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Stockholm Convention on Persistent Organic Pollutants

Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants
Fifth meeting
Geneva, 25–29 April 2011
Item 4 (e) of the provisional agenda*

Matters related to the implementation of the Convention: listing of chemicals in Annex A, B or C to the Convention

Compilation of comments for consideration by the Conference of the Parties on the Persistent Organic Pollutants Review Committee's recommendation to list endosulfan in Annex A to the Convention

Note by the Secretariat

1. By its decision POPRC-6/8, the Persistent Organic Pollutants Review Committee of the Stockholm Convention on Persistent Organic Pollutants decided to recommend to the Conference of the Parties that it should consider listing technical endosulfan, its related isomers and endosulfan sulfate in Annex A to the Convention, with specific exemptions, in accordance with paragraph 9 of Article 8 of the Convention.

2. The Secretariat notified parties on 22 October 2010 of the Committee's recommendation and invited them to inform it by 1 December 2010 of any relevant issue pertaining to the recommendation that they wished to raise at the fifth meeting of the Conference of the Parties. As at 10 January 2011, the Secretariat had received responses from Bahrain, Ecuador, Honduras, India, Morocco and the United Arab Emirates. The responses have been reproduced as received in annex I to the present note. The United States of America also submitted information pertaining to endosulfan, which has been reproduced as received in annex II to the present note.

* UNEP/POPS/COP.5/1.

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Annex I

Submissions by parties for consideration by the Conference of the Parties regarding the recommendation of the Persistent Organic Pollutants Review Committee to list endosulfan in Annex A to the Convention

Bahrain

E-mail communication

Subject: Proposal to amend Annex A to the Stockholm Convention to be discussed at the fifth meeting of the Conference of the Parties

This is with reference to the above mentioned subject. Please be informed that, as per Article 13 of the convention the developing countries parties shall be provided with financial resources to fulfill their obligation. And according to the COP-4 decision no. UNEP/POPS/COP.4/CRP.48 "the COP requests the GEF to provide the necessary financial and technical assistance to developing country parties and countries with economies in transition in accordance with Articles 13 and 14, especially the least developed countries and small island developing states, to help them prepare or update their NIPs and to comply with the Convention requirements". Therefore, in this regard, we would be grateful if you could add the funding issue in the COP-5 Agenda, where our situation regarding the POPs is unknown and there an urgent need to conduct an inventory to prepare our NIP because the list of POPs increased to 21 and may more POPs will add in the next COP.

Thanks with appreciation.

Best Regards

Mirza salman Khalaf
Deputy Director,
Environmental Control Directorate
SC,SAICM & E.Waste NFP
Kingdom of Bahrain

Ecuador

La Misión del Ecuador ante la Oficina de las Naciones Unidas y otros Organismos Internacionales con sede en Ginebra saluda muy atentamente a la Secretaría del Convenio de Estocolmo sobre Contaminantes Orgánicos Persistentes y tiene a honra remitir adjunto el informe técnico preparado por el Ministerio del Ambiente del Ecuador sobre las condiciones legales y técnicas para el uso del endosulfán en Ecuador, a fin de que dicha información pueda ser considerada en la V Conferencia de las Partes, a celebrarse en Ginebra, entre el 25 y 29 de abril de 2011.

La Misión del Ecuador ante la Oficina de las Naciones Unidas y otros Organismos Internacionales con sede en Ginebra hace propicia la ocasión para reiterar a la Secretaría del Convenio de Estocolmo sobre Contaminantes Orgánicos Persistentes las seguridades de su más alta y distinguida consideración.

Ginebra, 13 de diciembre de 2010

INFORME TECNICO

El endosulfán es un insecticida y acaricida organoclorado químicamente similar a aldrina, clordano, y heptacloro que actualmente se encuentran prohibidos bajo el Convenio de Estocolmo. Es un disruptor endocrino y es altamente tóxico en forma aguda.

