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Position Paper

Prior Informed Consent (PIC)

February 24, 2004 marked the entry into force of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. This date marks the point when fifty countries ratified the Convention and thus became Parties to it. The procedure of prior informed consent is now legally binding on all Parties to the Convention.

The procedure is intended to enable importing Parties to make informed decisions about future imports of certain banned and severely restricted pesticides and chemicals, as well as severely hazardous pesticide formulations.

The Convention requires exporting Parties to honour the decisions of importing Parties.

The CropLife International position

CropLife International has supported the principles of Prior Informed Consent since their adoption in 1989 as a voluntary procedure under the FAO Code of Conduct and has been active as a participant during the development of the procedure into an international treaty.

We support PIC procedures as additional safeguards to protect human health and the environment, especially in those countries where effective regulatory controls are rudimentary. We will continue to assist and encourage individual countries and the FAO to establish effective national registration schemes where they do not already exist.

CropLife International recognises the value of the Rotterdam Convention, in particular:

- The establishment of a set of science-based criteria, for a sound risk evaluation, as a basis for listing banned and severely restricted chemicals
- The concept of informed decision-making by importing countries with reasonable trade provisions allowing exports to proceed in the absence of an import response
- The requirement for a “no consent” decision by an importing Party to be fairly applied to all manufacturers and import sources
- The expectation that countries will provide information on the scientific basis for final regulatory actions
- The need for countries to build their capacity for chemical management including improved exchange of information, to assist in the decision-making process

Based on the experience of the interim PIC procedure, CropLife International offers a set of recommendations that seek to help ensure that the PIC procedure maintains a focus on problematic chemicals. We believe it is important not to overwhelm the Parties, especially countries in development, with administering a long list of chemicals some of which will not pose a significant risk within the controls that are already in place.

CropLife International Recommendations

Communication and Verification of notifications

At the time that the PIC Secretariat announces that it has identified verified notifications from two or more PIC regions for a chemical, CropLife International recommends that it makes the verified notifications available to all NGOs and other interested parties. Making them available earlier is in the spirit of transparency and would allow all parties additional time to develop quality input to the discussions at the Chemical Review Committee meetings.

In the interest of making the best use of the resources of the Chemical Review Committee, we also recommend that notifications of final regulatory action that clearly lack the support of a risk evaluation not be forwarded to the Committee for further consideration.

Definition of banned chemical

The interim provisions established by the ninth Intergovernmental Negotiating Committee accepted that the definition of a banned chemical does not exclude preventive regulatory action, i.e. action taken to ban a chemical that has never been registered, imported or used in the country. In

doing so the INC recognised the right of any country to take domestic regulatory action regarding use, in order to protect human health or the environment. The INC did stress that even when hazard or risk evaluation information was taken from another country to substantiate the regulatory action; supporting documentation would be expected to demonstrate that conditions were similar and comparable to those in the notifying country.

CropLife International concurs that national bans should be supported by an appropriate risk evaluation. This is essential information for the Chemical Review Committee to recommend a chemical for Annex III. We believe a preventive regulatory action as described above, is only equivalent to an import response and does not qualify as a ban as defined by the Rotterdam Convention because it cannot meet the criteria of a significant reduction in the quantity of the chemical used or the number of uses or an actual reduction of risk to humans and the environment.

Chemicals in international trade

The criteria for listing a severely hazardous pesticide formulation do not explicitly include evidence of ongoing international trade. CropLife International believes that evidence of international trade should be required for severely hazardous pesticide formulations in keeping with the title of the Convention. Furthermore, we maintain that such evidence should be more than anecdotal given that subjecting pesticides to the PIC procedure imposes legal obligations on the part of both importing and exporting Parties.

Identity of a chemical subject to the PIC procedure

CropLife International recommends that for the category of banned and severely restricted chemical, only those forms of the chemical notified and then listed in the Decision Guidance Document as per country notifications should be subjected to the PIC procedure. We also recommend that for the category of a severely hazardous pesticide formulation, only the formulation in question should be subjected to the PIC procedure as worded in the Convention.

Risk evaluation

CropLife International recommends that the Convention uses the internationally recognised definitions of "risk evaluation", developed by the joint IPCS/OECD Working Party in order to promote the harmonisation of technical terms.

CropLife International is committed to the safe and effective management of Plant Protection Products as set out under the terms of the Rotterdam Convention and will continue to work within the Convention procedures to achieve the highest standards of health and environmental protection.