructions to complete the final regulatory action form
 - discuss how the summaries of verified notifications of regulatory actions circulated as Appendix 1 of the PIC Circular might be used by designated national authorities

To facilitate discussion and in the preparation of a summary by the break out group chairs and the moderator, a set of guidance questions has been prepared.

Attached:

- Case Study - example of a domestic regulatory action
- Notification of final regulatory action, form and instructions
- Representative summary of the notification (see: Appendix 1, Part A and Part B of the PIC Circular XII, December 2000)
- Guidance questions
- See separate document: Dieldrin Pesticide Data Sheet

Case study

The following case relates to a regulatory action taken on a chemical: DIELDRIN, an organochlorine insecticide, posing problems for human health (bioaccumulation in the food chain and in the human tissues) and the environment (toxic to fish, crustaceans and many species of birds), especially under temperate climates. The pesticide was used for termite-control, ant-control, timber treatment and a few uses in agriculture.

The decision to ban the product in the country was taken on 1 January 1999 (Pesticide Law No. 01.01.99), and entered into force immediately. Dieldrin was used in the country reporting the regulatory action for vector control and ant control in coffee plantation. No use will be permitted after the regulatory action enters into force. Import, production for domestic uses, distribution and sale are also banned.

The reasons leading to the regulatory action are only related to the environment. The country where the regulatory action was taken is located in a sub-tropical area, where the degradation of dieldrin in the soil is slow (half-life of 5 years). Biomagnification is important (bioaccumulation in the food chain).

A long-term environmental study reported measurements over several months of the year on the quantity and quality of the fish captured, in water bodies surrounding the coffee plantations where dieldrin is used. Over several years of surveillance of the samples captured, it appeared that the quantities of fish decreased substantially. Over-fishing was excluded because the species was protected. In order to determine the cause, an investigation was carried out. Comparison of samples of fish captured in that area with other areas showed a strong concentration of dieldrin in fish tissues. The end of the risk evaluation allowed establishing a link between the use of dieldrin in the coffee plantations and the adverse environmental effects in water bodies surrounding plantations. Analyses were made possible through a co-operation with a neighbouring country having access to laboratory facilities.

Based on the results of the risk evaluation, a final regulatory action has been taken by the Pesticide Registration Board. As alternative chemicals were available in that country for ant-control in coffee plantation, all uses of the product were banned because the benefits of continued use were lower than the negative impact for the environment. The Designated National Authority, who is, in this country, part of the Pesticide Registration Board submitted a notification of final regulatory action to the Secretariat.

Your task:

Bearing in mind the information above, you are requested to go through the notification form and identify which sections you are able to answer properly and for which sections you would still need information. You can make use of the documentation available in the room, but you can also indicate which source of information you would recommend the DNA to use in order to complete appropriately the form.

Documentation available:

1. Safety Data Sheet

**SESSION 6: NOTIFICATION OF FINAL REGULATORY ACTION
BANNED AND SEVERELY RESTRICTED CHEMICALS**

OUTCOME OF BREAK OUT GROUP DISCUSSIONS

Overall

- The provisions of the Convention regarding the notification of final regulatory action and the process for their submission and review were generally well understood
- The case study was a very useful exercise and helped clear issues

Problems and constraints in taking national regulatory action

- 1) Lack of infrastructure to take a regulatory action on/control industrial chemicals.
- 2) Lack of infrastructure or non implementation for existing regulations on pesticides
 - Results in difficulty in gaining priority on the government agenda to implement the obligations of the interim PIC procedure – and to make progress towards ratification of the Rotterdam Convention
- 3) As a trigger for domestic regulatory action leading to notifications, there is a lack of capability to undertake risk evaluations e.g. assess toxicological data
- 4) The process of undertaking a consultation process before making a notification with stakeholders is time consuming

Comments and observations

1. The notification of final regulatory action form was usable, alright to follow but tracking the switching between pesticides and industrial sections was difficult at times
 - The form could benefit from a short checklist at the bottom
 - There could be some indication which sections really are the most critical
2. The guidance to the form was very useful and welcome
 - Use of the form for severe restrictions would be assisted by some greater clarification of what is a 'severe restriction'
3. Participants understood the purpose and content of the relevant parts of the PIC Circular (even though for some it was the first time they had seen one)
 - The summary of notifications of final regulatory actions was short enough to read, provides useful information and could be sent to expert panels/boards and act as a trigger for possible follow up action

SESSION 7: DECISION GUIDANCE DOCUMENTS AND IMPORT RESPONSE

Introduction by the Secretariat

Slide 1

SESSION 7

**Decision Guidance Document (DGD)
and
Importing Country Response (ICR)**

Slide 2

Structure of Session 7

- Introduction
- Presentation by participant based on their experience
- Practical work in breakout groups

Slide 3

Objectives of Session 7

- 1) understand the provisions of the Convention regarding import decisions for chemicals subject to the Convention and the process for their submission
- 2) understand the role the PIC Circular as a means to inform exporting countries regarding import decisions
- 3) understand the role of the DNA, gain practical experience in completing an import response form and using a DGD
- 4) provide feedback to the Secretariat on the clarity of forms and instructions

Slide 4

Introduction

- 1 Key provisions of the Convention
- 2 The detailed process for submission of an import response:

Key players	role of DNA and Secretariat
Key documents	import response form, DGD, and PIC Circular

☒ Key points

Slide 5

1 Key provisions of the Convention

Article 10 – Obligations in relation to imports of chemicals included in the Convention

- the responsibilities of countries
- the process to be followed

Slide 6

☆ Key provisions of the Convention

Apply to the 32 chemicals included in the interim PIC procedure

- 22 pesticides
- 5 severely hazardous pesticide formulations
- 5 industrial chemicals

Slide 7

Article 10 – Obligations in relation to imports of chemicals included in the Convention

Responsibilities of countries:

- for *each new chemical* added to the interim PIC procedure, DNA is to submit an import response no later than 9 months after the date of dispatch of the DGD
- for *each chemical in Annex III*, DNA must submit import responses no later than the date of entry into force of the Convention

Slide 8

Article 10 – Obligations in relation to imports of chemicals included in the Convention

Responsibilities of countries:

- if a Party modifies its import decision, the DNA must submit a revised response to the Secretariat

DNA must ensure that all of the import decisions of participating countries are available to relevant authorities nationally

e.g. customs officials, exporters and importers

Slide 9

Article 10 – Obligations in relation to imports of chemicals included in the Convention

Import response shall consist of either:

- a final decision
- an interim response

Slide 10

Article 10 – Obligations in relation to imports of chemicals included in the Convention

A final decision

- to consent to import
- not to consent to import
- to consent subject to specified conditions

Slide 11

Article 10 – Obligations in relation to imports of chemicals included in the Convention

An interim response, may include:

- an interim decision to import or not to import
- a statement that a final decision is under consideration
- a request for further information/assistance

Slide 12

Article 10 – Obligations in relation to imports of chemicals included in the Convention

Responsibilities of countries:

- response applies to the category or categories specified in Annex III/DGD
- response applies equally to all imports from any source and to domestic production for domestic use

Slide 13

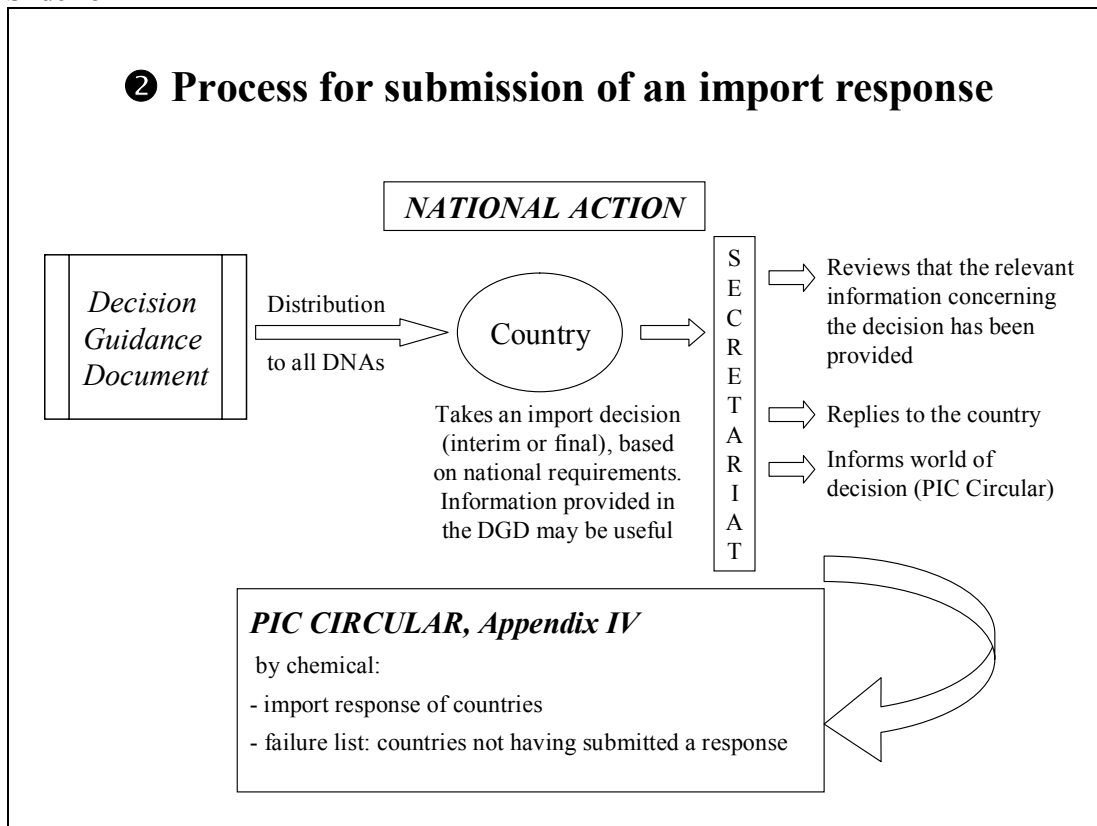
② Process for submission of an import response

- 1) Chemical is added to the Convention and a DGD has been distributed
- 2) Each country must take a decision concerning future import of this chemical, based on their national requirements. The information in the DGD may be useful in making this decision
- 3) DNA must submit an import response, within 9 months after distribution of DGD, using the import response form

Slide 14

② Process for submission of an import response

- 4) Secretariat reviews the import response form to ensure that it has been properly completed
- 5) Import decisions are published in Appendix IV of the PIC Circular, grouped by chemical and countries:
 - countries having provided an import response (interim or final, consent or no consent)
 - countries not having provided a response (failure list)



IMPORT RESPONSES KEY POINTS

1. Inform other countries of national decisions regarding future imports of chemicals subject to the Convention.
2. Countries who have not submitted an import decision may receive shipments of chemicals subject to the Convention

IMPORT RESPONSES KEY POINTS

3. Decisions to prohibit import apply equally to all exporters (including those not participating in PIC) and to domestic production of the chemical for domestic use
4. Exports by a country that is not participating in the Rotterdam Convention can occur, so countries must ensure that customs authorities are aware of the import decisions taken

Import Decisions on PIC Chemicals

Countries	No ICRs	Total ICRs received	All ICRs for Industrial Chemicals
Australia		31	5
Cook Islands		11	
Fiji		11	
New Zealand		32	
Samoa		31	5
Salomon Islands		2	
Vanuatu		21	
Marshall Islands			
Micronesia (Federated States of)			
Nauru			
Nepal			
Palau			
Tuvalu			
Tonga			
Papua New Guinea			
Kiribati			

Session 7 18

SESSION 7: DECISION GUIDANCE DOCUMENT AND IMPORT RESPONSE

Presentation by Francis Qarani

National Background Information

The Republic of Vanuatu comprises an EEZ of 710,000 sq km and some 80 volcanically active islands with a total surface area of 12,200 km². Topography varies from low coastal plains to rough, mountainous and heavily forested interiors, with the highest peak rising to over 1,800m. Vanuatu is located in the cyclone-prone, tropical south-western Pacific Ocean.

In 1996 Vanuatu had a total estimated population of 172,900 people, most of whom are indigenous Melanesians (98%). Expatriates account for 2% of the population and come from other Pacific Islands, Australia, New Zealand, Europe, the United States and Canada. There are two official languages, English and French and a national language, Bislama. The population of Vanuatu is predominantly rural, with about 81.6% living outside the two towns of Port Vila and Luganville. This population is dependent on subsistence agriculture for much of its food supply. About three-quarters of the work force were reported to be engaged in agricultural and related activities and almost 60% of these were subsistence farmers. In 1989, 77.4% of the economically active population were dependent on agriculture and related activities but accounted for only 19% of Gross Domestic Product.

Vanuatu remains a least developed nation seventeen years after gaining independence in 1980. There is a high natural growth rate (2.8% per annum) and an increasingly young population (46% are aged under 15 years). As a result, dependency ratios for the 0-14 year old population are high at 88 children per 100 adults of economically active age.

Industrial and Agricultural Sectors

Vanuatu's Gross Domestic Product (GDP) is made up of three economic sectors; Services, Industry and Agriculture. Services have contributed on average approximately 66% of total GDP at constant prices over the period 1985 to 1990. Over the same period agriculture contributed 23% and industry 15%. Within the services sector, tourism is increasing its contribution to Vanuatu's economy. Due to the tax free status enjoyed in Vanuatu, the Finance Centre attracts significant foreign investment in the country. Agriculture remains an essential sector of Vanuatu's economy, although not the major contributor of GDP. At least 80% of ni-Vanuatu live in the rural areas and are therefore engaged in agricultural activity.

In 1990, subsistence agriculture represented approximately 43% of total GDP value of the agricultural sector while the rest was contributed by commercial agriculture. 1995 figures show that the Agriculture Sector contributed (in millions of Vatu) VT6, 053; Industry VT3, 569; and Services VT17, 011. Agriculture has the potential to develop as a major provider of cash income in the rural areas and an important source of export revenue for the country. It will continue to be dominated by small-holders farming their own land, but with increasing emphasis on commercial production to supplement subsistence production; and on modern farming methods to supplement traditional methods. Agriculture, livestock, forestry and fisheries activities are a major sector of economic activity in Vanuatu, contributing nearly a quarter of GDP. While these activities have the potential to be the fuel for future economic growth they have grown more slowly than other sectors of the economy. In real terms subsistence agricultural production continues to contribute around 9% to GDP and since it is related to the amount of time households report spending in gardening it is estimated to grow with population. Combined with other main agricultural crops (copra, cocoa, kava), agriculture contributes 14% in real terms to GDP. Kava, squash, pumpkin and alternative cash crops (pepper, vanilla, groundnuts, and potato) have in total been contributing around 1.4% of GDP.

The contribution of agriculture, forestry and fisheries to GDP has fallen steadily since 1983 due to factors such as the volatility of global markets for primary commodities, low commodity prices, the changing patterns of production from larger plantation agriculture to smallholder production and the disastrous effects of the series of cyclones. Agricultural and industrial processing diversification into enterprises such as kava, spices and some vegetables, along with food beverages and wood processing are bringing sound returns. Subsistence production accounted for an estimated 45% of the sectors value added an indication of the role of subsistence production in the economy.

Chemical Production, Import and Export

There is no chemical production undertaken in Vanuatu. The majority of chemicals are imported from a number of countries that include Australia, New Zealand, and New Caledonia. Chemicals are imported under a variety of names chemicals including Fungicides; Herbicides; Insecticides and Pesticides most of which are currently addressed through the POPs NIP project.

Chemical Use by Categories

Agrochemical use in Vanuatu is small considering the large agricultural sector. Only small quantity of chemicals is imported each year. Agrochemical use is generally not encouraged by the Department of Agriculture and Horticulture.

Government Initiatives

Government authorities in Vanuatu have expressed concerns for potential problems related to chemicals on human health and environmental issues related to chemical imports and use. Vanuatu has established coordination mechanism to manage the trade in hazardous chemicals and pesticide.

Rotterdam convention on Prior Informed consent Procedure on Hazardous Chemicals and Pesticide in International Trade.

Signatory

Vanuatu is not a signatory to the Convention but has voluntarily agreed to apply the interim PIC procedure. However Vanuatu intends to work alongside regional and international institutions including SPREP and UNEP to sign and ratify the Convention in the near future.

Designated National Authority

As provided under article four (4) of the convention, the Vanuatu Quarantine & Inspection Services has been designated the National Authority (PIC) for Vanuatu.

Legal Instruments which address the Management of Chemicals

Pesticides (Control) Act 1993 - This Act approved by parliament and gazetted in 1997 has made provision for the regulation and control of the importation, manufacture, sale, distribution and use of pesticide and for matters connected therewith. The Act also provide for the setting up of a pesticide committee

Pesticides Committee – The committee consist of ex-officio members namely representative of the Agriculture Department, Health Department, Labor Department, Quarantine Services and Environment and three members appointed from importers, traders and user. The committee was appointed by the Minister of Agriculture in 1999.

The functions of the Committee are to assess and evaluate any application for the registration of pesticides or for the import of any pesticide; to determine the conditions of use of any pesticide; to

promote the efficient, prudent and safe use of pesticides; and to administer the provisions of the Pesticides Control Act.

Members

- (i) Manager Vanuatu Agriculture Supplies (Importer & Trader)
- (ii) Manager Teouma Gardens (User)
- (iii) Manager Ezzy Kill (Importer & Trader)

Ex-officio members in the committee namely

- (i) Director Vanuatu Quarantine and Inspection Services.
- (ii) Director of Health
- (iii) Commissioner of Labor
- (iv) Principal Environment Officer
- (v) Principal Animal Health Officer
- (vi) Principal Plant Protection Officer who is the registrar of pesticide
- (vii) Director of Agriculture

The chairman on the Pesticide Committee is the Director of Agriculture.

Registrar of Pesticide

The Principal Plant Protection Officer is the register of all Chemicals imported into Vanuatu.

Meetings of Pesticide Committee

The committee meets once (1) each year and at such times the chairman considers necessary.

PROCEDURE FOR THE IMPORT OF CHEMICALS

The pesticide committee has established a mechanism to address various issues regarding the import, registration, manufacture, and trade of chemicals in Vanuatu. Various forms were designed and endorsed by the pesticide committee.

PERMIT TO IMPORT/SELL/MANUFACTURE/DISTRIBUTE

All companies importing chemicals into Vanuatu have to obtain approved permits (appendix 1) from the Vanuatu Quarantine & Inspection Service. Importers must supply all information requested in the application form. Importers who wish to import chemicals that are not listed under approved chemicals have to complete a registration form (appendix 2/3). The following forms have been endorsed by the pesticide committee including:

- 1. Import Permit (Appendix 1)
- 2. Registration of pesticide (Appendix 2/3)
- 3. Permit to Land (Appendix 4)
- 4. Pesticide card index record system (Appendix 5)

Import Permits, registration of chemicals, and pesticide card index systems are issued by the Vanuatu Quarantine and Inspection Service, whilst permits to land are issued by the customs department.

Difficulties faced in implementation of the Pesticide Act.

- 1. The pesticide Act needs to be reviewed to cover other pollutants

2. The pesticide committee does not have regular meetings as stated in the Act because of the different departments involved e.g the chairman is the director of Agriculture while the executing agency is the Quarantine Department. This is mainly due to the fact that the Act was passed when Quarantine was under the Agriculture Department.
3. There are loopholes within the system because the act only covers agricultural chemicals.

Imports of Chemicals

No figures were obtained from importers but they (importers) have indicated a drop in imports.

Conclusion

I wish to conclude that since Vanuatu does not encourage the use of chemicals, incidence related to chemicals is very low. Vanuatu is promoting organic farming and the trend of the use of chemicals will decrease further.

APPENDIX 1

**APPLICATION FOR A PERMIT TO IMPORT/SELL/MANUFACTURE/DISTRIBUTE (delete where not applicable)
A PESTICIDE**

IMPORTANT: An application fee of VT 2,000 is payable with every application lodged

SECTION 1. IDENTITY OF APPLICANT	
1.1	Name of applicant
1.2	Address
1.3	Phone / Fax number
1.4	Island residing on
SECTION 2. IDENTITY OF CHEMICAL	
2.1	Trade name
2.2	Chemical name
2.3	Type of formulation and content of active ingredient
2.4	Manufacturer, producer or supplier's address
SECTION 3. CATEGORY OR CATEGORIES OF CHEMICAL	
<input type="checkbox"/> Pesticide <input type="checkbox"/> Industrial <input type="checkbox"/> Severely hazardous pesticide formulation	
SECTION 4. IMPORTATION HISTORY	
4.1	Is this your first time to import this chemical into Vanuatu? <input type="checkbox"/> Yes <input type="checkbox"/> No
4.2	If your answer to question 4.1 was No, please provide import dates below. Dates of previous import: <input type="checkbox"/> _____ <div style="margin-left: 100px;"><input type="checkbox"/> _____</div> <div style="margin-left: 100px;"><input type="checkbox"/> _____</div> <div style="margin-left: 100px;"><input type="checkbox"/> _____</div>

Please note that the Pesticide Committee requires from you the following information:

- (a) A copy of the draft label which shall be affixed on any container or package in which such chemical or pesticide shall be sold;
- (b) Samples of the container in which such chemical or pesticide shall be distributed or sold;
- (c) A statement of the claim made by the manufacturer or producer of such chemical or pesticide.