Actualmente el endosulfán se encuentra registrado en Agrocalidad bajo LEY DE COMERCIALIZACION Y EMPLEO DE PLAGUICIDAS, con registro oficial 315 del 16 de abril del 2004, existen diez y ocho productos con registro y que se encuentran en uso actualmente**.**

ANEXO 1

A partir del año 2005 el Ecuador se acoge a la Decisión 436 Norma Andina para el Registro y Control de Plaguicidas Químicos de Uso Agrícola, cuyo objetivo principal es: Establecer requisitos y procedimientos armonizados para el registro y control de plaguicidas químicos de uso agrícola, orientar su uso y manejo correctos para prevenir y minimizar daños a la salud y el ambiente en las condiciones autorizadas, y facilitar su comercio en la Subregión. Bajo esta legislación que incluye aspectos agronómicos de salud y ambiente, no existen actualmente registros ante la Autoridad Nacional Competente (AGROCALIDAD) para el endosulfan y sus isómeros.

El Endosulfan en nuestro país es utilizado principalmente para el control de plagas en varios cultivos de importancia económica.

ANEXO 2

En el mercado ecuatoriano existen alternativas al uso del endosulfan, en muchos de los casos a precios más asequibles que el producto en mención. La primera alternativa consiste en productos cuyos ingredientes activos corresponde al grupo de los piretroides que actualmente se encuentran registrados ante AGROCALIDAD

El Ministerio del Ambiente forma parte del Comité Técnico Nacional de Plaguicidas, conjuntamente con Agrocalidad y el Ministerio de Salud, el cual analiza la información sobre los plaguicidas que ingresan al país. Esta cartera de Estado puso en consideración ante la autoridad competente el ingreso del endosulfan para su revisión debido a los siguientes justificativos:

- De acuerdo a la sección 6.3 de la Evaluación de Riesgo Ambiental Acuático del Manual Técnico Andino para el Registro y Control de Plaguicidas Químicos de Uso Agrícola, en su página 112 especifica que *"Se considera inaceptable si el Factor de Bioconcentración (BCF) es mayor a 2000 y la vida media en el suelo o agua es mayor a 30 días a 20°C"*

- Base de datos europeas como el "System Hearts" de la Universidad Británica de Herfortshire, indica que el ingrediente activo endosulfan posee un factor de bioacumulaciòn igual a 2775 y un valor de persistencia en el suelo de 39 (DT50) a 20 grados celcius. Estos valores son mayores a aquellos mencionados en el manual técnico.

- De acuerdo al documento de reevaluación de este ingrediente activo en la Agencia de Protección Ambiental de los Estados Unidos, define a este ingrediente activo de la siguiente manera: "*producto químico muy persistente que puede permanecer en el ambiente por largos*

períodos de tiempo, particularmente en medios ácidos, pueden transportarse por disolución en agua, adsorción a las partículas del suelo, erosión, vaporización y/o adsorción a partículas de polvo (transporte aéreo). Posee además un potencial relativamente alto para bioacumularse en peces teniendo coeficientes de partición octanol/agua que oscilan entre 55500 y 61400. Estudios sugieren que los valores del Factor de Bioacumulaciòn (BCF) en peces para endosulfan van desde 2400 hasta 11000. Endosulfan es un producto químico para el cual se están preparando los documentos de orientación de decisión dentro del Convenio de Rotterdam

Finalmente es importante señalar que el uso de este ingrediente activo ha sido prohibido alrededor de sesenta países, incluyendo la Unión Europea y Colombia dentro de la Comunidad Andina de Naciones (CAN)

Con estos antecedentes Ecuador respalda la inclusión del endosulfan para el anexo A del convenio de Estocolmo.

ANEXOS

TABLA 1.- Listado de productos cuyo ingrediente activo es Endosulfàn registrados en el país con norma nacional

