

THE ROTTERDAM CONVENTION

A comment on the blocked recommended chemicals
and misplaced concerns about the role of Private Voluntary Standards
March 2023

Summary

Blocking the listing of certain hazardous chemicals denies Parties valuable information. The rigorous process for listing must be preserved and solutions found to the blocking tactics of a small number of Parties.

A small number of Parties are hesitating to support the listing of chemicals in Annex III ostensibly because it is being used by Private Voluntary Standards (PVS) to inform their decisions regarding pesticides permitted for use by their growers. They mistakenly perceived this as a barrier to trade. However, PVS are already taking action to reduce harms from Candidate Chemicals. Listing under the Convention thus has minimal direct impact on PVS actions and there is no evidence of economic or trade impacts.

The objectives of the Convention

The convention was conceived in the spirit of shared responsibility for the purpose of information exchange only. There is no provision to oblige Parties or other entities to ban or restrict certain chemicals. Rather, this critical information sharing procedure allows Parties to determine for themselves which controls are appropriate for their national context.

Consensus

The consensus requirement for Annex III was established on the basis that each Party should have an equal voice in the decision-making process. In practice, however, a tiny minority of parties has continually blocked the listing of certain hazardous chemicals against the wishes of the vast majority of Parties and contrary to the conclusions of the 31 scientists on the Chemical Review Committee.

Who is harmed?

Blocking the listing of certain hazardous chemicals harms low-income countries the most by denying them valuable information on the hazardous nature of certain chemicals and the Prior Informed Consent procedure, which helps them to control imports of listed chemicals. Those countries that lack resources to determine the risks associated with the use of hazardous substances and the capacity to assess, regulate and manage them, suffer disproportionately.

Addressing concerns about Private Voluntary Standards

A small number of Parties at COP-10 hesitated to support the listing of chemicals in Annex III ostensibly because it is being used by Private Voluntary Standards (PVS) to inform their decisions regarding pesticides

Over the years PVS have emerged as a means to address environmental and social issues in global supply chains. They typically provide benefits to growers, such as training and price guarantees, in return for taking steps to reduce environmental and social harms. In trade terms, they are non-discriminatory; they are voluntary and their requirements apply equally to all producers regardless of where they are.

The largest PVS are members of the ISEAL Alliance and the IPM Coalition¹, supporting over 6 million growers in 80 countries and commodities including e.g. bananas, cotton, coffee, cocoa, sugar, tea, and palm oil. They are committed to eliminating highly hazardous pesticides, promoting more sustainable alternatives and information sharing.

Failure to list certain hazardous chemicals will not prevent PVS taking steps to improve safety and sustainability in certified production. The example of paraquat is clear. A small number of countries have repeatedly blocked its listing under the Convention – and some have pointed to the use of “Rotterdam status” in PVS as a reason for their opposition – yet all nine of the major PVS have already prohibited it; some did so decades ago. The continual blocking of new listings under this narrative is simply denying information to Parties wishing to better control these chemicals while having no bearing on the decisions of the PVS.

The table in Annex 1 compares those pesticides that are ‘candidate’ chemicals or have already been recommended for listing by the Chemical Review Committee (CRC) against the prohibited lists of the major standards. It shows that **all of the pesticides are restricted or prohibited by multiple PVS already (see Annex 1).**

PVS use a variety of criteria to identify highly hazardous chemicals. This does not lead to an ‘automatic ban’, but typically to a multi-stakeholder process to identify uses and alternatives and to decide next steps:

- ◆ Continued use may be permitted. e.g. Fairtrade’s ‘Orange List’ provides a list of 29 ‘restricted’ pesticides that meet their criteria for prohibition, but are permitted for use with certain risk mitigation measures
- ◆ Temporary exemptions, increased investment and technical support to help producers to switch away from prohibited chemicals.

Years of experience of developing and revising prohibited / restricted lists has shown that farmers rapidly adapt to the new requirements and growers do not leave the programmes in significant numbers.

Key points

- ◆ There is no evidence that listing a pesticide under Annex III has had a negative impact on the trade of produce on which that pesticide has been used
- ◆ All of the pesticides proposed for listing are restricted or prohibited by multiple PVS already
- ◆ The PVS pesticide restrictions do not discriminate against producers in certain geographies
- ◆ PVS support producers to transition away from hazardous pesticides. The goal is to maximise the number of producers in their program, not to exclude them
- ◆ PVS cover from 2% to 27%² of the markets for individual commodities; there remains a significant market for produce that is not certified by a PVS

- ◆ Farmers receive benefits for compliance with PVS requirements including access to farmer support programmes worth millions of dollars each year
- ◆ PVS base their decisions on a variety of scientific sources and are largely acting ahead of listing under Annex III
- ◆ Listing under any of the criteria set by PVS does not lead to automatic bans but an assessment, which typically includes a context specific evaluation of feasible alternatives
- ◆ The nine PVS in the ISEAL IPM Coalition have already taken action to prohibit, restrict or monitor the use of 653 pesticides³ while the Rotterdam Convention Annex III lists just 36 pesticides or pesticide formulations
- ◆ The principle that third-party organisations use the information provided in the listing process is well established and encouraged by UN FAO and WHO (e.g. in the International Code of Conduct on Pesticide Management⁴)

A solution to the blocking of listings

A proposed amendment to solve the problem of blocking listings under the Convention by a small number of Parties has been put forward by Switzerland, Australia, Mali and co-sponsored by six other Parties so far. It will be considered at COP11 in May 2023.