APPENDIX 2

APPLICATION FOR REGISTRATION OF A PESTICIDE (and application for a permit to import)

2 Copies to be submitted

1. Type of Registration Requested: Commercial Use / Research
(Delete where not applicable)
2. Product Name:
3. Name and Address of Applicant:
4. Name and Address of Supplier of Pesticide:
5. Name of Active Ingredient (s) and Concentration in g/Kg (solids) or g/L (liquids)
6. Formulation Type:
7. Use Type:
8. WHO Classification IA, IB, II, III, Not Classified (Delete where not applicable)
9. Overseas Registration (List 2 countries - give countries and registration numbers)
10. Attachments.
 - (a) Summary of use patterns
 - (b) A statement of the need to use the pesticide in Vanuatu
 - (c) Evidence that the product is registered overseas
(Copies of registration Certificates, affidavits or approved labels)
 - (d) 2 copies of the label which will be used when the product is imported and sold

Signed:

Designation:

Date:

APPENDIX 3

CERTIFICATE OF REGISTRATION (and permit to Import)

1. Name of Product:
2. Name of Registrant:
3. Registration Number:

4. Conditions of Registration:

.....
.....
.....
.....

5. Permit to Import granted to:

.....

Signed:
(Registrar)

Date:

Note:

The accepted and signed label (attached) must be used on all products entering into commerce. Failure to do this could lead to cancellation of the permit.

Failure to provide annual returns of import as required under regulation 12 could lead to cancellation of a permit to import.

APPENDIX 4

PERMIT TO LAND

Name and Address of Importer:

.....
.....
.....

Trade Name	Quantity	Country of Origin	Ship Name or Flight Number & Port of Entry

Permit to Land of the items described above is:

AUTHORIZED

PROHIBITED

AUTHORIZED SUBJECT TO THE FOLLOWING

.....
.....
.....

Signature of Customs Officer

Official Stamp

Date

APPENDIX 5

PESTICIDE CARD INDEX RECORDS SYSTEM

(Pesticide Card Index – By Trade Names)

.....
(Trade Name) (Registrant) (Reg. No.)
.....
(Type) (WHO Class) (Source/ Manufacturer) (Form Type)

<u>ACTIVE INGREDIENTS</u>	<u>CONCENTRATION</u>	<u>UNITS (mg/L or mg/Kg)</u>
.....
.....
.....
.....

(Pesticide Card Index – By Active Ingredients)

.....
(Active Ingredient)

<u>REG NO</u>	<u>TRADE NAME</u>	<u>CON</u>	<u>UNITS</u>	<u>REGISTRANT</u>
.....
.....
.....
.....

Pesticide List

Below are two categories of pesticide endorsed by the Pesticide Committee

APPENDIX 6
PESTICIDE BANNED FROM IMPORTATION INTO VANUATU

LIST OF PESTICIDES CURRENTLY BANNED IN VANUATU
DDT
DIELDRIN
DINOSEB
FLUOROACETAMIDE
HCH (MIXED ISOMERS)
CHLORDANE
CHLORDIMEFORM
EDB (1,2-DIBROMOETHANE)
HEPTACHLOR
MERCURY COMPOUNDS
CAPTAPOL
CHLOROBENZILATE
HEXACHLOROBENZENE
LINDANE
PENTACHLOROPHENOL
2,4,5-T
METHAMIDOPHOS
METHYL PARATHION
MONOCROTOPHOS
PARATHION
PHOSPHAMIDION
CROCIDOLITE
POLYBROMINATED BIPHENYLS (PBB)
POLUBROMINATED BIPHENYLS (PCB)
POLYBROMINATED TERPHENYLS (PCT)
TRIS (2,3 DIBROMOPROPYL) PHOSPHATE

APPENDIX 7

PESTICIDE APPROVED FOR IMPORT

LIST OF PESTICIDE APPROVED FOR IMPORT INTO VANUATU
MANCOZEB
ZINEB
COPPER OXYCHLORIDE
BAYCETON
DURSBAN
MALDISON 500
DICHLORVOS
ACTELIC
LEBAYCID
DY FLY PLUS
NEOLID 800
PERMAKILL
CISLIN
COOPEX
TALON
PROTOL
BROADLEAF WEEDER
GRAMOXOME
DIMENSION
TORDON TIMBER CONSROL
KERB
ALGAE & LICKEN REMOVER
ROGOR
LEAF CUER
MITE KILLER
GANDEW MASTER
BRANO
ORTHENE
THIODAN 35 EC
ATTACK
MAVRICK
CARBARYL
NEMACUR
METHYL BROMIDE (restricted for quarantine use only)
MILCURB

SESSION 7: DECISION GUIDANCE DOCUMENTS AND IMPORT RESPONSE

SUMMARY NOTES FOR BREAK OUT GROUPS

Introduction:

The obligations for countries and the process for the submission and dissemination of decisions regarding future imports of chemicals subject to the Convention are contained in **Article 10**. In order to assist countries in the decision-making process, a Decision Guidance Document (DGD) is available for each of the chemicals subject to the Convention.

When a country receives a DGD it is invited to review the document, make a decision regarding future imports of the chemical and forward that decision to the Secretariat.

The Secretariat prepares a comprehensive list of the import decisions for each country and publishes it every six months in the PIC Circular (Appendix IV). A list of those countries that have failed to submit import decisions for individual chemicals is also included.

When exporting a chemical subject to the Convention, exporting countries are to ensure that such exports are in line with the import decision of the importing country.

Key points:

1. The listing of import responses in the PIC Circular (Appendix IV) facilitates the timely sharing of information among DNAs of the decisions of countries regarding future imports of chemicals subject to the Convention. Participating countries are obliged to respect these import decisions.
2. Countries that have not submitted an import decision may receive shipments of chemicals subject to the Convention.
3. Decisions to prohibit imports apply equally to all exporters and domestic production of the chemical for domestic use.
4. Exports by a country that is not participating in the Convention can occur, so countries must ensure that customs authorities are aware of the import decisions taken.

The process for submission and review of import decisions

Once a chemical is included in the Convention a DGD is distributed to all designated national authorities (DNAs). The purpose of the DGD is to assist DNAs in making a decision regarding future import of the chemical. The DGD defines the chemical subject to the Convention, outlines the basis for the regulatory actions that were the reason for the chemical entering the Convention and identifies further sources of information concerning the chemical.

Upon receipt of a DGD the DNA is requested to inform the Secretariat of their decision regarding future import within nine months. If the decision is interim the DNA should give an estimate of the time needed to reach a final decision. The decisions may take one of three forms:

- CONSENT to import the chemical;
- CONSENT to import under specific CONDITIONS (whereby these conditions are specified);
or
- NO CONSENT to import.

The decision may be either a final decision or an interim decision if the decision regarding future import is under active consideration. The decision must refer to the chemical as specified in the DGD e.g. industrial chemical, pesticide or severely hazardous pesticide formulation.

To facilitate the transmission of the import decisions to the Secretariat an import response form has been developed. For each of the chemicals subject to the Convention, a DNA is to complete and submit an importing country response form to the Secretariat. A revised import response form should be submitted if the import status of the chemical in the country changes.

Every six months the Secretariat publishes in Appendix IV of the PIC Circular a comprehensive list of the import decisions from each country for all of the chemicals subject to the Convention. A list of those countries that have failed to submit import decisions is also included

In taking an import decision it is important that there be appropriate consultation with others within and outside the government e.g. customs authorities, as the decision must apply equally to all sources of the chemical, including domestic production for domestic use. Similarly, it should also be noted that export of a chemical subject to the Convention from exporting countries that are not Party to the Rotterdam Convention might still take place, as those countries are not legally bound by the Convention.

SESSION 7: DECISION GUIDANCE DOCUMENT AND IMPORT RESPONSE

CASE STUDY

Your Tasks:

1. Review the Decision Guidance Document (DGD) and based on your knowledge on the status of the chemical in your country make a decision regarding future imports of the chemical for the purpose of the workshop.
2. Based on the import decision complete the Import Response Form using the instructions provided.
3. Identify those points in the form and instructions that need clarification
4. Review the list of import responses and the list of failure to provide a response in Appendices III and IV of the PIC Circular.
5. Once this practical exercise has been completed the group is to:
 - discuss the process of taking a national import decision and how to involve the relevant ministries, agencies
 - identify the problems and constraints in taking an import decision
 - discuss the process of completing and submitting an import response form
 - identify the problems in completing the form and suggest areas for improvement of the Instructions
 - discuss how the information (import decisions) circulated as Appendix IV of the PIC Circular is used in the country and communicated to producers, exporters, importers, customs authorities and consumers

To facilitate discussion and the preparation of a summary by the break out group chairs and the moderator, a set of guidance questions has been prepared.

Attached:

- Blank import response form and instructions
- See separate document: Decision guidance document (Ethylene dichloride)
- See separate document: Appendix III and IV of PIC Circular
- Guidance questions

SESSION 7: DECISION GUIDANCE DOCUMENT AND IMPORT RESPONSE

OUTCOME OF BREAK OUT GROUP DISCUSSIONS

Overall

- The provisions of the Convention regarding import decisions are clearly understood.
- The role of import decisions published in Appendix IV of the PIC Circular is understood and provides sufficient information to ensure compliance with import decisions.

Problems and constraints in preparing and submitting import decisions

1. Institutional arrangements in Pacific Island Countries are not strong, and may not focus on active constituents as the main identifier.
 - Import, permits and registration may centre on trade names, and it may be difficult to identify the active constituents and thus control imports.
2. There is a lot of familiarity with pesticides, however there is less familiarity with industrial chemicals.
 - Assistance in the assessment of industrial chemicals and the use of the risk assessment would be beneficial.
3. Uncertainty regarding the relative responsibility among DNAs for making import decisions on individual chemicals e.g. whether industrial or pesticide DNAs were limited to decisions for chemicals in their own field, or if they could make decisions on substances listed in the other category.

Comments and observations

1. Failure to transmit response: it was noted that an interim response can be provided initially. If no response addressing import was provided, there was a 'protection period' of one year under Article 11.
2. There was a realisation that if the import responses were not made, unwanted imports may be received.
3. The instructions in the guidance document were useful in completing the import response form
 - On the form there is a need to choose import/no import/import with conditions. It was stated in the guidance that only one of these options was to be selected. However, it would be useful to have this indicated directly on the form.
 - It was suggested that when the hard copy of the import response form is circulated with the DGD, Sections 1 and 2 could have been completed (identity of chemical and category) in advance by the Secretariat.
4. It would be useful to some countries if the PIC circular was also available on CD.

SESSION 8: EXPORT NOTIFICATION

Introduction by the Secretariat

Slide 1

SESSION 8

Export Notification

Slide 2

Structure of Session 8

- Introduction
- Presentation by participant based on their experience
- Practical work in breakout groups

Slide 3

Objectives of Session 8

1. understand the export notification provisions of the Convention
2. understand the role of the DNA and gain practical experience in reviewing completed export notifications
3. consider how they might be used as a source of information on banned or severely restricted chemicals

Slide 4

Introduction

- ⇒ Key provisions of the Convention
- ✕ The export notification process
 - Key players - role of the DNA
 - Key documents
- ☒ Key points

Slide 5

⇒ *Key Provisions of the Convention*

- ☐ **Article 12 Export Notification**
 - the responsibilities of exporting and importing countries
 - the process to be followed
- ☐ **Annex V Information Requirements for Export Notification**
- ☐ **Article 13 Information to accompany exported chemicals**

Slide 6

Article 12 – Export Notification

KEY ELEMENTS

- country bans or severely restricts a chemical, the DNA in the exporting country must notify the DNA in the importing country when it exports such chemicals
- the DNA in the importing country is to acknowledge receipt of the notification

Slide 7

Article 12 – Export Notification

KEY ELEMENTS

- where there is no acknowledgement from the importing country within 30 days the DNA in the exporting country must submit a second notification
- obligation ceases when the chemical is included in the Convention and the importing country has provided an import response which has been published in the PIC Circular

Slide 8

Annex V - Information Requirements for Export Notification

KEY ELEMENTS

- name and address of the DNAs (exporting and importing countries) and of the importer
- expected date of export
- name of the chemical(s), in the case of mixtures level or concentration

Slide 9

Annex V - Information Requirements for Export Notification

KEY ELEMENTS

- the category of the chemical and use in the importing country
- information on precautionary measures to reduce exposure and emissions
- further information specified in Annex I as may be requested by the importing Party
- no standard format exists for export notifications

Slide 10

Article 13 – Information to accompany exported chemicals

KEY ELEMENTS

- subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment taking into account relevant international standards
- for chemicals used for occupational purposes a safety data sheet that follows an internationally recognised format should be sent to each importer

Slide 11

Article 13 – Information to accompany exported chemicals

KEY ELEMENTS

- as far as practicable, the information on the label and on the safety data sheet, should be given in one or more of the official languages of the importing party

Slide 12

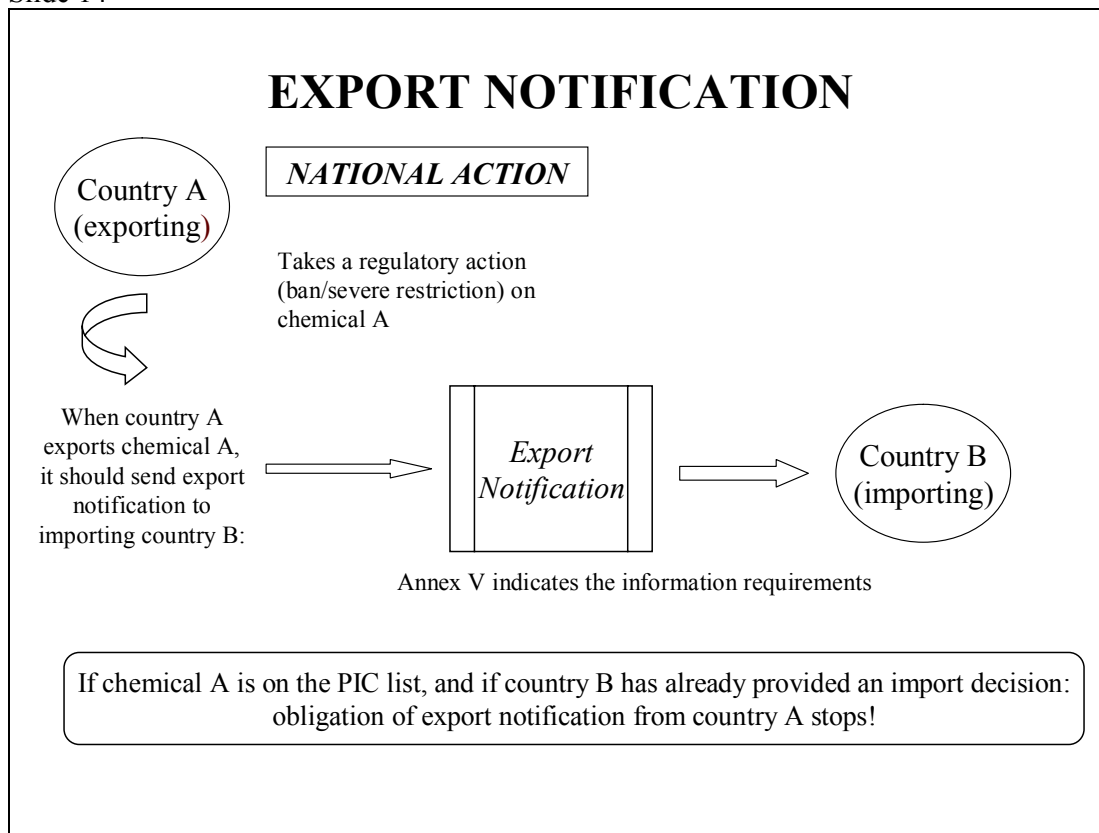
The notification process Key Steps

1. For exports of chemicals that are banned or severely restricted, notifications are to be sent to the DNA in the importing country
 - prior to first export after the regulatory action is taken
 - before the first export in any calendar year

Slide 13

The notification process Key Steps

2. The DNA in the importing country is to acknowledge receipt of the notification
3. Where the exporting country does not receive an acknowledgement within 30 days it is to re-send the notification



EXPORT NOTIFICATION KEY POINTS

1. Does not apply to all exporting countries as exports of the same chemical would not be notified by:
 - a country that has not banned or severely restricted the chemical or
 - is not a Party to the Convention
2. Assist DNAs in monitoring imports of hazardous chemicals entering their country

EXPORT NOTIFICATION KEY POINTS

3. Contains information about the recipient/importer and the anticipated use of the chemical in the importing country
 - can be a starting point to assess the risks from the chemical in the importing country which may in turn lead to a regulatory action
4. It is not the purpose of an export notification to request a decision regarding the acceptability of individual shipments/imports of a chemical

SESSION 8: EXPORT NOTIFICATION

Presentation by Pietro Fontana

Slide 1

**Introduction to the case study
Export Notification for Endrin**

Pietro Fontana

Slide 2

The work in the break out groups

1. Understand the information contained in an E N
2. Answer the following questions:
 - What is the scope of E N ?
 - How the information contained in an E N can be used ?
 - What are your follow – up actions ?
3. Prepare a summary of the discussion in the group including the problems identified

Slide 3

Why do you receive an export notification in the case of an import of Endrin from Switzerland ?

Slide 4

An export notification gives an incomplete picture of trade with banned or severely restricted chemicals!

- only provided on a mandatory bases by parties of the convention
- A ban in one country is not necessarily a ban in an other country
- Illicit trade is not covered

Slide 5

1. Identity of the substance to be exported:
 - (a) name in nomenclature of the International Union of Pure and Applied Chemistry (IUPAC)

1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4:5,8- dimethanonaphthalene
 - (b) other names (usual names, trade names, and abbreviations)

Endrin
 - (c) CAS Number

72-20-8

Slide 6

Chemical compounds can be described in many different ways

- systematic names (IUPAC, ...)
- generic names
- property or trade names
- trivial names
- abbreviations

The CAS Registry Number is a numeric identifier and provides a reliable common link between the various nomenclature terms to describe a substance

Slide 7

CAS Registry Number: 72-20-8

- Is a numeric identifier for Endrin
- Designates only one substance
- Contains up to 9 digits and is divided by 2 hyphens into 3 parts

72 - 19 - 5 Last substance in the registry

72 - 20 - 8 Next available number = **Endrin**
Serial number

Check digit to verify the validity of the CAS number

Slide 8

Standard calculation of the check digit

72-20-8

$$\begin{array}{r}
 1 * 0 = 0 \\
 2 * 2 = 4 \\
 3 * 2 = 6 \\
 4 * 7 = 28
 \end{array}$$

$$0 + 4 + 6 + 28 = 38$$

To verify by computer the validity of the entire number

Slide 9

(d) Harmonized System Customs Code

2910.90

All goods can be classified according to the HS system. The World Customs Organisation has defined for them 6 mandatory digits

Slide 10

PRODUCTS OF THE CHEMICAL OR ALLIED INDUSTRIES IN THE HARMONIZED SYSTEM CUSTOMS CODES (Chapter 28 – 39)

Chapter 29
ORGANIC CHEMICALS

Chapter 38
MISCELLANEOUS CHEMICAL PRODUCTS

Slide 11

HS Code: 2910.90

2910 Epoxides, epoxyalcohols, epoxyphenols and epoxyethers, with a three-membered ring, and their halogenated, sulphonated, nitrated or nitrosated derivatives

- **2910 10** - Oxirane (ethylene oxide)
- **2910 20** - Methyloxirane (propylene oxide)
- **2910 30** - 1-Chloro-2,3-epoxypropane (epichlorohydrin)
- **2910 90** - Other

Slide 12

Harmonized System Code (World Customs Organisation)

3808 Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (for example, sulphur-treated bands, wicks and candles, and fly-papers)

- **3808 10** - **Insecticides**
 - 3808 10 10 -- Based on pyrethroids
 - 3808 10 20 -- Based on chlorinated hydrocarbons
 - 3808 10 30 -- Based on carbamates
 - 3808 10 40 -- Based on organophosphorus compounds
 - 3808 10 90 -- Other
- **3808 20** - **Fungicides**
- **3808 30** - **Herbicides, anti-sprouting products and plant-growth regulators**
- **3808 40** - **Disinfectants**
- **3808 90** - **Other**

Slide 13

Proposal for the PIC Convention:

29.10

Epoxides, epoxyalcohols, epoxyphenols and epoxyethers, with a three-membered ring, and their halogenated, sulphonated, nitrated or nitrosated derivatives.