No.	NOMBRE COMERCIAL	REGISTRO	PAÍS DE ORIGEN
1	THIODAN 35	10 – I	COLOMBIA ALEMANIA / GUATEMALA
2	ENDOSULFAN TECNICO	10 - I 17- SESAU	INDIA
3	THIONATE 350 / SUNAMI 350 / CRYSULFAN / ENDOPAC 350 EC	10 - I 16-SESAU	ECUADOR
4	PALMAROL	10 - I 4	USA
5	ENDOSUL 35% EC	10 - I 19-SESAU	INDIA
6	ENDOSULFAN EQ	10 - I 14-SESAU	SINGAPUR
7	ENDOSULFAN 35 EC	10 - I 13-SESAU	ESTADOS UNIDOS
8	FLAVYLAN	10 - I 11-SESAU	BELGICA
9	GALGOFAN	10 - I 12-SESAU	ARGENTINA
10	ENDOSULFAN 3 CE	10 - I 9-SESAU	GUATEMALA
11	THIONIL 35 EC	10 - I 7	VENEZUELA
12	ENDOSULFAN 35 EC	10 - I 18-SESAU	CHINA
13	MARISCAL	10 - I 20-SESAU	CHINA
14	ENDOSULFAN 34,1 % EC / PALMATHION	10 - I 3	USA / INDIA
15	ENDOFAN 35 EC	10 - I 10-SESAU	INDIA / CHINA
16	ND - SULF / AGROSULFAN	10 - I 21-SESAU	CHINA / COLOMBIA
17	THIONEX 35 EC / ENDOPAC	10 - I 5	ISRAEL / ECUADOR / COLOMBIA
18	ENDOSULFAN 35% EC	10 - I 15-SESAU	CHINA / INDIA

TABLA 2.- Listado de cultivos y plagas de importancia económica en el país

Cultivo	Plaga
Palma africana (*Elaeis guineensis Jacq)*	Sagalasa *(Sagalassa valida)*
Maíz (*Zea mays)*	Cogollero *Spodoptera*
Papa (*Solanum tuberosum)*	Pulguilla *Epitrix cucumeris*
Café (*Coffe arabica*)	Broca *Hypothenemus hampei*
Arroz (*Oryza sativa)*	Cogollero *Spodoptera*

Honduras

República de Honduras

SERNA
SECRETARÍA DE RECURSOS NATURALES Y AMBIENTE

CESCCO-133-2010.

Tegucigalpa M. D. C. 24 de Noviembre de 2010

Señorita
Kei Ohno
Comité de Examen sobre los Contaminantes Orgánicos Persistentes
Secretaria del Convenio de Estocolmo
Ginebra, Suiza

Estimada Señorita Ohno:

Con fecha 19 de noviembre de 2010 se realizó la primera jornada de consulta con miembros de la Comisión Nacional para la Gestión Ambientalmente Racional de Productos Químicos (CNG), a fin de identificar de manera conjunta las implicaciones nacionales en relación a la recomendación del Comité de Examen de los Contaminantes Orgánicos Persistentes (POPRC) de incluir al Endosulfan y sus isómeros en el Anexo A del Convenio de Estocolmo. En ese sentido, el Centro de Estudios y Control de Contaminantes, CESCCO, se reunió con autoridades competentes, ONG´s y representantes del sector cafetalero para establecer un diagnóstico nacional de carácter preliminar de la situación actual del uso de este producto en Honduras.

Es importante mencionar que los sectores expusieron su planteamiento de acuerdo a su competencia y de forma conjunta los representantes de la CNG aportan lo siguiente:

1. Existen resoluciones emitidas por las instancias competentes que han regulado al Endosulfan por ejemplo la Secretaría de Recursos Naturales actualmente Secretaría Agricultura y Ganadería (SAG). Inicialmente el uso del Endosulfan se limitó al combate de la broca del fruto del café, sin embargo, se ha permitido su uso para otros cultivos principalmente horto-fruticolas.

2. Considerando las propiedades de persistencia y de transporte a larga distancia que posee el Endosulfan, existe preocupación ya que hay limitada vigilancia nacional de los niveles permisibles en productos de consumo derivados de hortalizas principalmente.

3. Actualmente existe registro vigente de 7 marcas comerciales con Endosulfan como ingrediente activo, recientemente un titular del registro ha solicitado la cancelación voluntaria de dos marcas comerciales conteniendo este producto. Lo anterior demuestra que aun está disponible en el mercado nacional la comercialización del Endosulfan.

Edificio Principal: Despacho de Recursos Naturales y Ambiente, 100 metros al sur del Estadio Nacional
Teléfonos: 232-2011, 239-4298 • Fax: 232-6250 • Apartado Postal 1389,4710.
Tegucigalpa, M. D. C., Honduras, C. A.