The amendments offer an opportunity to improve the effectiveness of the Convention that builds on the work undertaken by Parties to date, whilst also protecting the consensus principle at its core. This will be done by establishing a new Annex VIII which, if consensus cannot be reached, must receive the support of a three quarters majority vote to list. For chemicals listed in the new Annex VIII, the prior informed consent procedure

would also apply and explicit consent will be required. In our view, Parties that are committed to defending the spirit of the Convention must support the amendment proposal presented at COP11.

Conclusions

- ◆ For the Convention to continue to serve its purpose as a critical information sharing tool it must be modernised. The rigorous process for listing must be preserved but solutions found to the blocking tactics of a small number of Parties. The proposed amendment to the convention, which will be tabled at COP11 in May 2023, opens the way to updating the Convention in line with its intended purpose, restoring its function as an information sharing tool.
- ◆ The fact that third parties are making use of scientifically valid sources of information, including the recommendations of 31 scientists in the CRC, is an example of robust decision making based on the science. It is not a hindrance to trade and should not be used as a reason to block listing.
- ◆ Private Voluntary Standards have other mechanisms and criteria for identifying Highly Hazardous Pesticides and have already taken action to minimise use, phase-out or prohibit Candidate Chemicals for listing under the Rotterdam Convention (see Annex 1). Listing under the Convention thus has minimal direct impact on PVS actions and there is no evidence of an impact on trade

Annex 1: The status of candidate chemicals and chemicals recommended for listing by the CRC under the Rotterdam Convention among key PVS

| Pesticides | RA ⁵ | Fairtrade ⁶ | 4C ⁷ | FSC ⁸ | UEBT ⁹ | BCI ¹⁰ | RSB & Bonsucro |
|-----------------------------|-----------------|------------------------|---------------------|---------------------|-----------------------|--------------------|-------------------|
| Acetochlor* | Prohibited | Prohibited | | Prohibited | Prohibited | | |
| Amitrole | Restricted | Prohibited | Minimized use | Restricted | Prohibited | | |
| Atrazine | Prohibited | Exceptional use | Minimized use | Restricted | Restricted | | |
| Azinphos-ethyl | Prohibited | Prohibited | Phased out | Highly restricted | Prohibited | Prohibited by 2024 | Prohibited |
| Carbaryl | Exceptional use | Mitigation measures | Minimized use | | Limited circumstances | | |
| Carbosulfan* | Restricted | Prohibited | Phased out | Prohibited | Prohibited | Prohibited by 2024 | |
| Carbon tetrachloride | | Prohibited | | | | | Prohibited |
| Chlorfenvinphos | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited by 2024 | Prohibited |
| Cyhexatin | Prohibited | Prohibited | Restricted | | | | |
| Dicofol | Exceptional use | Prohibited | | Prohibited | Prohibited | Prohibited | Prohibited |
| Endrin | Prohibited | Prohibited | | Prohibited | Prohibited | Prohibited | Prohibited |
| Fenthion* | Restricted | Mitigation | Minimized use | Prohibited | | | |
| Iprodione* | Prohibited | Mitigation measures | | Restricted | | | |
| Mercury | Prohibited | Prohibited | | Prohibited | Prohibited | Prohibited | Prohibited |
| Methidathion | Prohibited | Prohibited | Phased out | Highly restricted | Prohibited | Prohibited | Prohibited |
| Methyl bromide | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited |
| Methyl parathion | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited |
| Mirex | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited |
| Paraquat | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited by 2024 | Prohibited |
| Terbufos* | Prohibited | Prohibited | Phased out | Highly restricted | Prohibited | Prohibited by 2024 | Prohibited by RSB |
| Thiodicarb | Exceptional use | Mitigation measures | | Prohibited | Mitigation measures | | |
| Zineb | Exceptional use | Prohibited | Mitigation measures | Mitigation measures | Mitigation measures | | |

*Recommended for listing by CRC

References

1. <https://www.ipm-coalition.org>
2. Meier, C., Sampson, G., Larrea, C., Schlatter, B., Voora, V., Dang, D., Bermudez, S., Wozniak, J., & Willer, H. (2020). *The state of sustainable markets 2020: Statistics and emerging trends*.
3. IPM Coalition (ipm-coalition.org)
4. Addressing Highly Hazardous Pesticides (HHPs) | Pest and Pesticide Management | Food and Agriculture Organization of the United Nations | IPM and Pesticide Risk Reduction | Food and Agriculture Organization of the United Nations (fao.org)
5. Rainforest Alliance (rainforest-alliance.org)
6. Fairtrade Foundation (fairtrade.org.uk)
7. *The Common Code for the Coffee Community (4C)* | Ecocert
8. Forest Stewardship Council UK (fsc.org)
9. *Standard — The Union for Ethical BioTrade* (uebt.org)
10. Better Cotton Initiative (bettercotton.org)

Pesticide Action Network UK
The Green Hub
The BRIGHTHELM Centre
North Road
Brighton BN1 1YD

Telephone: **01273 964230**
Email: admin@pan-uk.org
www.pan-uk.org