2910.40 Dieldrin

3808.10 Insecticides

3808.11
Containing Aldrin, Chlordane, Chlordimeform, Chlorobenzilate, DDT, Dieldrin, 1,2-Dibromoethane (EDB), HCH (mixed isomers), Heptachlor, Hexachlorobenzene, Lindane, Pentachlorophenol

Slide 14

An export notification does not contain a request for a decision regarding the acceptability of an import!

Slide 15

Flow of Information in the case of an export of Endrin from Switzerland (CH) to Samoa

Year	Banned Chemical in CH	Export destination	Exporter	DNA CH	DNA Samoa
2004 (March)	Endrin	Samoa	A	---	---
2004 (May)	Endrin	Samoa	A	---	---
2004 (July)	Endrin	Samoa	B	---	---
2005 (May)	Endrin	Samoa	B	---	---
2005 (June)	Endrin	Samoa	A	---	---

Information from exporters to the DNA of the exporting country : --->>>

Export Notification from the DNA of CH: >>>

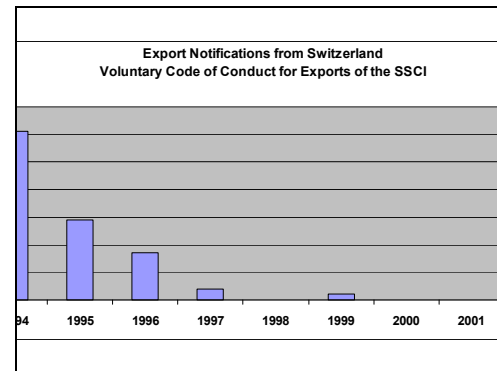
Confirmation of receipt from the DNA of Samoa: <<<

Slide 1

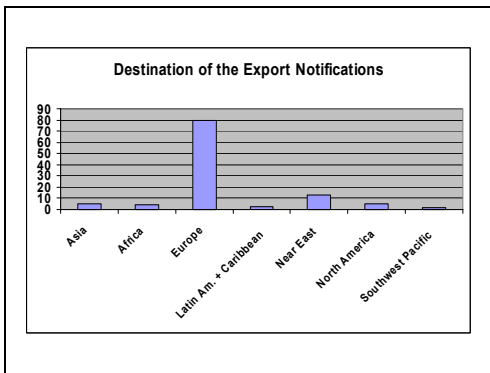
Gained experiences with the export notification procedure in Switzerland

Pietro Fontana
 Apia: September 2003

Slide 2



Slide 3



Slide 4

Main improvement in the procedure for providing an export notification under the PIC-Convention:

The export notification is provided before the first export in any calendar year

The importing Party shall acknowledge receipt of the export notification received

Slide 5

Main improvements in the content of an export notification in the PIC-Convention:

- Harmonized System Customs Code
- Foreseen use category (if known)
- Name , address of the importing company
- Name, address of the exporting company

SESSION 8: EXPORT NOTIFICATION

SUMMARY NOTES FOR BREAK OUT GROUPS

Introduction:

The obligations for countries and the process for export notifications are contained in **Article 12** while **Annex V** lists the information that should be included with an export notification. The export notification obligations are also related to **Article 13** *Information to accompany exported chemicals* and **Article 5** *Procedures for banned and severely restricted chemicals*.

A country that has banned or severely restricted a chemical in line with the definitions in Article 2, must, prior to the first export after the adoption of this regulatory action, and before the first export in any calendar year notify the designated national authority (DNA) of the importing party that it is shipping the chemical to that country.

The obligation to provide an export notification ceases once a chemical has been listed in Annex III and the DNA of the importing country has provided an import response to the Secretariat that has been published in the PIC Circular (Appendix IV).

Export Notifications are an important source of information to governments of importing countries regarding the trade of chemicals banned and severely restricted in a given exporting country.

Key points:

1. The export notification serves as a reminder to DNAs that chemicals that have been banned or severely restricted in certain exporting countries and for which summaries have been included in the PIC Circular (Appendix I), may be used in their country.
2. The export notification contains information about the recipient/importer and the anticipated use of the chemical in the importing country. It can be a starting point to assess the risks from the chemical in the importing country, which may in turn lead to a regulatory action.
3. Exports of the same chemical by a country that has not banned or severely restricted the chemical or is not a party to the Convention would not be notified.

The process for sending out an export:

When a country takes a regulatory action to ban or severely restrict a chemical in line with the definitions of the Convention it is also to provide export notifications to importing countries prior to the first shipment after the adoption of the regulatory action and then before the first export in any calendar year. When taking such actions a country is also obliged under Article 5 to submit a notification of final regulatory action to the Secretariat. Where the information requirements of Annex 1 have been met then a summary of the notification is published in the PIC Circular (Appendix I). The chemicals for which submitted notifications do not meet the information requirements of Annex I are also listed in the PIC Circular (Appendix I).

Where a country adopts a further regulatory action that results in a major change concerning the ban or severe restriction of a given chemical the export notification must then be updated.

The importing country is to acknowledge receipt of the first export notification. Where a response is not provided within 30 days then the exporter is to send the export notification a second time.

There is no standard format for an export notification however the key information elements that are to be included are listed in Annex V *Information requirements for export notification* and include:

- reasons for the regulatory action;
- risk of the chemical;
- precautionary measures to reduce exposure;
- the name and address of the importer; and
- the expected date of export.

SESSION 8: EXPORT NOTIFICATION

CASE STUDY

EXPORT NOTIFICATION for Endrin

Based on Switzerland Expert

1. Identity of the substance to be exported:
 - (a) Name in nomenclature of the International Union of Pure and Applied Chemistry (IUPAC)

1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4:5,8-dimethanonaphthalene
 - (b) Other names (usual names, trade names, and abbreviations)

Endrin
 - (c) CAS Number

72-20-8
 - (d) Harmonized System customs code

2910.90
 - (e) Main impurities of the substance, when particularly relevant.

2. Identity of the preparation to be exported:
 - (a) Trade name or designation of the preparation
 - (b) For each banned or severely restricted substance in Switzerland (PIC Regulation Annex I), percentage and details as specified under item 1.

3. Information on the export:
 - (a) Country of destination
Jamaica
 - (b) Expected date of first export this year
7 May 2002
 - (c) Intended use in the country of destination, if known
Pesticide
 - (d) Name, address and other relevant particulars of the importer or importing company
Pestkiller Ltd.
Industry Road 21

Kingston
Phone +1 876 22 22 22 2
Fax +1 876 22 22 22 4

- (e) Name, address and other relevant particulars of the exporter or exporting company
Production Ltd.
Shipping road 1
Basel
Phone +41 61 77 77 77 7
Fax +41 61 77 77 77 9

4. Designated National Authorities (DNA):

- (a) The name, address, telephone and telex, fax number or E-mail of the DNA in the exporting country from which further information may be obtained.

International Affairs Division
Swiss Agency for Environment, Forest and Landscape
3003 Bern
Phone +41 31 322 9323
Fax +41 31 323 0349

- (b) The name, address, telephone and telex, fax number or E-mail of the designated authority in the importing country.

The Registrar
Pesticides Control Authority
2, King Street
Kingston

Mrs. Hyacinth Chin Sue

Phone +1 876 967 1094
Fax +1 876 967 1285

5. Information on precautions to be taken, including category of danger and risk and safety advice.

Classification and risk phrases:

T + ;



Very toxic if swallowed (R 28)

T ;

Toxic in contact with skin R (24)

N ;



Very toxic to aquatic organisms (R 50)

May cause long-term adverse effects in the aquatic environment (R53)

Safety advice phrases

Keep locked and out of reach of the children (S1/2)

Do not breathe dust (S22)

Wear suitable protective clothing and gloves (S36/37)

In case of accident or if you feel unwell, seek medical advice immediately (show the label where possible) (S45)

This material and its container must be disposed of as hazardous waste (S60)

Avoid release to the environment. Refer to special instructions / Safety data sheets (S61)

6. Use of the chemical in Switzerland:

- (a) Uses and category subject to control measure (ban or severe restriction)

All uses are banned

- (b) Uses for which the chemical is not severely restricted or banned

The prohibition does not apply when Endrin is used for research purposes.

7. Summary of regulatory restrictions and reasons for them.

In the ordinance relating to environmentally hazardous substances the manufacture, supply, import and use of Endrin is prohibited.

Endrin is highly toxic to humans and animals. Endrin is persistent in the environment. It is likely to bioaccumulate.

Endrin is a chemical that will be covered by the POP-Convention.

SESSION 8: EXPORT NOTIFICATIONS

OUTCOME OF BREAK OUT GROUP DISCUSSIONS

Overall:

- The provisions of the Convention regarding export notification were understood.

Problems and constraints:

1. Countries recognized that their infrastructure for industrial chemicals was very limited (or not present), and therefore export notification for industrial chemical would be more difficult to handle than pesticides.
2. Export notifications may not always go to the DNA, with some examples of them being sent to Foreign Affairs.
3. DNAs considered that it would be useful to have a standard form for export notification

Comments and Observations:

1. The value of a network of DNAs and chemical regulators in the region was highlighted
2. Many countries have not received export notifications. Some countries noted that export notifications which they had received did not contain all the information required by Annex V.
 - It was noted that for certain countries the export notification was working under the voluntary scheme, but that when the Convention enters into force the requirements should be met by all Parties.
3. Export notifications can be supplied to the registration authorities. If the substance is not registered, they can inform the Customs authorities.
 - Upon receipt of an export notification countries could look at the chemical in more detail. Additional information may be needed, after the export notification has been received such as safety data sheet, the packaging information and the quantity which is being exported. It was noted that local data might be lacking, such as environmental information.
 - Countries would request the information listed in Annex I from the exporting country. Australia offered that they have a concise summary of the regulatory action.

SESSION 10: OPPORTUNITIES FOR REGIONAL COOPERATION

Existing mechanisms of regional cooperation

Presentation by Mataragi Purea

Slide 1

**Regional Activities Concerning Pesticides
and IPM**

by

M Purea
Plant Protection Officer

Slide 2

**Regional Activities Concerning
Pesticides And IPM**

Main Activities:

- **Review and Update of Pesticide Laws / Regulations**
 - **this is ongoing in the region**
 - **Assistance is provided to LDCs to bring their Laws / Reg in line with the rest**
- **Pesticide Board (National Pesticide Board)**
 - **Assist Member Countries Set Up**
 - **Re-activate the in-active ones**

Slide 3

**Regional Activities Concerning Pesticides
And IPM**

Main Activities:

- **Follow up Old & Outdated Pesticides In member countries in the region**
 - **Obsolete Pesticides**
 - **Expired pesticides (caking)**
 - **Exposed to the weather, wet, etc**
 - **poor forecasting (ordering)**
 - **lack of appropriate Laws & Regulations**

Slide 4

**Regional Activities Concerning Pesticides
And IPM**

♣ Obsolete Pesticides in Fiji

Pesticide Type	Units	Total Volume
Mancozeb	50 kg sack	100 sacks
Malathion (Liq) 50%	1 litre cans	1000 litres
Sevin WP 50%	2 kg package	500 kg
DC Dex Trichloro	25 litre drums	1000 litres
Deildrin	25 plastic drums	1250 kg

Slide 5

**Regional Activities Concerning Pesticides
And IPM**

♣ Obsolete Pesticides in Cook Islands

Chemicals	Amount / Volume
Micro nutrients	
Copper sulfate	6 tonnes
Borate, Iron chelate, Mn, Zn, Lime, etc	165 kg
Insecticides	
Phostoxin	22 bottles (tablets)
Deildrin	60 litres
Lindane	15 kg
Herbicides	
TOK E50	10 litres
HyvarX	10 kg
Fungicides (Sulphur)	40 kg
Nematicide (Vydate)	25 litres
Dasanit Granules	15 kg

Slide 6

**Plant Protection and Biosecurity in the
Pacific Region**

**During the Pacific Agriculture Minister Meeting
2001 Ministers Recommended:**

- **minimize (use) of Agric Chemicals & their residues on human health & the Enviro**

Minister Noted:

- **with concern ↑ use of Herbicide in Region**
- **Suggested to introduce systems to monitor Use of Herbicide & impact on food safety, water & soil quality.**

Slide 7

Plant Protection and Biosecurity in the Pacific Region

The Ministers endorsed:

- The use of Alternatives to Chemicals (e.g.)
 - **Integrated Pest Management IPM**

Approaches such as:

- **Chem control – most common**
- **Physical / Cultural control**
- **Biological control**
- **Ecologically Based Pest Management**

Slide 8

Plant Protection and Biosecurity in the Pacific Region

➤ Integrated Pest Management (IPM)

- IPM - the main approach in insect & disease management in the region
- the preference by many farmers is Pesticides especially Herbicide
- popular management tool is Biocontrol

Examples:

- Kiribati - on Breadfruit Mealy Bug use Rodolia limbata (lady beetle)
- Samoa - on Giant African Snail use Flatworm Platydemus manokwari
- Cooks - on Whitefly (Bemisia tabaci) use Encarsia wasp

Slide 9

Plant Protection and Biosecurity in the Pacific Region

➤ Integrated Pest Management (IPM)

Flatworm (Platydemus manokwari) for Giant African Snail

Slide 10

Plant Protection and Biosecurity in the Pacific Region

➤ Integrated Pest Management (IPM)

- Ecologically Based Pest Management (EBPM)
- developed from IPM of Insects & Weeds
- emphasize Ecological issues and Systems Approach

Main Goals: - target focus / minimize / avoid Non target spp
- conserve environmental health

Regional Examples: - Kiribati
- “Management of Rats in Coconut Plantations”
- Monitoring Pop level - When / When Not to Bait
- Use of Bait Station
- Use of Petiole Support System

Slide 11

Plant Protection and Biosecurity in the Pacific Region

- Ecologically Based Pest Management (EBPM)

Bait Station Petiole support systems

Slide 12

Plant Protection and Biosecurity in the Pacific Region

- Systems Approach (pre Border Biosecurity)

“integration of different pest risk management measures at which cumulatively achieve the appropriate level of phytosanitary protection”

- Very Active in Fiji Cooks Tonga
- Activities includes: documentation, growers registration, audit for efficacy of field treatment, surveillance / trapping auditing for compliance, post treatment, etc

SESSION 10: OPPORTUNITIES FOR REGIONAL COOPERATION

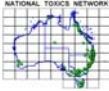
Existing mechanisms of regional cooperation

Presentation by Mariann Lloyd Smith

Slide 1

NGO Activities

NATIONAL TOXICS NETWORK



NGO Activities in Chemical & Waste Awareness & Management

- Regional NGO Activities
- National Activities
- International Activities

Dr Mariann Lloyd-Smith
Coordinator, National Toxics Network
Australia / Pacific Focal Point for IPEN

Slide 2

Regional Activities

NGO Capacity Building Workshop for Raising Awareness on POPs in the Pacific

May 2003 - Pacific Concerns Resource Centre (PCRC)

- Fiji, Samoa, Nauru, FSM, Kiribati, Niue, Palau, PNG, Tonga, Vanuatu, Solomons, Cook Is. Marshall Is
- build local NGO capacity about POPs in Pacific
- raise awareness in civil society (Art 10 SC)

Slide 3

**POPs awareness kits
"Poisons on Paradise"**

- Pacific Concerns Resource Centre POP kits
 - posters, stickers, pamphlets & radio program
 - templates for translation/adaptation
 - disseminate relevant POPs info to widely dispersed communities
- Regional NGOs with minimal funding
 - public awareness
 - valuable programs for improved chemical management
 - support for POPs in PIC Stockpiles Project

Slide 4

Current National Activities

- TUVALU - POPs Kit to outer Is. local govt, island teachers & schools, Radio Tuvalu
- NIUE - Niue Association of Organic Farmers / Govt. launch National POPs Awareness Campaign - secondary & primary schools, village councils - National Radio
- KIRIBATI - NGOs public awareness work with govt authorities & translating radio program
- Similar reports - Vanuatu, PNG, FSM, Samoa
- NZ NGOs - dioxin, incineration, POPs hotspots, Zero Waste, haz waste trade
- NTN - DDT hotspots, HCB Stockpile, EDC groundwater, chem. regs, haz waste, IPEN Community Monitoring/Body Burden Project

Slide 5

International POPs Elimination Project (IPEP)

"Fostering Active and Effective Civil Society Participation in Preparations for Implementation of the Stockholm Convention"

- GEF \$1M grant + \$1M co-finance - 2 years
- UNEP - Project Implementing Agency & UNIDO disburse GEF \$

"To facilitate effective involvement by IPEN PO in local, national & international activities to promote POPs elimination & other PTS."

- Build capacity & national support for SC implementation

Slide 6

Project Activities

- IPEP - 100s of NGO Activities - approx 40 developing / countries in transition
 - POPs Country Situation Reports, Policy Briefs, Hotspot Reports, Regional Reports
 - NGO participation in NIPs
 - Training & awareness-raising workshops
 - Information, data, public awareness, campaigning
 - National / Local languages

Slide 7

Project Regional Hubs

- Project Coordination - 8 Regional Hubs – IPEN NGOs

Latin America (working in Spanish)
Francophone Africa (French)
Anglophone Africa (English)
Middle East (Arabic)
Central Europe (English)
Eastern Europe (Russian)
South Asia (English)
Southeast & East Asia & Pacific (English).

Slide 8

Global Expert Teams

- *IPEN Global POPs Expert Teams*
 - POPs pesticides & alternatives
 - DDT and malaria
 - Dioxin inventories & promotion of alternatives
 - POPs stockpiles and contaminated sites
 - POPs monitoring and body burdens
- Exchange info & provide expertise / support
- Multi-lingual / regularly updated website - Results of Project Activities.

SESSION 10: IDENTIFICATION OF KEY NEXT STEPS/PRIORITIES AT NATIONAL AND REGIONAL LEVEL

GUIDANCE QUESTIONS

The purpose of these questions/points to consider is to stimulate discussion within the break out group on identifying key next steps for implementation of the interim PIC procedure and ratification of the Rotterdam Convention. It is not intended as an exhaustive list if there are other points that the group wishes to consider they should be included.

General

1. National activities:

Please identify key next steps for your country at national level (regarding areas such as: Designated National Authority, Import Responses, Notification of Final Regulatory Action, Severely Hazardous Pesticide Formulations, Information Exchange, Co-ordination with other Convention Secretariats)

2. Regional activities:

Identify regional activities such as "Information exchange, harmonisation of registration schemes, accredited laboratories, networking, training, staff exchanges, regular meetings, newsletters" which are crucial for the implementation of the Rotterdam Convention. Please identify other such regional activities which are crucial. Which of them need to be strengthened and who can provide support to do so? The list of issues/questions identified in Session 4 could serve as a useful reference.

Implementation of the interim PIC procedure

3. Given that the Rotterdam Convention applies to both industrial chemicals and pesticides is there a need for separate DNAs or is a single DNA able to manage both types of chemicals effectively. What steps have to be taken to have an additional DNA nominated?
4. Are structures and mechanisms in place, which allow for a national decision making process? Is there a co-ordination among major stakeholders and are all relevant groups involved in the decision making processes?
5. What are the reasons why import responses have not been prepared for all chemicals currently subject to the interim PIC procedure and what will be required to consider their preparation and submission?
6. Review recent regulatory actions – what needs to be done to prepare and submit notifications on final regulatory action to ban or severely restrict chemicals in line with Article 5.
7. Describe possibilities to collect information on pesticide poisoning incidents for pesticide formulations of potential concern. What is required to prepare a proposal for a severely hazardous pesticide formulation in line with Article 6?
8. What mechanisms if any are in place to communicate with industry or other government ministries regarding import decisions, the preparation and submission of notifications to the Secretariat and/or information on the operation of the interim PIC procedure such as contained in the PIC Circular? How can these communication channels be improved?
9. Identify who is involved in the implementation of the Stockholm Convention or Basel Convention in your country. Are there opportunities for collaboration e.g. in developing national implementation plans and reviewing existing legislation and regulations. What are the constraints and benefits for such co-operation?

10. Identify opportunities for initiating follow-up discussion with other countries in the region.
 - The presentations in the first part of Session 10 provided an overview of ongoing regional activities. It may be that some of these activities could represent opportunities to further consider/discuss issues relevant to the implementation of the interim PIC procedure or ratification of the Rotterdam Convention.

Ratification of the Rotterdam Convention

11. Identify who in the country is working on the Basel Convention. As many of the countries in the region have ratified the Basel Convention, could this serve as a model for the process that needs to be followed in ratification of the Rotterdam Convention?
12. Can regional co-operation assist in the ratification process (draft legislation, description of the ratification process, identification of legal and administrative requirements, estimation of human and financial resource requirements)?