República de Honduras

SERNA
SECRETARIA DE RECURSOS NATURALES Y AMBIENTE

4. Actualmente el Endosulfan sigue siendo utilizado en el cultivo de hortalizas y existe prácticas inadecuadas de manejo por parte de los usuarios, lo que demuestra que es imperativo sensibilizar a los productores y consumidores sobre los riesgos asociados al Endosulfan.

5. En la actualidad se ha descontinuado el uso del Endosulfan en el control de la broca del fruto del café y se están empleando los controles culturales, biológicos, microbiológicos y etológicos, lo que demuestra que existen alternativas viables y eficaces.

6. Según registro en SENASA-SAG, existen otros ingredientes activos que representan alternativas químicas al Endosulfan que demuestran controlar las mismas plagas.

En virtud de lo antes descrito sobre la inclusión del Endosulfan en el anexo A del Convenio de Estocolmo se puede concluir lo siguiente:

Preliminarmente se puede inferir que la prohibición no causaría impactos significativos a excepción del sector horticola y bananero del cual desconocemos actualmente las implicaciones sociales y económicas pertinentes, esto permite inferir que se deben realizar gestiones a nivel nacional para conocer ampliamente los patrones culturales y agrícolas en torno al Endosulfan.

Por lo anterior solicito que se tome en consideración lo aquí planteado y se reconozca ante la Conferencia de las Partes (COP-5) que tomará lugar en Ginebra, Suiza en el mes de abril, que es necesario para la República de Honduras abordar con detalle un análisis más contundente sobre las implicaciones de la inclusión del Endosulfan en el anexo A del Convenio de Estocolmo, asimismo, lograr el fortalecimiento de los sectores involucrados y del Punto Focal para atender satisfactoriamente los retos que se aproximan.

Aprovecho la oportunidad para expresarle las seguridades de mi consideración.

SECRETARIA DE RECURSOS NATURALES Y AMBIENTE
CENTRO DE ESTUDIOS Y CONTROL DE CONTAMINANTES
CESCCO DIRECCION
TEGUCIGALPA, M.D.C., Honduras, C.A.

Dr. Victor Manuel Meléndez
Director
Centro de Estudios y Control de Contaminantes, CESCCO
Punto Focal del Convenio de Estocolmo para Honduras

C: Archivo.

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Tegucigalpa, M. D. C., Honduras, C. A.

India

India's position paper on consideration of EU's proposal concerning Endosulfan by POPRC

India observes on the strength of valid facts and interpretations that the proposal of European Union (EU) concerning Endosulfan considered by both POPRC-3 and POPRC-4 suffer from several flaws as explained below in this Conference Room Paper (CRP) and elaborated further in Annex I attached.

I Non-observance of procedural due process required under Convention:

On 26th Jul'07, European Commission (EC) on behalf of European Union (EU) submitted a detailed proposal to Stockholm Convention's Secretariat proposing to list Endosulfan under the Convention. On 26th Sept'07, the Convention's Secretariat published a document (UNEP/POPS/POPRC.3/INF/10) that stated that *"Secretariat was satisfied that EU's proposal met the requirement of Annex D"*. The EU's proposal was listed for examination by POPRC-3 (UNEP/POPS/POPRC.3/5). However, the POPRC-3 did not examine the proposal but simply noted in its final report that *"vital information required for consideration of Endosulfan had not been made available to it"*. POPRC-3 asked notifying Party (EU) and others including observers to supply the missing *"vital information"* before it begins to examine the EU's proposal at its next meeting (POPRC-4). Article 8 of the Convention requires incomplete proposals be set aside by the POPRC. It does not allow notifying party or others to amend the proposal after initial verification by the Secretariat. Hence deferment of examination of the EU's proposal from POPRC-3 to POPRC-4 and allowing the EU to amend its proposal during the interim period is not as per provisions of the Convention.

II Decision making in POPRC:

The Chair of POPRC-4 chose to take decisions by majority votes (instead of consensus) on two occasions. First, it was to admit amended version of unexamined EU proposal and next was to uphold the amended EU proposal that it met all Annex D criteria. This was resorted to despite objections from committee members. The Convention and Rules of Procedures do not permit substantive decisions be made my majority. These decisions, therefore, lack legitimacy under the Convention. They must be reversed.

