

Rotterdam Convention — Notification of Certain Hazardous Chemicals and Pesticides

Introduction

7.1 The purpose of the *Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, done at Rotterdam on 10 September 1998* is 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. As stated in the introduction to the previous chapter of this report, the Treaty is one of three conventions developed under the auspices of the United Nations Environment Program, forming an international framework to manage hazardous chemicals through their life cycles.¹

7.2 According to the National Interest Analysis (NIA), the Rotterdam Convention aims to:

facilitate information exchange between Parties on hazardous industrial chemicals and pesticides.²

1 Mr Mark Hyman, *Transcript of Evidence*, 15 September 2003, p. 24. The other two conventions are the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their disposal*, and the Convention discussed in the previous chapter: the *Stockholm Convention on Persistent Organic Pollutants (POPs)*.

2 National Interest Analysis (NIA), para. 6.

- 7.3 A *voluntary* Prior Informed Consent (PIC) procedure has operated since 1989, through the UN Food and Agricultural Organization and the UN Environment Program. This treaty was adopted by a diplomatic conference in September 1998 and it was agreed that a revised voluntary PIC procedure should continue until the treaty entered into force. Australia signed the treaty in 1999, and has participated in the interim PIC procedure to date.³
- 7.4 The Committee heard that, as an information-sharing forum, the interim procedure was regarded as successful, ‘but as a system that would benefit from carrying with it the force of international law in terms of encouraging wider compliance and a greater degree of participation.’⁴

Functions and coverage of the treaty

- 7.5 According to the terms of the treaty, information is exchanged on the Parties’ import and export decisions and health and safety data on the hazardous industrial chemicals and pesticides listed in Annex III of the treaty. The NIA states that it is also expected that chemicals added under the interim procedure will be listed on Annex III at the first Conference of the Parties.
- 7.6 The Committee understands that the Convention applies to banned or severely restricted chemicals, and severely hazardous pesticide formulations. It does not apply to narcotic drugs, psychotropic substances, radioactive materials, wastes, chemical weapons, pharmaceuticals (including human and veterinary drugs), chemicals used as food additives, food, or small quantities of chemicals (not likely to affect human health or the environment) which are imported for research, analysis or personal use.⁵
- 7.7 The Committee understands from the NIA that some benefits of ratification would be:
- to increase Australia’s access to information on hazardous chemicals

3 NIA, para. 8.

4 Mr Mark Hyman, *Transcript of Evidence*, 15 September 2003, p. 33.

5 Article 3: ‘Scope of the Convention’

- to provide a mechanism to help countries, particularly developing Pacific Island states to adopt and maintain sound chemical management
- to demonstrate Australia's commitment to supporting effective and balanced approaches to global cooperation on the environment.⁶

Implementation of the treaty

- 7.8 The Committee was advised that implementation of the Convention requires the cooperation of several agencies.⁷ Australia has separate schemes for the regulation of pesticides and industrial chemicals. According to the NIA, pesticides are regulated by legislation through the National Registration Scheme for Agricultural and Veterinary Chemicals (NRS). Industrial chemicals are regulated through the National Industrial Chemicals Notification and Assessment Scheme (NICNAS, an agency within the Department of Health and Ageing) under separate legislation. Australia currently implements the interim PIC procedure which does not include the obligation under the treaty relating to export controls.⁸
- 7.9 The Committee understands that responsibility for implementation of the treaty will belong particularly to the Department of the Environment and Heritage (as the designated national authority – DNA – for industrial chemicals) and the Department of Agriculture, Fisheries and Forestry (as the DNA for pesticides). Coverage for export obligations under the treaty would require changes to regulations under the *Customs (Prohibited Exports) Regulations 1958*, and the *Industrial Chemicals (Notification and Assessment) Act 1989*.⁹

Costs

- 7.10 Costs are specified in the RIS at paragraph 4.2.2. The Committee understands that the cost to Australia will be approximately \$500 000

6 NIA, para. 7.

7 Mr Mark Hyman, *Transcript of Evidence*, 15 September 2003, p. 32.

8 NIA, para. 23.

9 RIS, para. 4.3 and NIA, paras 23-26.

per annum. As many of the chemicals covered by the treaty are no longer used in Australia, there are no additional costs foreseen for importers of chemicals and few companies are expected to export chemicals covered by the Convention.

Consultation

- 7.11 The NIA and RIS for this proposed treaty action was prepared by the Department of Environment and Heritage. As noted in the previous chapter of this report, the Committee appreciates the detailed comments provided on the results of their consultation process. The Committee is satisfied with the range of consultations conducted.
- 7.12 The Committee heard that ‘the Convention is widely supported both within Australia and by overseas countries, including our major trading partners.’¹⁰
- 7.13 The Queensland Government, in its submission to the Committee, recognised that the proposed ratification of this Convention does not change the existing roles and responsibilities between the State and the Commonwealth on the management of hazardous chemicals:

The costs associated with implementing the Convention’s obligations are not considered to be significant as importers and exporters of hazardous chemicals are already operating under an interim procedure consistent with the Convention.¹¹

Concluding observations and recommendation

- 7.14 The Committee concurs with the view expressed by Mr Hyman at the public hearing on 15 September 2003:

that ratification would strengthen (our) existing domestic systems which protect the environment and human health of Australia and Australians and enhance our capacity to influence international efforts to address chemical issues.¹²

10 Mr Mark Hyman, *Transcript of Evidence*, 15 September 2003, p. 33.

11 Queensland Government, *Submission*, p. 1.

12 Mr Mark Hyman, *Transcript of Evidence*, 15 September 2003, p. 33.

Recommendation 8

The Committee supports the *Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, done at Rotterdam on 10 September 1998*, and recommends that binding treaty action be taken.