SESSION 10: IDENTIFICATION OF KEY NEXT STEPS/PRIORITIES AT NATIONAL AND REGIONAL LEVEL

OUTCOME OF BREAK OUT GROUP DISCUSSIONS

Area	National activities	Regional activities
1. DNAs – role and responsibilities (Article 4)	<p>1. Clarify roles of people and processes involved in dealing with their obligations</p> <p>2. Build the infrastructure e.g. by extending Pesticides Committees increased level of technical input, and engage decision makers</p>	<p>1. Coordination for workshop on industrial chemicals</p> <p>2. Raise, or prioritize front end chemicals management issues with senior officials and look for opportunities to use existing regional mechanisms in order to meet and discuss issues (e.g. Regional Agricultural Ministers Meeting; PHALPS)</p>
2. Proposals for SHPF (Article 6 – session 5)	<p>1. Establish or improve linkages between government and non-government stakeholders to improve incident recording, reporting, management and evaluation.</p> <p>2. Additional training in how to identify and evaluate incidents, fill in the form and communicate how people should use the form.</p>	<p>1. Share any possible adverse experience regionally and ask for any advice.</p> <p>2. Establish a consolidated database at SPREP.</p>
3. Notification of final regulatory action (Article 5 – session 6)	<p>1. Submit outstanding notifications</p> <p>2. Consult with the authors of notifications in order to understand the risk profile and the basis for the decision; identify possible alternatives including chemicals.</p>	<p>1. Consult within the region for alternatives and strategies to manage or avoid the risks.</p> <p>2. Informal sharing of notifications within PICs.</p>
4. Import decisions (Article 10 – session 7)	<p>1. Include this task in the responsibilities of National Pesticide and/or Chemical Committees</p> <p>2. Prepare and submit outstanding import decisions for chemicals in the interim PIC procedure.</p>	<p>1. Monitoring the SPC project on model legislation for pesticides.</p> <p>2. Seek assistance from FAO/UNEP and experts to investigate the use of the PIC chemicals in the region.</p>
5. Export notifications (Article 12 – session 8)	<p>1. Acknowledge export notifications (note that notifications under the voluntary procedure may not include full information).</p>	<p>1. DNA in exporting countries in the region to keep the region informed of when and why they make significant regulatory decisions.</p>

	2. Monitor notified chemicals in PIC Circular and be aware of any potential further exports.	2. Informal information sharing on chemical shipments in the region.
6. Information exchange (Session 9)	<p>1. Initiate or strengthen processes for information exchange among all stakeholders (government and non-government) on the Rotterdam Convention.</p> <p>2. Establish central resource area of relevant documentation.</p>	<p>1. Establish an informal email system for PIC DNAs (including the real workers) so that information can be shared.</p> <p>2. Request Australia and New Zealand when undertaking risk assessments on chemicals of concern to the region to highlight aspects relevant to use in countries in the region.</p>
7. Ratification of/ accession to the Convention	<p>1. Raise awareness and propagate benefits of Rotterdam Convention within the community and in the institution.</p> <p>2. Investigate process for ratification and contribute as appropriate by identifying needs and requirements for implementation in the local jurisdiction.</p>	1. Circulate case studies of how the procedures are being implemented domestically.

SESSION 11: ADDRESSING CHALLENGES AND QUESTIONS IDENTIFIED IN SESSION 4
--

**PRINCIPAL CHALLENGES TO IMPLEMENTATION OF THE INTERIM
PRIOR INFORMED CONSENT PROCEDURE**

SUMMARY OF SESSIONS 4-8

1. Inadequate legal or regulatory infrastructure for pesticides or non-implementation of existing regulations.
2. Inadequate legal or regulatory infrastructure to take regulatory actions on/control industrial chemicals.
3. Difficulty in gaining priority on the government agenda to implement the obligations of the interim PIC procedure or make progress towards ratification of the Rotterdam Convention. (e.g. need for improved political support in relevant ministries)
4. Need for improved coordination and communication and definition of responsibilities within and between relevant ministries and DNAs in the implementation of the PIC procedure.
5. Need to improve/establish cooperation and communication among relevant ministries, DNAs and stakeholders (such as customs authorities, chemical industry, importers and exporters) on the implementation of the PIC procedure, in particular concerning dissemination of import decisions in the country and the need for export notifications.
6. Lack capacity/capability to undertake hazard and risk evaluations on the effects of chemicals, on human health and the environment, in support of final regulatory actions.
7. Lack of processes or mechanisms for collecting information on pesticide poisoning incidents (human health or environment) and for dealing with reports of such incidents.
8. Need to improve/establish communication and cooperation among DNAs in the region in order to *inter-alia* investigate opportunities to harmonize/coordinate national approaches to implementation of the PIC procedure and exchange experience.

PART II
PRESENTATIONS

SESSION 1: OPENING

Presentation by the Secretariat

Slide 1

Organisation of the Workshop

**KEY OBJECTIVES
&
STRUCTURE**

Session 1

Slide 2

KEY OBJECTIVES

- 1 Encourage implementation of the interim PIC procedure and ratification of the Convention
- 2 Increase awareness of and benefits associated with the Rotterdam Convention
 - understanding of the inter-relationship with the Stockholm and Basel Conventions.

Slide 3

KEY OBJECTIVES

- 3 Provide practical training on the operation of the Convention
 - focus on country obligations
 - opportunity to fine tune/test forms and instructions

Session 1

Slide 4

KEY OBJECTIVES

- 4 Develop a better understanding of the needs and constraints of countries
 - encourage countries to identify possible solutions including improved co-operation at the national and sub-regional levels.

Session 1

Slide 5

STRUCTURE

11 SESSIONS

- **Sessions 1 – 3** Introduction and overview
- **Session 4** Identification of challenges –questions to consider
- **Sessions 5 – 9** Practical experience in operational elements

Session 1

Slide 6

STRUCTURE

- **Session 10** Identify key next steps – priorities for action
- **Session 11** Addressing challenges and questions

Session 1

Slide 7

STRUCTURE

- Breakout groups
 - work together for the week
 - rotate chair for each session
 - consolidated report to plenary
- Moderators
 - for each session
 - work with breakout group chairs
 - report to plenary

Session 1

Slide 8

STRUCTURE

PRACTICAL SESSIONS

Plenary:

- Presentations by secretariat and invited speakers
- Explanation of work of the breakout groups
- Review consolidated report of breakout groups

Session 1

Slide 9

STRUCTURE

PRACTICAL SESSIONS

Breakout Groups:

- Summary note of the issue
- Case study
- Guidance questions - facilitate reporting to plenary

Session 1

SESSION 2: INTRODUCTION TO THE ROTTERDAM CONVENTION

Presentation by the Secretariat

Slide 1

The Rotterdam Convention: A General Overview

Slide 2

General Overview

- Objective of the Convention
- Brief history and background
- Introduction to the Convention
- Arrangements for the Interim Period
- Present status

Slide 3

Objective of the Convention

- To protect human health and the environment from potential harm from certain hazardous chemicals.
- How:
 - Alerts about hazardous chemicals
 - Provides the basis for decisions regarding future imports
 - Helps to enforce those decisions.

Slide 4

History and Background

The voluntary Prior Informed Consent (PIC) Procedure

- | | |
|-------------------|---|
| 1985 | FAO Code of Conduct on the Distribution and Use of Pesticides (Amended 1989 and 2002) |
| 1987 | UNEP London Guidelines for the Exchange of Information on Chemicals in International Trade (Amended 1989) |
| 1989 -1998 | UNEP/FAO Joint Program on the PIC procedure |

Slide 5

History and Background

- The Negotiation Process
 - UNCED (RIO- 1992)
 - Mandate from the governing bodies of FAO (1994) and UNEP (1995)
 - Intergovernmental Negotiations (1996-1998)
 - Convention and its Final Act adopted (1998)

Slide 6

Overview of Articles

- 1-4: Objective, definitions, scope and DNAs
- 5-14: Procedures for inclusion and removing of chemicals in the PIC procedure and for export and import of chemicals
- 15-30: General obligations and common clauses

Slide 7

Scope of the Convention (Article 3)

Applies to:

- Chemicals banned or severely restricted to protect human health or the environment
- Severely hazardous pesticide formulations - causing problems under conditions of use in developing countries or countries with economies in transition

Slide 8

Chemicals presently in the Convention (Annex III)

27 Chemicals:

- 17 pesticides
- 5 severely hazardous pesticide formulations
- 5 industrial chemicals

Slide 9

Designated National Authorities (Article 4)

- Each Party shall designate one or more National Authorities, that shall be
 - authorized to act on its behalf in the performance of the administrative functions required by this convention
- The Party shall seek to ensure that the DNA has sufficient resources to perform its task efficiently

Slide 10

Operational Articles

- **Article 5:** Procedures for banned or severely restricted chemicals
- **Article 6:** Procedures for severely hazardous pesticide formulations
- **Article 7:** Listing of chemicals in Annex III
- **Article 8:** Chemicals in the voluntary PIC procedure
- **Article 9:** Removal of chemicals from Annex III

Slide 11

Operational Articles

- **Article 10:** Obligations in relation to imports
- **Article 11:** Obligations in relation to exports
- **Article 12:** Export notifications
- **Article 13:** Information to accompany exported chemicals
- **Article 14:** Information Exchange

Slide 12

General Obligations (Article 15)

- Strengthen national infrastructure to ensure effective implementation
- Ensure Public Access to information on:
 - Chemical handling,
 - Accident management;
 - Safer alternatives.
- Cooperate on regional and global level
- Right to take more stringent measures.

Slide 13

Technical Assistance (Article 16)

- Parties shall cooperate in promoting technical assistance for the development of the infrastructure and the capacity necessary to manage chemicals to enable implementation of the Convention;
- Parties with more advanced programs for regulating chemicals should provide technical assistance to other Parties in developing their infrastructure and capacity to manage chemicals.

Slide 14

Conference of the Parties (Article 18)

- Highest authority of the Convention
- Decides on inclusion of chemicals
- Shall establish the Chemical Review Committee and other subsidiary bodies
- Shall establish PIC Regions
- Reviews and evaluates the implementation of the Convention

Slide 15

Secretariat (Article 19)

- Arrange meetings of the CoP and its subsidiary bodies
- Facilitate assistance to Parties in implementing the Convention
- Ensure coordination with the secretariats of other international bodies
- Other functions specified in the Convention
- Performed jointly by UNEP and FAO

Slide 16

Other Provisions

- **Article 20:** Settlement of Disputes
- **Article 21:** Amendments to the Convention
- **Article 22:** Adoption and Amendment of Annexes

Slide 17

Arrangements for the Interim Period

- Adopted by the Conference of Plenipotentiaries
- Changes the voluntary PIC procedure to an interim PIC procedure in line with the provisions in the Convention
- Mandates INC to oversee the implementation of the interim PIC procedure and to prepare for the first meeting of the Conference of the Parties;

Slide 18

Arrangements for the Interim Period

- All chemicals in Annex III are subject to the interim PIC procedure
- All chemicals identified for inclusion under the voluntary PIC procedure will become subject to the interim PIC procedure as soon as the Decision Guidance Document (DGD) has been adopted by the INC

Slide 19

Arrangements for the Interim Period

- The INC will decide on the inclusion of new chemicals under the interim PIC procedure in accordance with the provisions of the Convention
- The INC will establish an interim CRC and define PIC regions on an interim basis
- Establishes an interim Secretariat performed jointly by UNEP and FAO

Slide 20

Present status

- 47 Parties to the Convention (50 needed for entry into force)
- Seven interim PIC regions defined by INC 6
- Interim Chemical Review Committee established by INC 6, 29 members, mandate extended by INC 9
- Five chemicals added to the interim PIC procedure
- 168 States - nominated 256 Designated National Authorities
- INC-10 scheduled for 17-21 November (Geneva)

SESSION 2: INTRODUCTION TO THE ROTTERDAM CONVENTION

Presentation by the Secretariat

Slide 1

Rotterdam Convention

KEY ELEMENTS

Slide 2

Key Elements

SUMMARY

- Objective of the Rotterdam Convention
- What chemicals are included and why
- Key Provisions
 - Prior Informed Consent procedure
 - Information Exchange

Slide 3

Key Elements

SUMMARY (cont'd)

- Key Players - who is involved
- Key Documents - what they are
- Operation of the Prior Informed Consent (PIC) Procedure
- Benefits

Slide 4

Rotterdam Convention

OBJECTIVE

- 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 their environmentally sound use

Slide 5

Rotterdam Convention

How ?

- by facilitating information exchange on potentially hazardous chemicals and their characteristics
- by providing for a national decision-making process on their import and export and production
- by obliging exporting countries to respect the decisions of importing countries

Slide 6

Rotterdam Convention

What it achieves

- Provides an early warning system on hazardous chemicals
- Enables the world to monitor and control the trade in certain hazardous chemicals

Slide 7

Rotterdam Convention

What it achieves

- Gives countries the power to decide which of these chemicals they want to import and to exclude those they cannot manage safely
- Where trade does take place, requirements for labeling and provision of information on potential health and environmental effects will promote the safe use of these chemicals

Slide 8

Rotterdam Convention

What chemicals are included

32 Chemicals

- 27 in Annex III
- 5 added during the interim period (1998)

Slide 9

Rotterdam Convention

What chemicals are included:

Banned or Severely Restricted Chemicals

- chemicals banned or severely restricted due to risk to human health or the environment (*22 pesticides - 5 industrial chemicals*)
- *builds on the regulatory actions of countries with well developed regulatory infrastructure*

Slide 10

Rotterdam Convention

What chemicals are included

Severely Hazardous Pesticide Formulations

- formulations that present a hazard under conditions of use in developing countries and countries with economies in transition (*5 formulations*)
- *recognizes the unique situation in these countries and that some formulations that are not banned or severely restricted cannot be used safely under the prevailing conditions of use*

Slide 11

How it will work - Key Elements

- **Prior Informed Consent (PIC) Procedure**
 - mechanism for formally obtaining and sharing the decisions of countries regarding future imports of chemicals subject to the Convention
- **Information Exchange**
 - provisions that facilitate information sharing on a broad range of potentially hazardous chemicals moving in international trade

Slide 12

How it will work - Key Elements

Prior Informed Consent (PIC) Procedure

- countries learn about potentially hazardous chemicals that may be shipped to them
- initiates a national decision making process on the future import of these chemicals
- facilitates the sharing of these decisions with other countries
- participating countries are obliged to respect these import decisions

Slide 13

How it will work - Key Elements

Information Exchange:

- chemicals that are banned or severely restricted
- pesticide formulations causing problems under the conditions of use
- export notifications
 - for chemicals banned or severely restricted in the exporting country

Slide 14

How it will work - Key Players

- Designated National Authorities (DNAs)
- Conference of the Parties/Intergovernmental Negotiating Committee
- Chemical Review Committee
- Secretariat

Slide 15

How it will work - Key Documents

- Decision Guidance Documents (DGDs)
- PIC Circular

Slide 16

Key Documents

Decision Guidance Documents (DGDs)

- available for each chemical subject to the PIC procedure
- summarises why a chemical is included
- identifies additional sources of information
- assists DNAs in making informed decisions on future imports of the chemical

Slide 17

Key Documents

PIC Circular

- Issued every six months, December and June
- Lists all import decisions and failures to respond
- Information on banned or severely restricted chemicals and severely hazardous pesticide formulations
- Current list of DNAs

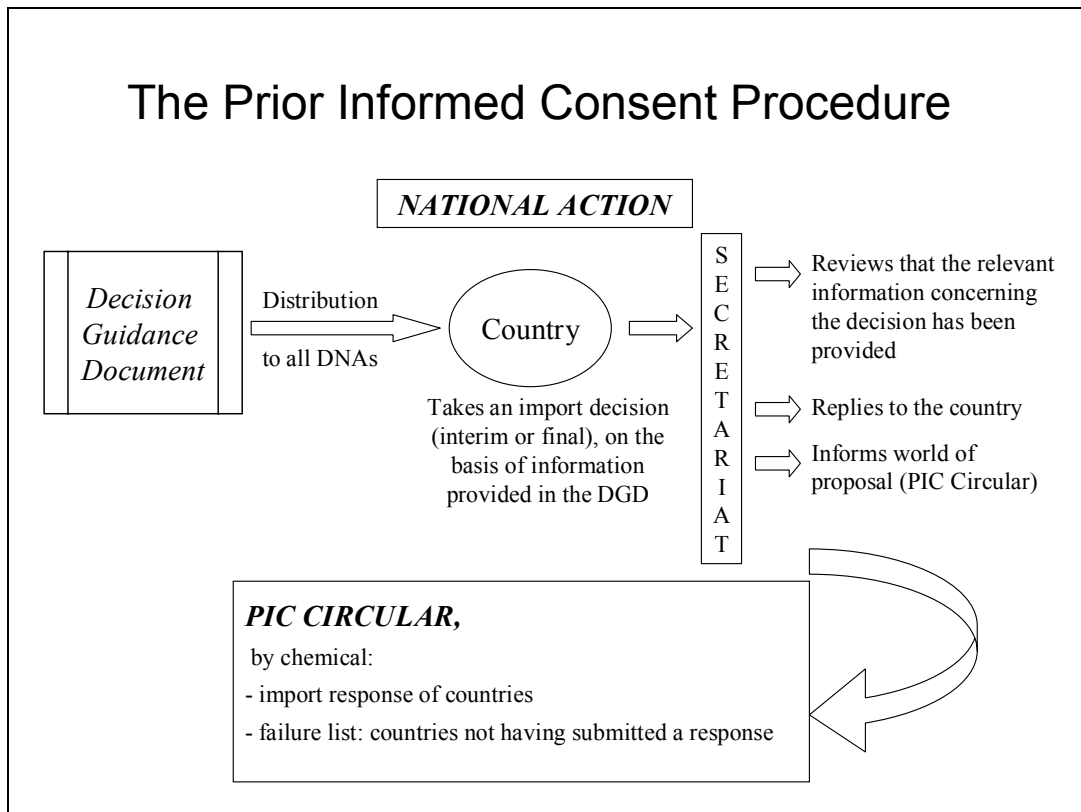
Slide 18

How it fits together

Operation of the PIC Procedure

- DGD is circulated to all participating countries with a request that they decide whether to accept future imports of the chemical
- Import decisions are circulated to all participating countries through the PIC Circular
- Exporting countries are to respect these decisions

Slide 19



Slide 20

Benefits of the Rotterdam Convention

- Ability to control unwanted imports of chemicals subject to the Convention
- Notifications of exports of chemicals banned or severely restricted in the exporting Parties
- Information summaries of control actions to ban or severely restrict chemicals, in other Parties

Slide 21

Benefits of the Rotterdam Convention

- Information on incidents involving severely hazardous pesticide formulations, in other Parties
- A network of DNAs in the region
- Access to DNAs in other regions with similar conditions

SESSION 2: INTRODUCTION TO THE ROTTERDAM CONVENTION

Presentation by the Secretariat

Slide 1

The Rotterdam Convention:
What has been accomplished

Session 2 1

Slide 2

What has been accomplished

- Overview of progress since September 1998
 - what has been achieved
- Activities under way and planned

Session 2 2

Slide 3

Designated National Authorities (DNA)

As of July 2003:

- 256 designated national authorities from 168 countries

Session 2 3

Slide 4

PIC regions

Interim PIC regions (7)

- Africa, Asia, Europe, Near East, North America, Southwest Pacific, Latin America and the Caribbean
- Established at INC-6

Session 2 4

Slide 5

Interim Chemical Review Committee

- elected Chairman and Bureau
- three sessions convened (1/year)
- reconstituted at INC-9
- details to be provided by ICRC Chair

Session 2 5

Slide 6

Meetings of the Intergovernmental Negotiating Committee (INC):

- INC-6: 12-16 July 1999, Rome
- INC-7: 30/10 - 3/11/2000, Geneva
- INC-8: 8-12 October 2001, Rome
- INC-9: 30 Sept/4 October 2002, Bonn

Session 2 9

Slide 7

Tasks of the Intergovernmental Negotiating Committee

- Oversee implementation of the interim PIC procedure
- Prepare for the first Conference of Parties (COP1)
 - such as procedures for non-compliance, settlement of disputes, financial rules.

Session 2 10

Slide 8

Progress in Ratification of the Rotterdam Convention

January 2003:

40 Parties to the Rotterdam Convention

Session 2 11 X

Slide 9

Outreach to countries

- PIC Regional Workshops
 - Bangkok (Dec.99), Nairobi (Jun. 2000), Cartagena (Oct.2000), Jamaica (April 2002), Senegal (June 2002), Iran (October 2002), Ukraine (November 2002), Namibia (February 2003)
- Sub-regional workshops in co-operation with Basel and Stockholm Conventions
 - Malaysia, Namibia, Australia

Session 2 12

Slide 10

Outreach to countries

- Shift focus to practical training – based on feedback from DNAs
- Mechanism for input on what is working well, what could be improved
 - Feedback specifically from each workshop

Session 2 13

Slide 11

Activities under way and planned

- Training workshops:
 - Panama October 2003, Asia first half of 2004
- INC-10: 17-21 November 2003
 - decision on inclusion of DNOC, Granox-Spinox and five new forms of Asbestos
- ICRC-5: February 2004
 - Finalise DGD on parathion, tetraethyl lead, tetramethyl lead

Session 2 11

Slide 12

Activities under way and planned

- Planned/underway:
 - guidance for DNAs
 - Access to database on the web
 - Countries can get up to date information on DNA address and import decisions between PIC Circulars
 - Clearing house facility on the website
 - Allows information submitted by countries on chemicals included in the Rotterdam Convention to be available for other countries

Session 2 12

Slide 13

Activities under way and planned

- Technical Assistance Strategy
 - For discussion at INC 10
- Preparation of material to assist Parties meet their Convention obligations following entry into force

Session 2 13

Slide 14

Activities under way and planned

- Completed:
 - revision of Convention website (ongoing)
 - suggestions for improvements are always appreciated!
 - website now available in 3 languages
 - distribution of SHPF report form/instructions
 - distribution of Environmental Incident Report form/instructions
 - information brochure

Session 2 14

SESSION 2: INTRODUCTION TO THE ROTTERDAM CONVENTION

Presentation by R. Arndt, Chair of the ICRC

Slide 1

ROTTERDAM CONVENTION

Overview of the work of the
Interim Chemical Review
Committee

REINER ARNDT, GERMANY
Chair, Interim Chemical Review
Committee

Samoa, 22. - 26.09.2003

Slide 2

Terms of reference of the ICRC

- Basis: decision INC - 6/2 of the INC6
- 29 Government designated experts from 7 PIC regions
- SW Pacific: Mr. Mayne (Australia), Mr. Matalavea (Samoa), Asia: 5 experts
- Meetings 2000, 2001, 2002 then mandate extended by INC9, meetings 2003, 2004?
- Conflict of interest procedure INC7

Slide 3

Task of the ICRC

- To make recommendations on the inclusion of banned and severely restricted chemicals
- To make recommendations for the inclusion of severely hazardous pesticide formulations
- And to prepare the relevant draft decision guidance documents.

Slide 4

Operational procedures of the ICRC

- Process for drafting DGDs (INC 7)
- Format and working paper to prepare DGDs
- Health, Environment incident report form (shpf)
- Common and recognized pattern of use (shpf)
- Determination of ongoing trade
- Co-operation DNA and ICRC through regional workshops

Slide 5

Policy decisions of the ICRC

- Contaminants (unavoidable, avoidable)
- Identification of chemicals (new, Annex III)
- Use of other countries notifications for national safe management of chemicals and notifications
- - compatibility of current regulatory practices with notification requirements
- -prioritization of work on old notifications

Slide 6

Chemicals addressed by the ICRC

- Ethylene dichloride, Ethylene oxide
- Maleic hydrazide (contaminants)
- Monocrotophos, DNOC, *Parathion*, dustable powder of Granox/Spinax (shpf)
- all forms of asbestos, *TEL and TML*
- rejected: *bromacil, Dinoterb, Tributyl tin compounds*

Slide 7

Co-operation DNA and the ICRC

- Regional workshops (feed back on work of ICRC)
- notifications according to article 5, 6
- Utilization of the DGDs (what does it deliver)
Basis for national risk evaluation/assessment, risk management options and decisions
- Import decision (yes, no, yes but ...)

Slide 8

PRIORITIES for Safe Chemicals Management

- Banned, restricted Chemicals 100 +
(POP, Montreal, PIC) chemical specific action
- hazardous chemicals (list?) 1000 +
(GHS, ILO 170) hazard/risk specific prevention/protection strategies
- All chemicals (inventory?) 10000+
general pollution prevention/protection strategies

SESSION 2: INTRODUCTION TO THE ROTTERDAM CONVENTION

Presentation by the Secretariat

Slide 1

The Stockholm,
Basel and Waigani
Conventions

A General Overview

Slide 2

Purpose of the presentation

- Provide a brief overview of the Stockholm, Basel and Waigani Conventions
- Highlight key aspects of each
- Provide initial framework for considerations of synergy with the Rotterdam Convention

Slide 3

General Overview

- Objective of the Conventions
- Coverage
- Key elements
- Present status

Slide 4

Objectives of the Stockholm Convention

- To protect human health and the environment from persistent organic pollutants (POPs)
- Aims:
 - Reduce or eliminate releases of POPs, starting with the 12 worst
 - Support the transition to safer alternatives
 - Target additional POPs for action
 - Clean-up stockpiles and equipment containing POPs

Slide 5

Coverage

- Currently includes 12 chemicals
 - Pesticides
 - aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, mirex, toxaphene, hexachlorobenzene
 - Industrial Chemicals
 - hexachlorobenzene, PCBs
 - Unintended byproducts
 - chlorinated dioxins, chlorinated furans

Slide 6

Key elements

- Reduce or eliminate releases of POPs
- Transition to safer alternatives
- Addition of new POPs to convention
- Stockpiles and waste
- Technical assistance and financial mechanism
- National implementation plans
- Supporting provisions

Slide 7

Eliminate POPs and transition to safer alternatives

- DDT is permitted for disease vector control until locally safe, effective and affordable alternatives are available.
- PCBs – governments allowed until 2025 to phase out 'in-place' equipment, manage PCB wastes by 2028
- Other intentionally produced POPs - Country specific exemptions (currently mainly pesticides)
- Byproducts – Apply best available techniques and best environmental practices (BAT/BEP) to reduce or eliminate releases of byproducts (dioxins, furans, HCB, PCBs)

Slide 8

Criteria for new POPs

- There is a provision to new chemicals on the basis of:
 - Persistence
 - Bio-accumulation
 - Potential for long-range environmental transport
 - Toxicity

Slide 9

Identification of new POPs

- Nominations from Parties
- Candidate POPs will be reviewed by a POPs Review Committee
- If the criteria are satisfied, information is gathered to prepare a risk profile
- COP decides on addition
- Lack of full scientific certainty shall not prevent a proposal for global action on a chemical proceeding

Slide 10

Stockpiles and wastes

- Governments must identify stockpiles, products and articles in use or wastes containing POPs
- Stockpiles are to be managed in safe, efficient and environmentally friendly manner
- Wastes must
 - Be handled, collected, transported and stored in an environmentally sound manner,
 - Be disposed of in a way that destroys or irreversibly transforms the POPs content
 - Not be subjected to disposal operations that may lead to recovery, recycling, reclamation, direct reuse or alternative uses of POPs
- Basel to develop guidelines

Slide 11

Financial mechanism

- The convention has provisions for technical assistance, technology transfer and regional centres
- The convention has a financial mechanism – to be determined by the COP
- The GEF is the principal entity of the interim financial mechanism
 - Projects being funded, especially enabling activities (national implementation plans)

Slide 12

National Implementation Plans

- Must be developed within 2 years of entry into force.
- Must be updated (frequency and manner to be determined).
- For GEF-eligible signatories or Parties to the convention, financial assistance is available.
- Underway in about 100 countries.
- Might extend to all areas of Stockholm, Rotterdam, Basel and Waigani conventions necessary to deal with POPs.

Slide 13

Status of Stockholm Convention

- Currently 37 ratifications, 50 needed for entry into force
- POPs INC-7 held in July 2003
- COP-1 tentatively planned for 1st half of 2005 in Punta del Este Uruguay
- Work is in progress in countries to develop National Implementation Plans; other projects being funded on a pilot or demonstration basis.
- Website **www.pops.int**

Slide 14

Objectives of the Basel Convention

- Reduce transboundary movement of hazardous wastes to a minimum consistent with their environmentally sound management
- Dispose of hazardous wastes as close as possible to their source of generation
- Minimize generation of hazardous wastes in terms of quantity and degree of hazard.

Slide 15

Coverage

- Hazardous wastes (specified in Convention Annex I)
 - Explosive
 - Flammable
 - Poisonous
 - Infectious
 - Corrosive
 - Toxic
 - Ecotoxic

Slide 16

Key Elements

- Control on transboundary movement
- Environmentally sound management
- Capacity and partnership building

Slide 17

Control system

- A procedure for the notification of transboundary movements of hazardous wastes or other wastes, based upon the prior written consent procedure
- Each shipment needs a movement document from the point of transboundary movement to the point of disposal.
- Rotterdam Convention may help if wastes are 'hidden' as chemical shipments

Slide 18

Other restrictions

- Transboundary movement only among parties
- Export is prohibited if
 - The state of import has an import ban, OR
 - The state of import has not given its consent to the import.

Slide 19

Other elements

- Environmentally sound management and minimization of wastes
- Capacity building
- Partnership building
- Greater efficiency through economic incentives
- Enhanced collaboration

Slide 20

Status of the Basel Convention

- The Basel Convention entered into force in 1992
- Subsequent amendments to the Convention have not yet entered into force:
 - Ban amendment (1995)
 - Liability and compensation protocol (1999)

Slide 21

Supporting tools for implementation

- Manual and guidelines
 - Model legislation on control and management of hazardous wastes
 - Implementation manual
 - Instruction manual on the control system
 - Technical Guidelines
- The Basel Convention Regional Centres
- Website www.basel.int

Slide 22

Objectives of the Waigani Convention

- Reduce or eliminate transboundary movements of hazardous and radioactive wastes into and within the Pacific Forum region
- Minimize the production of hazardous and toxic wastes in the Pacific Forum region
- Ensure that disposal of wastes is done in an environmentally sound manner and as close to the source as possible
- Assist Pacific Forum developing countries

Slide 23

Benefits of the Waigani Convention

- Protective mechanism to stop waste dumping in the South Pacific
- Prevent waste shipping that may damage the health and environments of the countries
- Creates a mechanism to facilitate clean ups of hazardous and radioactive wastes

Slide 24

Procedural requirements

- Export notification
- Written consent or disapproval for import applications
- Movement documentation
- Accident notification
- Information on the sound management of wastes.

Slide 25

Other information

- Adopted in 1995 (PNG)
- COP-1 held in July 2002 (Marshall Islands)
- SPREP is secretariat of the convention
- Website **www.sprep.org.ws**

SESSION 2: INTRODUCTION TO THE ROTTERDAM CONVENTION

Presentation by the Secretariat

Slide 1

The Rotterdam Convention:
Overview of Signature and
Ratification

Session 2 1

Slide 2

Overview of Signature and
Ratification

- What is a Convention/Treaty
- Negotiations/Adoption
- Signature Period
- Ratification, acceptance, approval
- Accession
- National Steps to become a Party
- Financial Considerations
- Regional Status

Session 2 2

Slide 3

What is a Convention/Treaty

- A Convention/Treaty is an agreement between States in written form, governed by international law
- It creates rights and obligations under international law
- Binding FOR States – not IN States

Session 2 3

Slide 4

Negotiations/Adoption

- The Rotterdam Convention was negotiated by an Intergovernmental Negotiating Committee (5 sessions 1996-1998)
- The Rotterdam Convention was adopted by a Conference of Plenipotentiaries in September 1998
- Adoption is the act by which the negotiating parties establish the form and content of a Convention/Treaty

Session 2 4

Slide 5

Signature

- The signature is normally subject to ratification, acceptance or approval.
- A State that signs a treaty is obliged to refrain, in good faith, from acts that would defeat the object and purpose of the treaty
- Rotterdam Convention was open for signature from 11 September 1998 to 10 September 1999 and has 73 Signatories.

Session 2 5

Slide 6

Ratification, acceptance,
approval

- Ratification, acceptance and approval all refer to the act, whereby a State establishes its consent to be bound by a treaty
- Ratification, acceptance and approval all require two steps:
 - The execution of an instrument of ratification, acceptance or approval by the Head of State, Head of Government or Minister for Foreign Affairs, expressing the intent of the State to be bound by the Convention, and
 - The deposit of the instrument with the depositary (UN Secretary General)

Session 2 6

Slide 7

Accession

- Accession is the act whereby a State that has not signed a treaty expresses its consent to become a party to that treaty by depositing an "instrument of accession"
- Accession has the same legal effect as ratification, acceptance or approval
- Accession is generally employed by States wishing to express their consent to be bound by a treaty where the deadline for signature has passed

Session 2 7

Slide 8

National Steps to become a Party

Governed by national regulations and practices, but a possible approach could be to:

- Create an Implementation Committee
 - Involve all stakeholders – Government, Industry, NGOs
- Prepare Implementation Strategy
 - Review Convention requirements
 - Review National legislation – identify possible revisions
- Become Party to the Convention
- Implement the Convention

Session 2 8

Slide 9

Financial considerations

- Convention
 - COP1 adopts Financial Rules and Budget for the first biennium
 - Scale of Assessment
- National Considerations
 - Implementation costs
 - Benefits
 - + Prevents adverse effects to human health the environment caused by hazardous chemicals and pesticides
 - + Prevents creation of stockpiles

Session 2 9

Slide 10

UN Scale of Assessment

- Prepared by the Committee on Contributions and adopted by the General Assembly
 - Based on the 'capacity to pay' principle:
 - Per capita income
 - Debt Burden
- Ceiling and Floor

Slide 11

Convention Scale of Assessment

- COP agree on the general principles
- COP adopt scales and budget
- Main Factors:
 - Adjusted to number of Parties
 - Agree to Floor and Ceiling
 - New Parties

Slide 12

Example (Based on UN 2003 scale)

	2003 Scale	First Year Budget
Australia	1.62700	56,945
Fiji	0.00400	140
Kiribati	0.00100	35
Marshall Islands	0.00100	35
New Zealand	0.24100	8,435
Samoa	0.00100	35
Solomon Islands	0.00100	35
Tonga	0.00100	35
Vanuatu	0.00100	35

Slide 13

Regional Status

Countries in PIC region **Southwest Pacific:**
 Australia, Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia (Federated States of), Nauru, New Zealand, Niue, Palau, Papua, New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu.

Slide 14

Regional Status

Parties in PIC region **Southwest Pacific:**

Marshall Islands
Samoa

SESSION 2: INTRODUCTION TO THE ROTTERDAM CONVENTION

Presentation by Fetoloai Alama

Slide 1

SAMOA'S RATIFICATION AND ACCESSION PROCESS FOR MULTILATERAL ENVIRONMENT AGREEMENTS

Focusing on Samoa's signatory status to the Rotterdam Convention and other related MEA's.

Slide 2

Presentation Outline

- Background
- Samoa's Status on Ratification and Accession to the four Conventions.
- The INC Nine accession / ratification process.
- Samoa's current accession and ratification process.
 - support from other relevant agencies
 - preparation of a cabinet submission
- Conclusion

Slide 3

- **April 2001:** "Sub-regional workshop on – PIC Procedure, – POPs, and the – Basel and Waigani Conventions", Aus.
- Samoa's intention to accede to all four Conventions was made known.
- **End of 2002:** All four Conventions had been acceded to.

Slide 4

STATUS OF RATIFICATION AND ACCESSION :

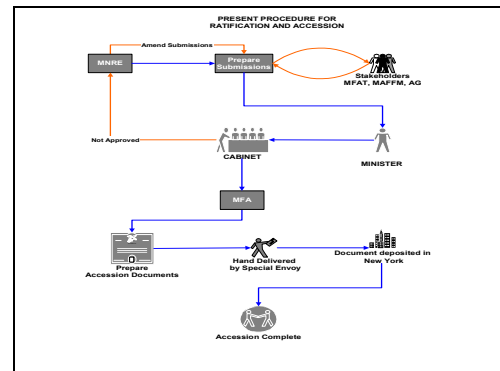
The Rotterdam Convention	Acceded 2002	Ministry of Natural Resources and Environment/ Ministry of Agriculture
The Basel Convention	Acceded 2002	Ministry of Natural Resources and Environment
The Stockholm Convention	Acceded 2001	Ministry of Natural Resources and Environment
The Waigani Convention	Acceded 2001	Ministry of Natural Resources and Environment

Slide 5

THE I.N.C. PROCESS ON RATIFICATION

- **Step 1** - prepare, analyse and collect documentation
- **Step 2** - contact authority for issuing ratification instruments and identify who would sign.
- **Step 3** - identify and undertake processes that lead to endorsement of ratification / accession.
- **Step 4** - determine if any declarations are needed.
- **Step 5** - prepare and sign instruments
- **Step 6** - lodge instruments with the depository

Slide 6



Slide 7

Cabinet Submission

- A Brief overview of the Convention
- Objectives and principles of the Convention
- Obligations of parties / signatories under the Convention
- Implications on Samoa
 - legislation
 - financial
 - representations at meetings
 - international / regional projects involved
 - national projects
- Relevance to Samoa
- Entry into Force
- Summary
- Recommendations
- Attachments: Supporting documents from related agencies.
 - The Instrument of Ratification to be attached.

SESSION 2: INTRODUCTION TO THE ROTTERDAM CONVENTION SUMMARY OF THE KEY PROVISIONS OF THE ROTTERDAM CONVENTION

Presentation by the Secretariat

The objective of the Rotterdam Convention is to promote a shared responsibility between importing and exporting countries in protecting human health and the environment from the harmful effects of hazardous chemicals.

It enables the world to monitor and control the trade in certain hazardous chemicals. It gives importing countries the power to decide which of these chemicals they want to receive and to exclude those they cannot manage safely. If trade does take place, requirements for labelling and provision of information on potential health and environmental effects will promote the safe use of these chemicals.

The Convention covers pesticides and industrial chemicals that have been banned or severely restricted for health or environmental reasons by participating Parties. Severely hazardous pesticide formulations that present a hazard under the conditions of use in developing country Parties or Parties with economies in transition may also be included.

The Rotterdam Convention was adopted at the Conference of Plenipotentiaries in Rotterdam on 10 September 1998 and will enter into force 90 days after the deposition of 50 instruments of ratification, acceptance, approval or accession. As of August 2003, 46 states had ratified, adopted, approved or acceded to the Convention. The interim Prior Informed Consent (PIC) Procedure will operate until the Convention enters into force.

Countries participating in the interim PIC procedure must designate one or more national authorities (DNAs) to act on its behalf in the performance of the administrative functions required by the Convention.

As of July 2003, 32 chemicals were subject to the interim PIC Procedure:

Pesticides: 2,4,5-T, aldrin, binapacryl, captafol, chlorobenzilate, chlordane, chlordimeform, DDT, dieldrin, dinoseb, 1,2-dibromoethane (EDB), ethylene oxide, ethylene dichloride, fluoroacetamide, HCH, heptachlor, hexachlorobenzene, lindane, mercury compounds, pentachlorophenol, toxaphene and certain formulations of metamidophos, methyl-parathion, monocrotophos, parathion and phosphamidon.

Industrial chemicals: crocidolite, polybrominated biphenyls (PBB), polychlorinated biphenyls (PCB), polychlorinated terphenyls (PCT), tris(2,3 dibromopropyl)phosphate.

The Convention includes a process for adding further chemicals. Four chemicals have been added to the interim PIC Procedure since September 1998. The inclusion of monocrotophos as a pesticide was decided at the Ninth Session of the INC in October 2002.

The Convention contains provisions for:

The *Prior Informed Consent (PIC) procedure*, a mechanism for formally obtaining and disseminating the decisions of importing countries as to whether they wish to receive future shipments of those chemicals specifically subject to the Convention and for ensuring compliance with these decisions by exporting countries.

The *exchange of information* among Parties about potentially hazardous chemicals that may be exported and imported and provides for a *national decision-making process* regarding import and compliance by exporters with these decisions. The provisions regarding information exchange include:

- the requirement for a Party to inform other Parties of each ban or severe restriction on a chemical it implements nationally;
- the possibility for a developing country Party or a Party with an economy in transition to inform other Parties that it is experiencing problems caused by a severely hazardous pesticide formulation under conditions of use in its territory;
- the requirement for a Party that plans to export a chemical that is banned or severely restricted for use within its territory, to inform the importing Party that such export will take place, before the first shipment and annually thereafter;
- the requirement that an exporting Party, when exporting chemicals that are to be used for occupational purposes, shall ensure that a safety data sheet that follows an internationally recognised format, setting out the most up-to-date information available, is sent to the importer; and
- the requirement that exports of chemicals included in the PIC procedure and other chemicals that are banned or severely restricted domestically, when exported, are subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment.

Operation of the PIC Procedure:

For each chemical subject to the PIC procedure a decision guidance document (DGD) is developed and circulated to DNAs. The DGD is intended to help governments assess the risks connected with the handling and use of the chemical and make more informed decisions about future import and use of the chemical, taking into account local conditions of use.

For each chemical subject to the PIC procedure the DNA is requested to decide whether to accept import, refuse import or allow import under certain conditions and to inform the Secretariat of their decision. A listing of the import responses given for each chemical subject to the PIC procedure is circulated to all DNA every six months in the PIC Circular.

Import decisions taken by Parties must be trade neutral; that is, if the Party decides it does not consent to accepting imports of a specific chemical, it must also stop domestic production of the chemical for domestic use or imports from any non-party.

A chemical subject to the PIC procedure should not be exported without the consent of the importing Party. In the absence of an import response the export may proceed if there have been previous shipments to that Party or if the chemical is approved in that Party and the regulatory situation has not changed. Exporting Parties should ensure that import responses published in the PIC Circular are immediately communicated to their exporters, industry and any other relevant authorities, such as the Department of Customs. Exporting Parties are also obliged to take appropriate measures, within their authority and legislative competence, to ensure that exports do not occur contrary to the decision of each importing Party.

The Convention provides for technical assistance between Parties. Parties shall, cooperate in promoting technical assistance for the development of the infrastructure and the capacity necessary to manage chemicals to enable implementation of the Convention. Parties with more advanced programmes for regulating chemicals should provide technical assistance, including training to other Parties in developing their infrastructure and capacity to manage chemicals throughout their life-cycle.

The benefits of ratifying, adopting, or acceding to the Rotterdam Convention include:

- ability to control unwanted imports of chemicals subject to the Convention
- export notifications of chemicals banned or severely restricted in the exporting Parties
- information summaries of control actions to ban or severely restrict chemicals, in other Parties
- information on incidents involving severely hazardous pesticide formulations, in other Parties

- a network of DNAs in Southwest Pacific
- access to DNAs in other PIC Regions with similar conditions

UNEP and FAO will serve as Secretariat for the interim period, in order to support the implementation of the interim PIC procedure and prepare for the entry into force of the Convention. UNEP and FAO have also been assigned the responsibility for Secretariat of the Convention.

SESSION 3: OVERVIEW OF THE ROTTERDAM CONVENTION

Introduction by the Secretariat

Slide 1

**OVERVIEW OF THE
ROTTERDAM CONVENTION**

**OPERATION OF THE INTERIM PRIOR INFORMED
CONSENT (PIC) PROCEDURE**

Slide 2

**OPERATION OF THE INTERIM PIC
PROCEDURE**

- 1. Scope of the Convention**
 - what chemicals are included
- 2. Key players**
 - who they are and what they do
- 3. Adding chemicals**
 - banned and severely restricted chemicals
 - severely hazardous pesticide formulations

Slide 3

**OPERATION OF THE INTERIM PIC
PROCEDURE**

- 4. The Prior Informed Consent procedure**
 - how it operates
 - decision guidance documents (DGDs)
 - import decisions

Importing and exporting country responsibilities

- export notification

- 5. Information exchange**

Slide 4

**OPERATION OF THE INTERIM
PIC PROCEDURE**

- 1. SCOPE OF THE CONVENTION**

Applies to:

- Pesticides and industrial chemicals, banned or severely restricted for health or environmental reasons by participating Parties
- Severely hazardous pesticide formulations that present a hazard under the conditions of use in developing country Parties or Parties with economies in transition

Slide 5

SCOPE OF THE CONVENTION

Does not apply to:

- narcotic drugs and psychotropic substances,
- radioactive materials,
- wastes,
- chemical weapons,
- pharmaceuticals,
- chemicals used as food additives
- food
- chemicals in small quantities for research or analysis purposes

Slide 6

WHAT CHEMICALS ARE INCLUDED

Chemicals subject to the Interim PIC Procedure

- 22 pesticides
- 5 severely hazardous formulations and
- 5 industrial chemicals

• since September 1998 5 pesticides have been added

Slide 7

OPERATION OF THE INTERIM PIC PROCEDURE

2. KEY PLAYERS

1. Designated National Authorities (DNAs)
2. Conference of the Parties (COP)
3. Chemical Review Committee (CRC)
4. Secretariat

Slide 8

**KEY PLAYERS
DESIGNATED NATIONAL
AUTHORITIES (DNAs)**

Responsible for the *administrative functions* required by the Convention

- Notifications of Control Actions
- Proposals for SHPF
- Import responses
- Export of Chemicals
- Export Notifications
- Information Exchange

Slide 9

**KEY PLAYERS
DESIGNATED NATIONAL
AUTHORITIES (DNAs)**

- Principal contact for the operation of the PIC procedure
- Generally a governing department or office responsible for broad policy decisions with the authority to decide which chemicals are used in the country

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**KEY PLAYERS
DESIGNATED NATIONAL
AUTHORITIES (DNAs)**

Pesticides or chemicals or one for both

- July 2003, 256 DNAs from 168 states

Slide 11

Designated National Authorities

Countries	One DNA for Industrial Chemicals and one DNA for Pesticides	One DNA for Pesticides	No DNA	One DNA for both Industrial Chemicals and Pesticides
Australia				
Cook Islands				
New Zealand				
Samoa				
Solomon Islands				
Vanuatu				
Papua New Guinea				
Fiji				
Marshall Islands				
Micronesia				
Nauru				
Dominica				
Tonga				
Tuvalu				
Franco				
Fruto				

Slide 12

KEY PLAYERS

CONFERENCE OF PARTIES (COP)

- Highest authority of the Convention
- Countries that have become Parties oversee implementation
 - interim procedure – Intergovernmental Negotiating Committee (INC)
 - just over 100 countries now participate
- Decides on the inclusion of chemicals, establishes subsidiary bodies, defines PIC regions etc.,

Slide 13

KEY PLAYERS

CHEMICAL REVIEW COMMITTEE (CRC)

- Expert Committee
- Review notifications and proposals from Parties
- Make recommendations to the INC/COP on chemicals to be added to the Convention
- 29 members from 7 interim PIC Regions
 - Africa, Asia, Europe, Near East, Latin America,
 - North America, Southwest Pacific
- Interim procedure - interim Chemical Review Committee (iCRC)

Slide 14

CHEMICAL REVIEW COMMITTEE (CRC)

South West Pacific

- Australia Mr. André Mayne
- Samoa Mr. Siaoosi Matalavea

Slide 15

KEY PLAYERS

SECRETARIAT

- Provided by UNEP and FAO jointly
- Service Parties, e.g., convene COP/INC and CRC/CRC meetings
- Facilitate some aspects of procedures
 - Collect and review notifications
 - Maintain registers e.g. DNA lists
 - Communicate to Parties

Slide 16

KEY PLAYERS

SECRETARIAT

- Assist Parties in the implementation of the Convention
- Coordinate with other secretariats
- Other functions as specified in the Convention

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OPERATION OF THE INTERIM PIC PROCEDURE

3. ADDING CHEMICALS TO THE CONVENTION

Different procedures for:

- **Banned or severely restricted chemicals**
 - notification of regulatory action form
- **Severely hazardous pesticide formulations**
 - SHPF incident report form

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ADDING CHEMICALS TO THE CONVENTION

Banned or severely restricted chemicals

- Each Party notifies the Secretariat when it has taken a final regulatory action to ban or severely restrict a chemical
- Secretariat verifies that the notification contains information required in Annex I
- Prepares summary for inclusion in the PIC Circular

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ADDING CHEMICALS TO THE CONVENTION

Banned or severely restricted chemicals

- When the Secretariat has received two notifications from two different PIC regions that contains the information required in Annex I it forwards them to the Chemical Review Committee

Slide 20

ADDING CHEMICALS TO THE CONVENTION

Banned or severely restricted chemicals

- The Chemical Review Committee (CRC) reviews the information provided in the notifications and the supporting documentation in accordance with the criteria in Annex II

Slide 21

ADDING CHEMICALS TO THE CONVENTION

Banned and severely restricted chemicals

When reviewing notifications, the CRC shall:

- Confirm that the regulatory action has been taken in order to protect human health and the environment
- Establish that the regulation has been taken as a consequence of a risk evaluation
- Consider whether the regulatory action provides a sufficiently broad basis to merit inclusion of the chemical

Slide 22

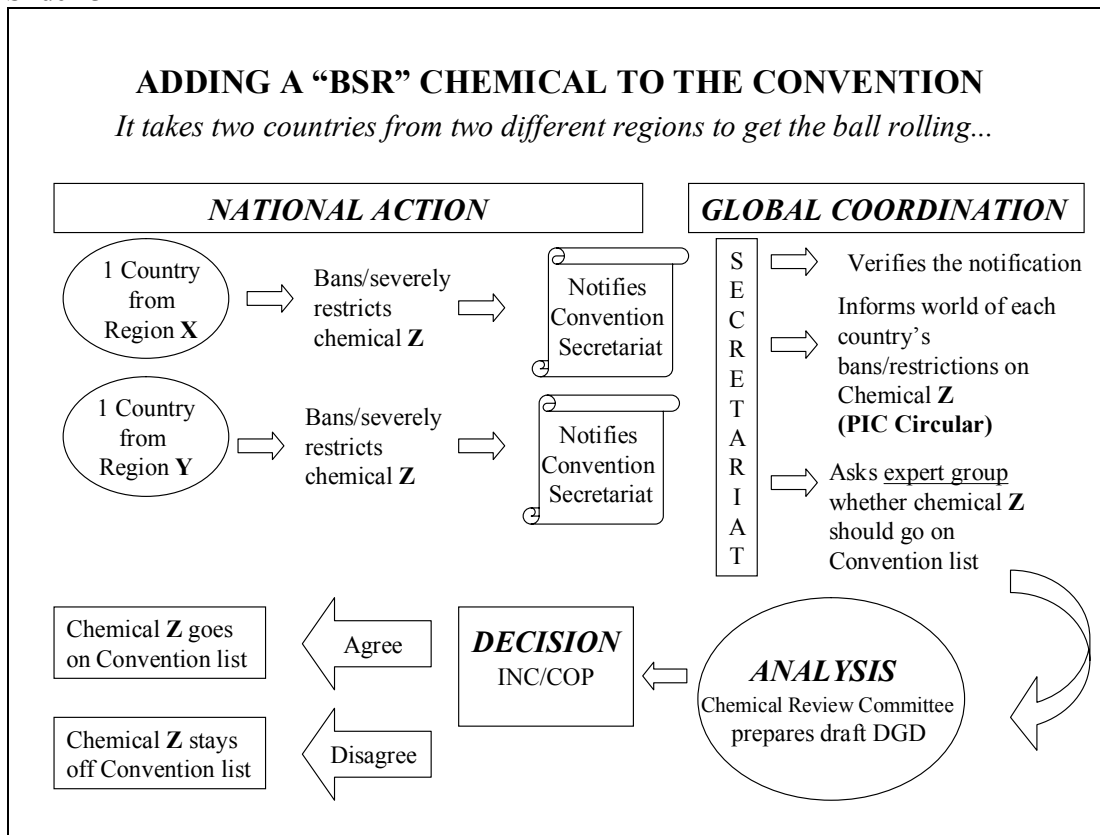
ADDING CHEMICALS TO THE CONVENTION

Banned and severely restricted chemicals

The Chemical Review Committee:

- recommends to the Conference of the Parties (COP) whether to include the chemical in Annex III
- drafts a Decision Guidance Document (DGD)

The COP decides whether to include the chemical in Annex III and approve the draft DGD



ADDING CHEMICALS TO THE CONVENTION

NOTIFICATION OF REGULATORY ACTION FORM

- Facilitates reporting of national regulatory actions in accordance with Article 5 *Procedures for Banned or Severely Restricted Chemicals*
- Meets the information requirements of Annex I *Information Requirements for Notifications made Pursuant to Article 5*
- Summary of complete notifications is included in the PIC Circular

ADDING CHEMICALS TO THE CONVENTION

NOTIFICATION OF REGULATORY ACTION FORM

- An official government document it must be signed by the DNA and submitted to the Secretariat
- Combined with supporting risk evaluation is basis for review by Chemical Review Committee

ADDING CHEMICALS TO THE CONVENTION

Severely hazardous pesticide formulations

Developing Countries, or Countries with economies in transition

- Experiencing problems caused by severely hazardous pesticide formulations under conditions of use in their territory
- Propose inclusion in Annex III

ADDING CHEMICALS TO THE CONVENTION

Severely hazardous pesticide formulations

- Secretariat verifies that the proposal contains the information specified in part 1 of Annex IV
- A summary of the incident report is included in the PIC Circular
- Triggers collection of additional information by Secretariat in line with part 2 of Annex IV

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ADDING CHEMICALS TO THE CONVENTION

Severely hazardous pesticide formulations

- Secretariat forwards proposal and information it has collected to the Chemical Review Committee
- CRC reviews the information in accordance with the criteria in part 3 of Annex IV

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ADDING CHEMICALS TO THE CONVENTION

Severely hazardous pesticide formulations

In reviewing proposals the CRC shall take into account:

- reliability of evidence indicating that the use of the formulation in accordance with common or recognized patterns of use in the Party resulted in the reported incidents
- relevance to other States with similar climate, conditions and patterns of use of the formulation
- existence of handling or applicator restrictions that may not be reasonably or widely applied in States lacking the necessary infrastructure

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ADDING CHEMICALS TO THE CONVENTION

Severely hazardous pesticide formulations

In reviewing proposals the CRC shall take into account:

- significance of the reported effects in relation to the quantity of the formulation used
- intentional misuse is not itself an adequate reason to list the formulation in Annex III

Slide 31

ADDING CHEMICALS TO THE CONVENTION

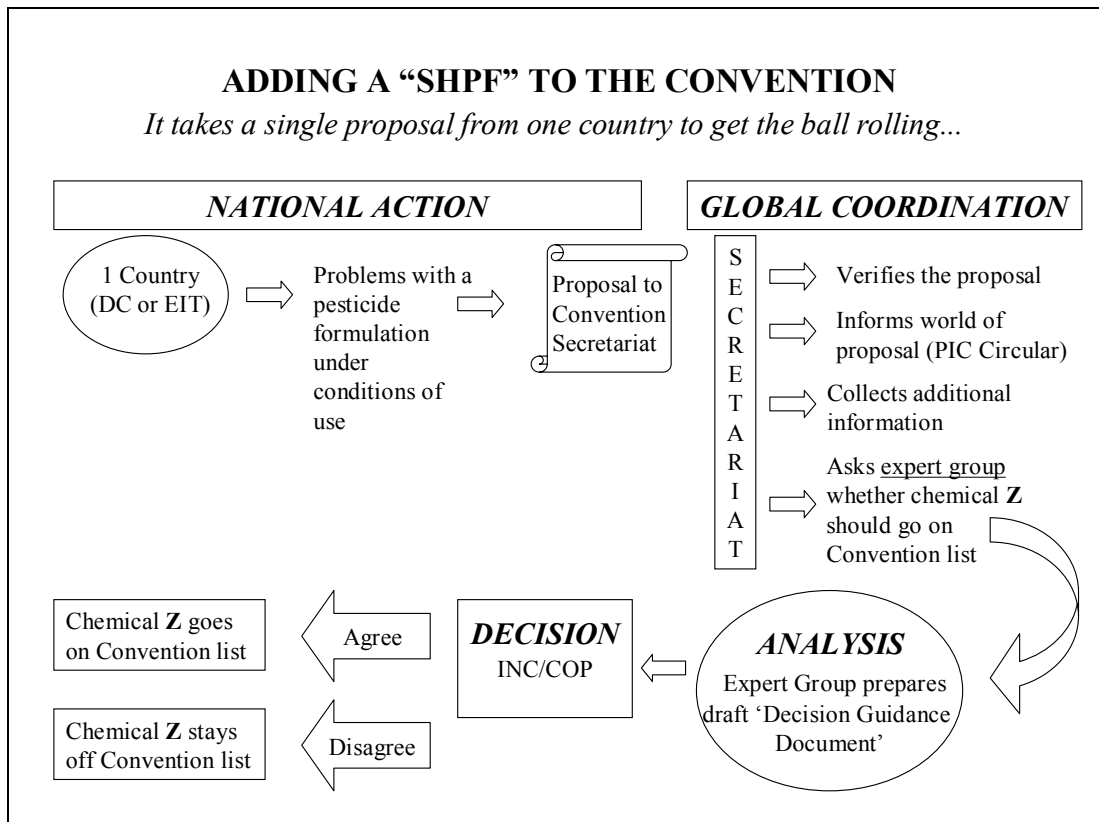
Severely hazardous pesticide formulations

The Chemical Review Committee:

- recommends to the Conference of the Parties (COP) whether to include the chemical in Annex III
- drafts a Decision Guidance Document (DGD)

The COP decides whether to include the chemical in Annex III and approve the draft DGD

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**ADDING CHEMICALS TO THE
CONVENTION**

SHPF INCIDENT REPORT FORM

- Facilitates the preparation and submission of proposals regarding hazardous pesticide formulations in accordance with Article 6 *Procedures for Severely Hazardous Pesticide Formulations*
- Meets the information requirements in part 1 of Annex IV and serves as the basis for the development of proposal for submission by the DNA

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**ADDING CHEMICALS TO THE
CONVENTION**

SHPF INCIDENT REPORT FORM

Part A - DNA transmittal form: identity of the formulation and information on its use in the prevailing conditions of the country

Part B - Incident Report form: a clear description of incidents related to the problem, including the adverse effects and the way in which the formulation was used

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**OPERATION OF THE INTERIM
PIC PROCEDURE**

4. The Prior Informed Consent Procedure

a) How it operates

- Decision Guidance Documents (DGDs)
- Import decisions/responses
- PIC Circular

b) Importing country responsibilities

c) Exporting country responsibilities

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**THE PRIOR INFORMED CONSENT
PROCEDURE**

DECISION GUIDANCE DOCUMENTS

- Developed for each chemical subject to the PIC procedure
- Clearly identifies the reasons for a chemical being included in the PIC procedure
- Summarises the basis for regulatory decisions reported by notifying countries

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**THE PRIOR INFORMED CONSENT
PROCEDURE**

DECISION GUIDANCE DOCUMENTS

- Identify additional sources of information
- Assists governments in making informed decisions regarding future import of the chemical

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**THE PRIOR INFORMED CONSENT
PROCEDURE**

Import Responses shall consist of either:

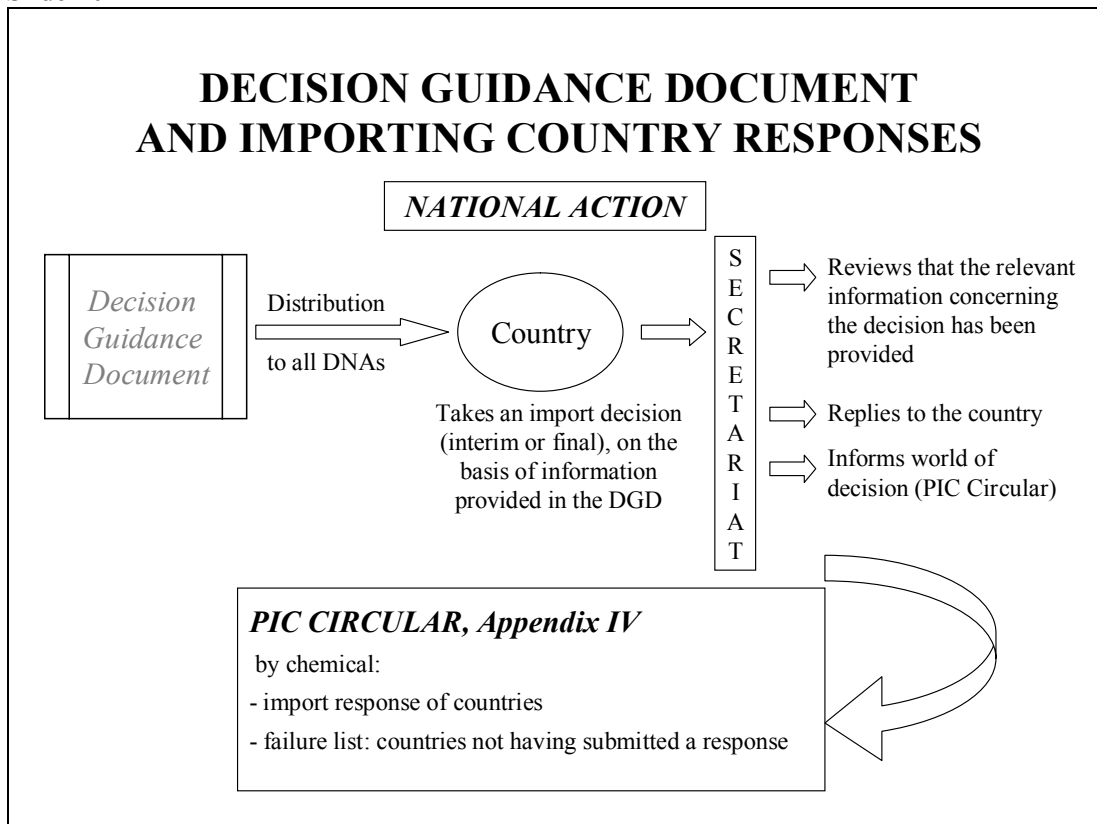
- final decision**
 - to consent to import
 - not to consent to import
 - to consent subject to specified conditions
- interim response, including**
 - an interim decision to import or not to import
 - a statement that a final decision is under consideration
 - a request for further information
 - a request for assistance in evaluating the chemical

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**THE PRIOR INFORMED CONSENT
PROCEDURE**

Import response form

- facilitates reporting of import decisions for chemical subject to the PIC procedure in accordance with Article 10 - *Obligations in Relation to Imports of Chemicals Listed in Annex III*
- must be completed and submitted to the Secretariat within 9 months of date of dispatch of the DGD



THE PRIOR INFORMED CONSENT PROCEDURE

PIC CIRCULAR

Issued every six months, December and June, sent to all DNAs and posted on website

Provides background information on the interim PIC Procedure

Provides all Parties with the information required to be circulated in line with Articles 4, 5, 6, 7, 10, 11, and 14.

Complete list of Designated National Authorities

THE PRIOR INFORMED CONSENT PROCEDURE

PIC CIRCULAR

Includes the following Appendices:

- **Appendix I** Synopsis of final regulatory actions
- **Appendix II** Proposals for inclusion of Severely Hazardous Pesticide Formulations
- **Appendix III** Chemicals subject to the interim PIC Procedure
- **Appendix IV** List of all import responses received from Parties

THE PRIOR INFORMED CONSENT PROCEDURE

IMPORTING COUNTRY RESPONSIBILITIES

- ensure that importers, relevant authorities and where possible users are informed of notifications received
- ensure that import decisions apply uniformly to imports from all exporting countries and to any domestic manufacturing of the chemical for domestic use

THE PRIOR INFORMED CONSENT PROCEDURE

EXPORTING COUNTRY RESPONSIBILITIES

- Implement legislative and administrative measures to communicate import decisions within its jurisdiction
- Take appropriate measures to ensure that its exporters comply with import decisions

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THE PRIOR INFORMED CONSENT PROCEDURE

EXPORTING COUNTRY RESPONSIBILITIES

- Advise and assist importing Parties
 - To obtain further information to help them make import decisions
 - To strengthen their capacities and capabilities to manage chemicals safely

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THE PRIOR INFORMED CONSENT PROCEDURE


EXPORT NOTIFICATIONS

- Notify importing Party when exporting a chemical that is banned or severely restricted on its territory
- Obligation cease when:
 - The chemical is listed in Annex III
 - The importing country has provided a response
 - This response has been circulated

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EXPORT NOTIFICATION


Country A
(exporting)




NATIONAL ACTION

Takes a regulatory action
(ban/severe restriction) on
chemical A

When country A exports chemical A, it should send export notification to importing country B:



*Export
Notification*



Country B
(importing)

Annex V indicates the information requirements

If chemical A is on the PIC list, and if country B has already provided an import decision: obligation of export notification from country A stops!

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OPERATION OF THE INTERIM PIC PROCEDURE

5. INFORMATION EXCHANGE

The Convention facilitates the *exchange of information* among Parties about a very broad range of potentially hazardous chemicals that may be exported and imported

- **PIC Circular**
 - summaries of notifications of regulatory actions to ban or severely restrict a chemical
 - summaries of proposals for severely hazardous pesticide formulations

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INFORMATION EXCHANGE

- **Export notification**
 - for chemicals that are banned or severely restricted in the exporting country
 - chemicals that are to be used for occupational purposes - a safety data sheet following an internationally recognized format is to be sent to the importer
 - chemicals are subject to labelling requirements that ensure adequate availability of information on risks and/or hazards to human health or the environment

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OPERATION OF THE INTERIM PIC PROCEDURE

1. Scope of the Convention

- what chemicals are included

2. Key players

- who they are and what they do

3. Adding chemicals

- banned and severely restricted chemicals
- severely hazardous pesticide formulations

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OPERATION OF THE INTERIM PIC PROCEDURE

4. The Prior Informed Consent procedure

- how it operates
- decision guidance documents (DGDs)
- import decisions

Importing and exporting country responsibilities

5. Information exchange

SESSION 3: OVERVIEW OF THE ROTTERDAM CONVENTION

Presentation by the Secretariat

DESCRIPTION OF THE ROTTERDAM CONVENTION ON THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE

How was the Convention developed?

The dramatic growth in chemical production and trade during the past three decades has raised both public and official concerns about the potential risks posed by hazardous chemicals and pesticides. Countries lacking adequate infrastructure to monitor the import and use of these chemicals are particularly vulnerable.

In response to these concerns, UNEP and FAO started developing and promoting voluntary information exchange programmes in the mid-1980s. FAO launched its International Code of Conduct on the Distribution and Use of Pesticides in 1985 and UNEP set up the London Guidelines for the Exchange of Information on Chemicals in International Trade in 1987. In 1989, the two organizations jointly introduced the voluntary Prior Informed Consent procedure into these two instruments. Together, these programmes helped to ensure that governments had the information they need about hazardous chemicals for assessing the risks and taking informed decisions on future chemicals imports.

Seeing the need for mandatory controls, officials attending the 1992 Rio Earth Summit adopted Chapter 19 of Agenda 21, which called for adoption of a legally binding instrument on the PIC procedure by the year 2000. Consequently, the FAO Council (in 1994) and the UNEP Governing Council (in 1995) mandated their executive heads to launch negotiations. The talks started in March 1996 and concluded in March 1998 by finalizing the text of the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals in International Trade. In clear testimony to the urgency attributed to addressing international trade in hazardous chemicals, governments completed the negotiations of the Convention in only two years and two years before the deadline set by the Rio Earth Summit.

The Rotterdam Convention was adopted at the Conference of the Plenipotentiaries in Rotterdam on 10 September 1998 and opened for signature on 11 September 1998. It remained open for signature for one year at the UN Headquarters in New York till 10 September 1999. During the signature period, 72 States and one regional economic integration organization signed the Convention.

The Convention will enter into force 90 days after the deposition of 50 instruments of ratification, acceptance, approval or accession. As of September 2003, 47 States (Austria, Belgium, Bulgaria, Burkina Faso, Cameroon, Canada, Czech Republic, El Salvador, Equatorial Guinea, Ethiopia, European Community, Gambia, Germany, Ghana, Guinea, Hungary, Italy, Jamaica, Jordan, Korea, Republic of, Kyrgyzstan, Libya, Luxembourg, Malaysia, Mali, Marshall Islands, Mongolia, Netherlands, Nigeria, Norway, Oman, Panama, Paraguay, Romania, Samoa, Saudi Arabia, Senegal, Slovenia, South Africa, Suriname, Switzerland, Tanzania, Thailand, United Arab Emirates, Ukraine, Uruguay) had ratified, accepted, approved or acceded to the Convention.

Interim arrangements – the interim Prior Informed Consent procedure

The Conference also adopted a resolution on interim arrangements for the Convention. Under this resolution, the original, voluntary PIC procedure was changed to bring it in line with the provisions of

the Convention. This new, interim PIC procedure would continue to operate until the Convention enters into force.

Which chemicals will be included?

The Convention covers pesticides and industrial chemicals that have been banned or severely restricted for health or environmental reasons by participating Parties and which have been subject to notification by Parties for inclusion in the PIC procedure. Severely hazardous pesticide formulations that present a hazard under the conditions of use in developing country Parties or Parties with economies in transition may also be proposed for inclusion. The inclusion of chemicals in the PIC procedure is decided by the Conference of the Parties. The Convention will initially include at least 27 chemicals^{1/} carried forward from the original, voluntary PIC procedure and hundreds more are likely to be added as the provisions of the Convention are implemented.

Certain specific groups of chemicals such as narcotic drugs and psychotropic substances, radioactive materials, wastes, chemical weapons, pharmaceuticals, food and food additives are excluded from the scope of the Convention. Also excluded are chemicals in quantities not likely to affect human health or the environment, provided they are imported for research or analysis purposes or by an individual for personal use in quantities reasonable for such use.

How will it work – Key players

Each Party must designate one or more national authorities authorized to act on its behalf in the performance of the administrative functions required by the Convention. Some Parties have nominated one authority for all chemicals while others have designated several, with separate responsibility for pesticides and industrial chemicals. The DNA is generally a governing department or office responsible for broad policy decisions regarding chemicals or with the authority to decide which chemicals may be used in the country. The need to designate one or more DNAs is dependent upon the administrative and legislative organization in each country.

The implementation of the Convention will be overseen by a Conference of the Parties. A Chemical Review Committee will be established to review notifications and proposals from Parties, and make recommendations to the Conference of the Parties on which chemicals should be included in the PIC procedure. The Convention requires that the entire process be conducted in an open and transparent manner.

During the interim period, the Intergovernmental Negotiating Committee (INC) that negotiated the Convention will oversee implementation of the interim PIC procedure, and will decide on inclusion of additional chemicals^{2/}. To assist it in this task, the INC has established an Interim Chemical Review Committee, consisting of 29 government-designated experts in chemical management.

^{1/} Annex III of the Convention, as adopted by the Conference of Plenipotentiaries, lists the following chemicals -
Pesticides: 2,4,5-T, aldrin, captafol, chlorobenzilate, chlordane, chlordimeform, DDT, dieldrin, dinoseb, 1,2-dibromoethane (EDB), fluoroacetamide, HCH, heptachlor, hexachlorobenzene, lindane, mercury compounds, pentachlorophenol and certain formulations of methamidophos, methyl-parathion, monocrotophos, parathion and phosphamidon.
Industrial chemicals: crocidolite, polybrominated biphenyls (PBB), polychlorinated biphenyls (PCB), polychlorinated terphenyls (PCT), tris(2,3 dibromopropyl)phosphate.

^{2/} In addition to the 27 chemicals listed in Annex III of the Convention and carried forward from the original, voluntary PIC procedure, the Intergovernmental Negotiating Committee has added the pesticides binapacryl, ethylene dichloride, ethylene oxide, toxaphene and monocrotophos to the interim PIC procedure.

UNEP and FAO will serve as Secretariat for the interim period, in order to support the implementation of the interim PIC procedure and prepare for the entry into force of the Convention. UNEP and FAO have also been assigned the responsibility for Secretariat of the Convention.

Objectives:

The objective of the Rotterdam Convention is to promote shared responsibility and cooperative efforts between exporting and importing countries in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm. It will also contribute to their environmentally sound use, 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 exporting and importing countries.

How will it work – Key elements

According to the Convention, export of a chemical can only take place with the *prior informed consent* of the importing Party.

The *Prior Informed Consent (PIC) procedure* is a means for formally obtaining and disseminating the decisions of importing countries as to whether they wish to receive future shipments of a certain chemical and for ensuring compliance to these decisions by exporting countries. The aim is to promote a shared responsibility between exporting and importing countries in protecting human health and the environment from the harmful effects of such chemicals.

The Convention contains provisions for the *exchange of information* among Parties about potentially hazardous chemicals that may be exported and imported and provides for a *national decision-making process* regarding import and compliance by exporters with these decisions.

The provisions regarding information exchange include:

- the requirement for a Party to inform other Parties of each ban or severe restriction on a chemical it implements nationally;
- the possibility for a developing country Party or a Party with an economy in transition to inform other Parties that it is experiencing problems caused by a severely hazardous pesticide formulation under conditions of use in its territory;
- the requirement for a Party that plans to export a chemical that is banned or severely restricted for use within its territory, to inform the importing Party that such export will take place, before the first shipment and annually thereafter;
- the requirement that an exporting Party, when exporting chemicals that are to be used for occupational purposes, shall ensure that a safety data sheet that follows an internationally recognized format, setting out the most up-to-date information available, is sent to the importer;
- the requirement that exports of chemicals included in the PIC procedure and other chemicals that are banned or severely restricted domestically, when exported, are subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment.

Operation of the PIC Procedure

On taking a domestic regulatory action to ban or severely restrict a chemical, the DNA is to complete a notification of final regulatory action form and forward it to the Secretariat. Those notifications found to meet the information requirements of Annex 1 of the Convention are considered complete and a summary is included in the PIC Circular. When the Secretariat has received at least one notification from each of two PIC regions, that contain the information required in Annex I of the Convention, it requests the supporting documentation from the notifying Party and forwards the complete notifications and the accompanying documentation to the Chemical Review Committee.

In the case of severely hazardous pesticide formulations a similar process is followed. Where reports of pesticide poisoning incidents are found to meet the information requirements of part 1 of Annex IV of the Convention, a summary is prepared and published in the PIC Circular. The Secretariat then collects the information listed in part 2 of Annex IV. The incident report and the additional information collected by the Secretariat are then forwarded to the Chemical Review Committee

In both instances the Committee reviews the information provided and decides whether or not to recommend the inclusion of the chemical in the PIC procedure to the Conference of the Parties.

For each chemical subject to the PIC procedure a decision guidance document (DGD) is developed and circulated to DNAs. The DGD is intended to help governments assess the risks connected with the handling and use of the chemical and make more informed decisions about future import and use of the chemical, taking into account local conditions of use.

For each chemical subject to the PIC procedure the DNA is requested to decide whether to accept import, refuse import or allow import under certain conditions and to inform the Secretariat of their decision. A listing of the import responses given for each chemical subject to the PIC procedure is published every six months in the PIC Circular.

A simplified flow chart (attached) illustrates the various steps of the information exchange and PIC procedure (Article 5-12 of the Convention).

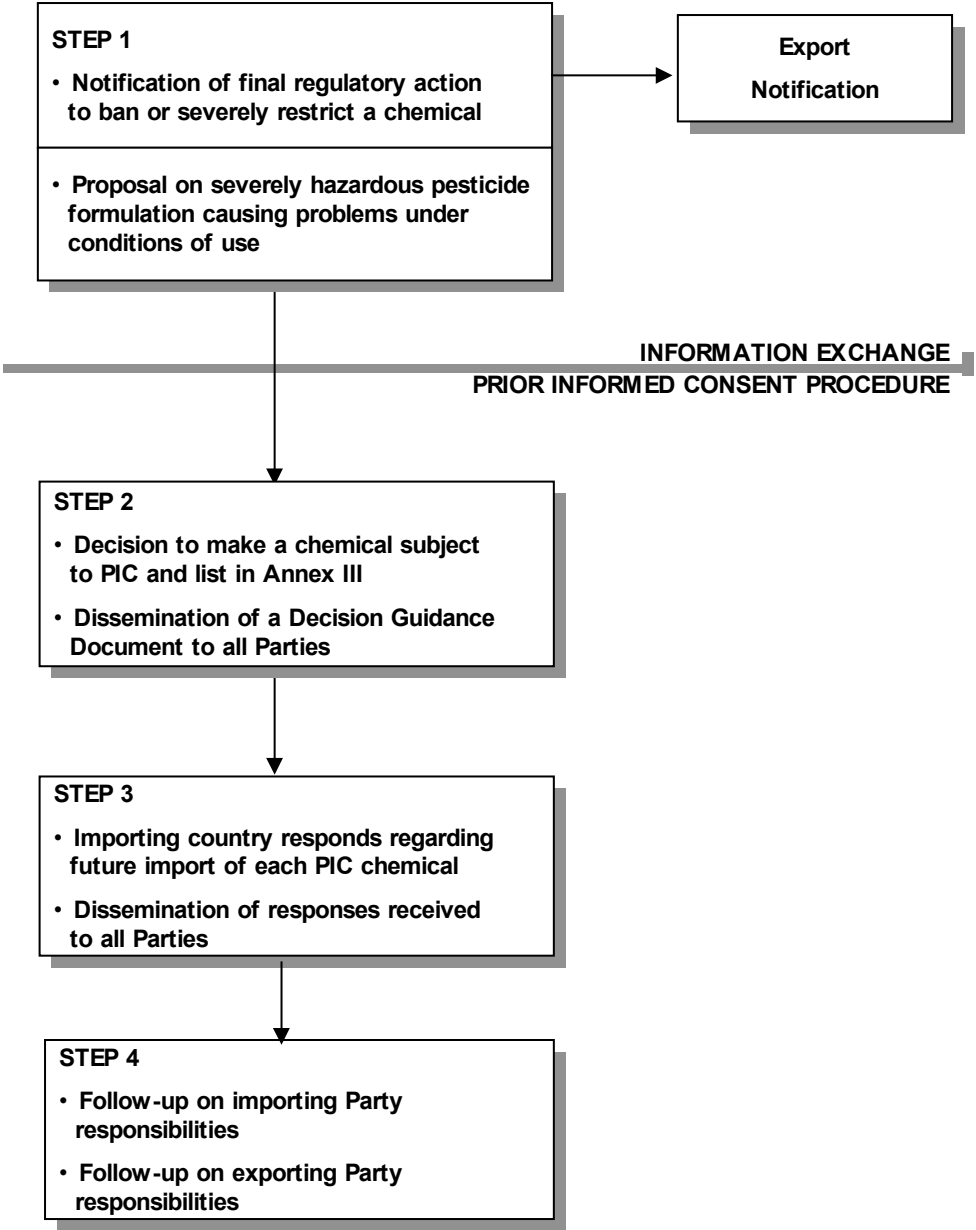
Party responsibilities

Import decisions taken by Parties must be trade neutral; that is, if the Party decides it does not consent to accepting imports of a specific chemical, it must also stop domestic production of the chemical for domestic use or imports from any non-party.

A chemical subject to the PIC procedure should not be exported without the consent of the importing Party; however, the export may proceed if there have been previous shipments to that Party or if the chemical is approved in that Party and the regulatory situation has not changed. Exporting Parties should ensure that import responses published in the PIC Circular are immediately communicated to their exporters, industry and any other relevant authorities, such as the Department of Customs. Exporting Parties are also obliged to take appropriate measures, within their authority and legislative competence, to ensure that exports do not occur contrary to the decision of each importing Party.

The Convention provides for technical assistance between Parties. Parties shall, taking into account in particular the needs of developing countries and countries with economies in transition, cooperate in promoting technical assistance for the development of the infrastructure and the capacity necessary to manage chemicals to enable implementation of the Convention. Parties with more advanced programmes for regulating chemicals should provide technical assistance, including training to other Parties in developing their infrastructure and capacity to manage chemicals throughout their life-cycle.

SUMMARY CHART - INFORMATION EXCHANGE & THE PIC PROCEDURE



THE OPERATIONAL ELEMENTS OF THE ROTTERDAM CONVENTION

A simplified summary flow chart illustrates the various steps of the information exchange and PIC procedure (Article 5-12 of the Convention).

SESSION 9: INFORMATION EXCHANGE
Opportunities for information exchange

Introduction by the Secretariat

Slide 1

SESSION 9

INFORMATION EXCHANGE

Slide 2

Structure of Session 9

- Introduction
- Presentations by invited speakers on related activities in the sub-region
- Panel Discussion

Slide 3

Objectives of Session 9

1. understand the information exchange provisions of the Convention
2. understand the possibilities for exchanging information on hazardous chemicals through the operation of the Convention
3. identify opportunities for information exchange within countries and among countries in the sub-region

Slide 4

Introduction

- ⇒ Key Provisions of the Convention
- ✂ Opportunities for information exchange through the operation/implementation of the Convention

Slide 5

⇒ Key Provisions of the Convention

Article 14 - Information Exchange - Key Elements

- outlines the type of information to be exchanged including scientific, technical, economic and legal information for the chemicals within the scope of the Convention
- notes that countries shall protect any confidential information as mutually agreed

Slide 6

Article 14 - Information Exchange

Key Elements

Identifies information that is not to be regarded as confidential including:

- information referred to in Annexes I and IV and in the safety data sheet to accompany exported chemicals
- the production date and the expiry date of a chemical

Slide 7

Article 14 - Information Exchange

Key Elements

- information on precautionary measures including hazard classification, the nature of the risk, relevant safety advice and summary results of toxicological and ecotoxicological tests

Provides a mechanism for countries to request information on transit movements through their territories

Opportunities for information exchange

A principal theme is facilitating access to information - wide range of opportunities for countries to:

- receive information on hazardous chemicals and
- share information and experience with countries facing similar concerns

Slide 9

Opportunities for information exchange

- REGISTER OF DNAs
- PIC CIRCULAR
- EXPORT NOTIFICATIONS
- DECISION GUIDANCE DOCUMENTS (DGDs)
- WEBSITE

Slide 10

i) Register of Designated National Authorities

Constitutes a ready made set of contacts among countries

- opportunity to follow-up on reported notifications for banned or severely restricted chemicals or proposals for severely hazardous pesticide formulations
- share experience and information on issues of common interest

Slide 11

ii) PIC CIRCULAR

Provides information on hazardous chemicals

- Distributed every six months (June - December)
- Provides general information on implementation including: status of ratification
- Chemical/country specific information:
 - four appendices

Slide 12

ii) PIC CIRCULAR

- | | |
|---------------------|---|
| Appendix I | new notifications of banned or severely restricted chemicals in participating countries |
| Appendix II | pesticide formulations causing problems under conditions of use |
| Appendix III | list of the chemicals subject to the interim PIC procedure |
| Appendix IV | import decisions of participating countries |
| Appendix V | tabular summary of valid notifications received |

Slide 13

iii) EXPORT NOTIFICATION (Article 12)

Where a chemical is banned or severely restricted within an exporting country they are to send an export notification to the importing country

- prior to the first export following adoption of the regulatory action and
- before the first export in any calendar year

Slide 14

iii) INFORMATION TO ACCOMPANY EXPORTED CHEMICALS (Article 13)

- where they are to be used for occupational purposes, a safety data sheet that follows an internationally recognised format is to be sent to the importer
- chemicals are subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment

Slide 8

Slide 16

iv) CHEMICALS IN THE INTERIM PIC PROCEDURE

Decision guidance documents (DGDs)

- define the chemical subject to the Convention
- outline the basis for the relevant regulatory actions
- provide a snapshot of information available at the time of preparation
- identify further sources of information

Slide 17

v) Rotterdam Convention Website

www.PIC.INT

- primary source of information on the operation of the Convention, the chemicals subject to the Convention and candidate chemicals
- updated as new information becomes available
- **e-mail accounts:** pic@fao.org pic@unep.ch

SESSION 9: INFORMATION EXCHANGE
Relationship between the Basel (Waigani), Rotterdam and Stockholm Conventions

Presentation by the Secretariat

Slide 1

Relationship of the Stockholm,
Basel and Rotterdam
Conventions:

Opportunities to work together

Slide 2

Overview

- Presentation will outline the common elements of the three Conventions
 - Present common themes and potential interactions
- Conventions together cover production, use, trade, environmental release, disposal and destruction – i.e., the entire life-cycle of chemicals
- Common technical and scope elements
- Possible 'bridging' elements – technical assistance, financing, governance

Slide 3

**Scope and coverage of the
Conventions**

- Evaluating and regulating new and existing chemicals (PIC and POPs)
- Import/export control (PIC, POPs and Basel)
- Disposal (POPs and Basel)
- Hazard communications (PIC, POPs and Basel)
- Environmental releases (POPs)
- Other links

Slide 4

Candidate chemicals

- Stockholm Convention requires Parties to consider POPs characteristics in their chemical regulatory schemes.
- This approach likely to lead to increasing numbers of bans or severe restrictions of possible POPs.
- Banned or severely restricted chemicals must be notified under the Rotterdam Convention.
- Rotterdam Convention serves as first line of defence.

Slide 5

Import/Export Control

- Stockholm Convention strictly controls import/export of POPs
- Rotterdam Convention provides an "extension"
 - Trade under Stockholm Convention exemptions
 - Trade with Stockholm Convention non-Parties
 - Period until the Stockholm Convention enters into force
 - Trade in possible future POPs
 - Monitoring trade
 - Harmonized System Custom Codes
- Should be implemented consistently

Slide 6

Import/Export Control (2)

- Basel Convention covers movement of hazardous wastes
- Rotterdam Convention may 'catch' wastes packaged and labelled as chemicals (masquerades)
- Both work to prevent and reduce stockpiles
- Customs programmes and programmes to combat illegal trafficking need to apply to all 3 conventions (as well as for ozone, CITES, etc.)

Slide 7

Import/Export Control (3)

- Three conventions should be implemented consistently.
- Some monitoring of international movement may be possible with harmonised customs codes.

Slide 8

Waste Management (1)

- Rotterdam Convention may minimise waste generation by stopping import of unwanted or unusable chemicals
- Stockholm aims to destroy POPs wastes as a priority
 - Important to use destruction techniques which do not produce more POPs – environmentally sound disposal
- Technical guidelines needed for management of POPs wastes – currently under development in Basel Convention

Slide 9

Waste Management (2)

- Important to reduce or eliminate releases of POPs (dioxins, furans, PCBs, HCB) in waste management practices
- Sources include:
 - Waste incinerators (municipal, hazardous, medical, sewage sludge)
 - Cement kilns firing hazardous waste
 - Open burning of waste
 - Waste oil refineries
 - Others

Slide 10

Waste Management (3)

- Basel Convention has technical guidelines covering:
 - PCBs
 - Dioxins
 - Furans
 - Other hazardous wastes that may contain POPs
- These guidelines may be used in Stockholm Convention

Slide 11

Bridging Elements

- Technical Assistance
- Technology Transfer
- Financial Mechanisms
- Regional Centres
- National Implementation Plans
- Policy development by Parties

Slide 12

Technical assistance/Technology transfer

- PIC – Article 16
 - Parties cooperate in providing assistance, including capacity building
- POPs
 - bilateral technical assistance
 - Other technical assistance as agreed by the COP
 - Technology transfer
 - Regional Centres

Slide 13

Regional Centres

- Established by the Basel Convention
- Required by the Stockholm Convention
- Not required for Rotterdam Convention
- Possibility in the interim period to access Basel (and other) Centres for the Stockholm Convention
- Feasibility study and case studies

Slide 14

Financial Mechanism

- Rotterdam Convention
 - informal
- Stockholm Convention
 - GEF
 - Other sources of funds
- Basel Convention
 - Technical Cooperation Trust Fund

Slide 15

Financial Mechanism (2)

- Leveraging resources
- Funding provided in Stockholm for, inter alia,
 - Control of production, import and use of POPs
 - Clean-up and disposal of POPs wastes
 - Technologies to reduce or eliminate POPs releases, including for destruction of POPs and other wastes
- Funds also available for national implementation plans and other enabling activities
 - Can include incremental costs of implementing Rotterdam Convention in the NIP.

Slide 16

Working Together

- General international support for related conventions to look for opportunities to work together (clustering)
- 'Chemicals and Waste Cluster' identified
- Agreement to encourage conventions to work together taken in Cartagena (GMEF), February 2001
- Endorsed by WSSD
- First steps include looking at administrative and policy linkages and practical cooperation

Slide 17

Working Together (2)

- Practical activities already underway
 - Common workshops on the 3 Conventions
 - Consistent information from Secretariats
 - Workshops on each Convention include information on coordinated implementation
 - NIPs guidance reference Rotterdam and Basel Conventions and encourages implementation

Slide 18

Summary

- Framework for life cycle management
- Leveraged resources
- Strengthened programmes for chemicals management
- To be successful it must be replicated at the global, regional and national levels

SESSION 9: INFORMATION EXCHANGE
Relationship between the Basel (Waigani), Rotterdam and Stockholm Conventions

Presentation by Clark Peteru

THE WAIGANI CONVENTION

1. BACKGROUND

The Pacific Ocean and its islands have been subjected to the effects of hazardous and radioactive wastes for many decades. These include:

- nuclear tests carried out by the USA, Great Britain and most recently France;
- the dumping of wastes at sea;
- the use of islands as waste disposal sites, for example Jolmston Atoll;
- the export of dangerous pesticides and other chemicals to Pacific islands.

In addition there is the threat posed by the shipment of hazardous and radioactive wastes (for example plutonium) through the EEZs of Pacific island countries.

The vastness of the ocean and the small, remote and economically weak nature of the islands makes the Pacific fair game for these sorts of activities.

The Waigani Convention states that it is a Convention to:

- BAN the importation of hazardous and radioactive wastes
- CONTROL the transboundary movement of hazardous wastes
- MANAGE hazardous wastes

2. PARTIES (AND OTHER PARTIES)

The Convention denominates various classes of countries (Forum Island Countries, Parties, Other Parties and Pacific Island Developing Countries) and each class is treated differently according to the purpose for which the classification is made.

A “Pacific Island Developing Party” consists of Forum Island Countries, minus Australia and New Zealand who are termed “other Parties”, plus other Islands that subsequently join and are considered to be such by the Conference of the Parties. The protective mechanisms of the Convention are primarily for this group.

“Other Parties” consists of Australia and New Zealand, plus other countries that subsequently join and are considered to be such by the Conference of the Parties (for example the United States of America, France). These countries have this label only for the purposes of trade in hazardous waste. “Other Parties” can’t export hazardous and radioactive waste to PIDPs but can do so between each other.

Current Parties:

1. Australia
2. Cook Is
3. Federated States of Micronesia
4. Fiji
5. Kiribati
6. Marshall Is.
7. New Zealand
8. Niue
9. Papua New Guinea

10. Samoa
11. Solomon Islands
12. Tuvalu

3. HAZARDOUS AND RADIOACTIVE WASTES

The Waigani Convention deals both with hazardous and radioactive wastes but devotes much more attention to the former.

“Hazardous waste” is defined:

- (a) by production processes known to be hazardous or by the presence of poison in the resulting work (refer to Annexes 1 and 2 of the Convention).
- (b) as wastes not covered by (a) but which are defined as such in the national legislation of the exporting, importing or transit Party, to, from or through which such wastes are sent.

“Radioactive waste” is defined as waste which as a result of being radioactive is subject to other international control systems. In other words the Convention adopts the definitions of all other international agreements covering radioactive material.

4. OBLIGATIONS: HAZARDOUS AND RADIOACTIVE WASTES

- “Pacific Island Developing Parties” are to ban the import of all hazardous and radioactive wastes from outside the Convention Area;
- Australia, NZ and “other Parties” are to ban the export of all hazardous and radioactive wastes to Forum Island Countries or to territories within the Convention Area other than territories designated as an “other Party”.
- A Party, also being a Party to an anti-dumping convention, reaffirms it will not dump hazardous or radioactive wastes at sea.

5. OBLIGATIONS: HAZARDOUS WASTES

Obligations cover:

- minimizing the generation of HW;
- ensuring that transboundary movements of HW generated within the Convention Area conform to the Convention;
- ensuring availability of treatment and disposal facilities;
- developing programmes to manage and simplify transboundary movement of HW;
- developing a HW management strategy;
- submitting reports to the Secretariat regarding generation of HW;
- subject to arrangements with non-parties, prohibiting HW from being transported to or from a non-party;
- prohibiting domestic ships and aircraft from contravening the Convention.

6 . OBLIGATIONS: RADIOACTIVE WASTES

The obligations are somewhat soft:

- to give active consideration to the implementation of the IAEA Code of Practice and similar instruments
- to actively participate in the Convention on the Safe Management of Nuclear Waste.

(Obligations regarding “domestically prohibited goods”, i.e., chemicals banned in their country of manufacture, are similarly soft).

7. NOTIFICATION: TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTE BETWEEN PARTIES

A detailed notification procedure is described for importing Parties, exporting Parties and transit Parties. Documentation required includes:

- Export notification
- Written Consent or Disapproval
- Movement Document
- Accident Notification

The Basel Convention Secretariat has model documentation which can be modified for the Waigani Convention.

8. SECRETARIAT

SPREP is designated as the Secretariat for the Convention and has a wide range of duties generally to do with coordinating, communicating, reporting and arranging meetings.

9. CONFERENCE OF THE PARTIES

The first conference of the parties was held on 20 July 2002 in the Marshall Islands after the 10th ratification triggered the entry into force of the Convention on 21 October 2001.

10. DECISIONS

- One of the major decisions of the COP was to establish a Scientific and Technical Advisory Committee to advise the COP. Draft terms of reference have been drawn up and the first meeting is scheduled for early 2004.
- It was also decided that a Joint Centre of the Basel and Waigani Conventions be established within SPREP for the joint implementation of these sister Conventions.

Other key decisions were made on:

- Reporting and transmission of information and approval of draft forms to be used for reporting
- Illegal traffic and the need for national legislation
- Legal and technical assistance

SESSION 9: INFORMATION EXCHANGE
Relationship between the Basel (Waigani), Rotterdam and Stockholm Conventions
Presentation by Gabriela Löw

Slide 1

Integrated implementation of the Basel, Rotterdam and Stockholm Conventions:

The Swiss Experience

by Gabriela Löw
 Swiss Agency for the Environment, Forests and Landscape

1

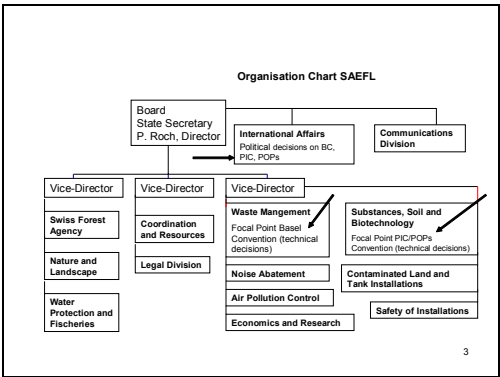
Slide 2

Common concerns of the Basel, PIC and POPs Conventions

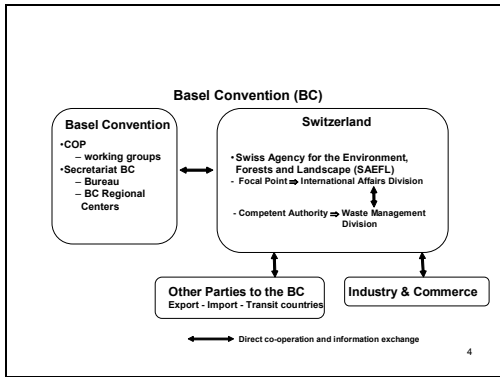
- Dealing with hazardous materials (products or wastes)
- Seeking to protect human life and the environment
- Aiming to reduce hazardous components in materials
- Preventing unnecessary trade in toxic materials
- Promoting international cooperation, partnership and capacity-building

2

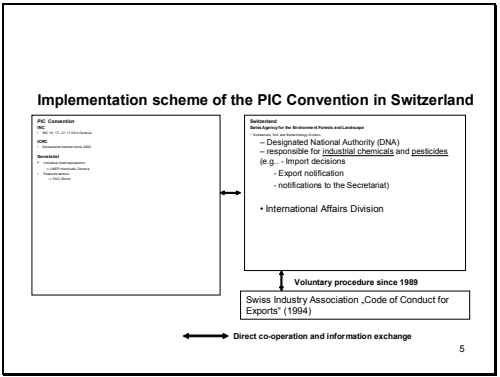
Slide 3



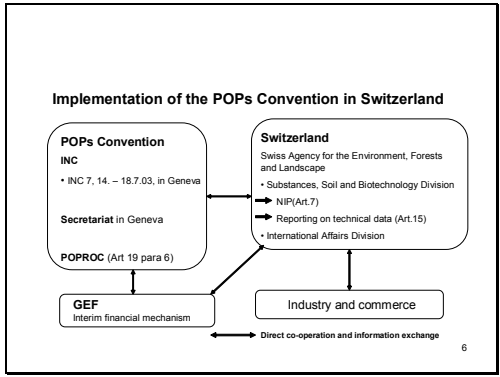
Slide 4



Slide 5



Slide 6



Slide 7

Summary of the common aspects of the Swiss implementation for Basel, PIC and POPs

- Implementation only through S-ARTL
- Political implementation → International Affairs Division
- Technical implementation
 - IAC (toxicological)
 - PIC and POPs → Substance, Soil and Biotechnology Division
- Coordinated technical decisions
- political and technical decisions are coordinated in between the three Conventions

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Slide 8

Joint implementation of Chemical Convention in Switzerland

Why is it the best solution for Switzerland

- Synergies
- Efficiency
- Cost saving

8

SESSION 9: INFORMATION EXCHANGE

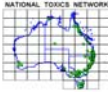
Relationship between the Basel (Waigani), Rotterdam and Stockholm Conventions

Presentation by Mariann Lloyd Smith

Slide 1

**The Synergy of Chemical Conventions
– an NGO Perspective**

1. NGOs support for the synergy of the Conventions
2. NGOs Activities in the region



Dr Mariann Lloyd Smith
Coordinator, National Toxics Network
Australia / Pacific Focal Point for IPEN


Slide 2

**The Synergy of Chemical Conventions
– an NGO Perspective**

- Chemical Contamination - no respect for territorial borders
- Multilateral Environmental Agreements (MEAs)
 - minimise & prevent impacts of toxic chemicals & hazardous waste
 - preventative action saves \$

Synthetic Chemical Production

World production of organic (carbon based) chemicals increased from about 1 million tonnes/year in 1930s to 250 million tonnes/year by 1985, with annual production doubling every 7-8 years.



Slide 3

Synergy – Tool for Managing Chemicals

'combined effects of separate actions provide an outcome far greater than sum of individual parts'

Together, *Basel, Waigani, Rotterdam & Stockholm* :

- integrated, 'cradle to grave' life cycle approach to chemicals
- regulatory authority to monitor/enforce env. standards
- support of international instruments
- technological transfer
- funding opportunities
- regional frameworks
- avoid future problems through information exchange & technical capacity building

Slide 4

Activities for Life Cycle Management

- identify contaminated sites
- manage stockpiles
- reduce/eliminate POPs releases, use, production
- ESM of wastes
- regulating transport & trade of haz / radioactive wastes
- avoiding introduction of new hazardous chemicals
- regulate imports
- exchange information
- technical capacity building
- financial assistance for developing countries.

Slide 5

Convention Actions

- *Existing Chemicals* - notify bans / severe restrictions, list severely hazardous pesticide formulations (RC), POPs screening criteria, eliminate production / use of POPs (SC)
- *New Chemicals* - prevent production / use new POPs (SC)
- *Import/Export controls* – transboundary haz waste movement (WBC), PIC procedure (RC), restrict POPs import/export except for ES disposal & control POPs transport across international borders (SC)
- *Waste Management* - ESM of haz wastes, minimise waste generation, disposal facilities availability, technical guidelines POPs wastes (BC/W), identify POPs wastes, ESM management with the POPs content destroyed or irreversibly transformed (SC)

Slide 6

Convention Actions

- *Environmental Releases* – reduce or eliminate POPs releases from intentional production and use, unintentional production, stockpiles & wastes (SC)
- *Hazard Communication* – all require the communication of hazard information
- *Replacement and Alternatives* - information exchange and research on alternatives & implementation of alternative DDT products (SC, RC)

Slide 7

Synergy of Support

- NGOs & PIC regulators - few resources, no time, not enough people
- Synergy of Conventions - legal, technical, information, financial support
 - BC/WC/SC - Regional Training Centres / technology transfer
 - SC - financial & technical support for NIPs, inc Action Plans & ESM
 - RC - technical assistance for infrastructure/ chemical management
- Financial support
 - Global Environment Facility
 - Basel Convention Technical Cooperation Trust Fund
 - Other Donors
- Pacific NGOs – POPs public awareness
NIPs participation

Slide 8

Why involve NGOs?

- Agenda 21 UNCED 1992 - democracy, transparency & involving civil society in global partnerships for ESD

'in the public interest for the community to be informed, to exercise their right to understand, to make informed choices, and to participate in informed decision-making'

- Bahia Declaration on Chemical Safety' IFCS (2000)

'recognise the community's right to participate meaningfully in decisions about chemical safety that affects them'

- Stockholm Convention Article 10

Slide 9

What have NGOs got to offer ?

- expand gov'ts limited financial/human resources
- NGO capacity building initiatives
- affordable expertise
- improved outreach to civil society
- translate international obligations into national/ local agendas
- long-term, broad-based support:
 - foster cooperative solutions
 - increase ownership of implementation measures
 - build political will to ensure adequate resources

Slide 10

NGOs & the Conventions

- UNEP welcomes involvement
 - International POPs Elimination Network (IPEN)
 - Basel Action Network (BAN)
 - Pesticide Action Network - prior informed consent (PAN)
- IPEN forum for NGOs - participate in the UN POPs INC process
300 public health / env / consumer in 70 countries
- IPEN - Stockholm (Art 6) & Basel - levels of destruction/irreversible transformation, env.sound disposal/ destruction, POPs concentration levels
- Many 'resource challenged' NGOs
 - integration, coordination, regional approach

Slide 11

Commonalities in Implementing Conventions

- Legal & Institutional Requirements (GP, BAN legal briefs/analysis)
- Monitoring & Enforcement (PAN, IPEN Community Monitoring, BAN, GP)
- Capacity Building & Information Exchange (NGO info systems, educational & public awareness initiatives eg PCRRC Poisons on Paradise, POPs Handbook, HCB & DDT Dipsites CIS, BAN Technotrash Report)
- Environmentally Sound Management of Chemicals & Hazardous Waste (NGO alerts, chemical use & waste strategies)

Slide 12

Some Options for a Way Forward

- Project Partnerships with NGOs based on common implementation activities
- Fellowships to recruit extra personnel for specific activities
- Access & use global NGO expertise
- Joint Funding Proposals for activities of mutual interest to provide resources

Slide 13

Further Reading:

The Hazardous Chemicals and Waste Conventions, Clustering the Conventions, Secretariat of the Basel Convention, Interim Secretariat of the Rotterdam Convention, Interim Secretariat of the Stockholm Convention (July 2002)

Inter-Linkages, Synergies and Coordination between Multilateral Environmental Agreements (July 1999, Tokyo, Japan) United Nations University

Regional & National Approaches in Asia and the Pacific Inter-linkages: Synergies and Coordination among Multilateral Environmental Agreements (January 2002, Tokyo, Japan) United Nations University

Pacific Islands Case Study, Inter-linkages: Synergies and Coordination among Multilateral Environmental Agreements (July 2002, Tokyo, Japan)