III Principle of Transparency:

On the final day of POPRC-4, India's member to POPRC submitted a dissent note. The note described the reasons for his dissent with a specific request that the note be made a part of POPRC-4s final report. Full text of the dissent note is in the Annex I attached. But the Secretariat has not yet made this public. This goes against the principles of transparency built in the Convention.

IV Conflict of interest:

It is an obligatory duty of POPRC to prepare Draft Risk Profile for chemicals under Annex E of the Convention. This cannot be delegated or assigned to an external agency or third party. In case of Endosulfan, the First Draft Risk Profile under Annex E was prepared by the European Commission under a contract with a private firm called Green Planet Research head quartered in Madrid, Spain in which an ex POPRC member from EU holds a supervisory/advisory position. Stockholm Convention does not allow the notifying party, the EU, the privilege of preparing the risk profile as well. Besides, India is deeply concerned with apparent conflict of interest in this questionable episode.

V Lack of Scientific merit of the EU proposal:

As comprehensively described in India's conference room paper UNEP/POPS/POPRC-4/CRP .9 submitted during POPRC-4, there are numerous validated data- especially from tropical regions of the world- that clearly show that Endosulfan does not meet the Annex D criteria. However, such data seem to have been selectively ignored during early stage of decision making process by POPRC. For sake of brevity, reference may be made to scientific data submitted by China, Indian Chemical Council and Crop Life International available from Convention's website:

'http://chm.pops.int/Convention/POPsReviewcommittee/Meetings/POPRC4/AnnexEinformationrequest/Responses/tabid/460/language/en-US/Default.aspx'.

Conclusion:

In view of above and additional information furnished in the Annex I to this Conference Room Paper, India suggests that decisions made by POPRC-3 and POPRC-4 on EU proposal concerning Endosulfan be disapproved and set aside. India is firmly of the opinion that all decisions in Stockholm Convention should be made in strict accordance with the text of the Convention and approved Rules of Procedures.

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Annex I to India's CRP bearing no xxxxxx:

Background: Article 8 of Stockholm Convention specifies step by step procedure for assessing a proposed chemical for possible listing as a Persistent Organic Pollutant (POP) under the Convention. Its initial paragraphs describe the procedure for:

- Submission of a proposal by a Party.
- Verification of the proposal by the Secretariat.
- Examination of the proposal by POP review committee (POPRC) for conformity to Annex-D criteria.

Article 8	**Listing of chemicals in Annexes A, B and C**
Paragraph 1	A Party may submit a proposal to the Secretariat for listing a chemical in Annexes A, B and/or C. The proposal shall contain the information specified in Annex D. In developing a proposal, a Party may be assisted by other Parties and/or by the Secretariat.
Paragraph 2	The Secretariat shall verify whether the proposal contains the information specified in Annex D. If the Secretariat is satisfied that the proposal contains the information so specified it shall forward the proposal to the Persistent Organic Pollutants Review Committee.
Paragraph 3	The Committee shall examine the proposal and apply the screening criteria specified in Annex D in a flexible and transparent way, taking all information provided into account in an integrative and balanced manner.
Paragraph 4 (a)	**If the Committee decides that** : It is satisfied that the screening criteria have been fulfilled, it shall through the Secretariat, make the proposal and the evaluation of the Committee available to all Parties and observers and invite them to submit the information specified in Annex E; **or**
Paragraph 4 (b)	It is not satisfied that the screening criteria have been fulfilled, it shall through the Secretariat inform all Parties and observers and make the proposal and evaluation of the Committee available to all Parties and the proposal shall be set aside.

Submission of a Proposal by a Party: Paragraph1 of Article 8 allows a Party to submit a proposal to the Convention's Secretariat for listing a new chemical. The proposal shall contain the information specified in Annex D. In developing a proposal (i.e prior to its submission to the Secretariat), a party may be assisted by other Parties and/or by the Secretariat. Submitting party or others cannot amend the proposal after its submission to the Secretariat.

Verification of the proposal by the Secretariat: Paragraph 2 of Article 8 says that upon receipt of the proposal from a Party "*The Secretariat shall verify whether the proposal contains information specified in Annex D*". Oxford dictionary defines the term "*verify"* as to test the truth or accuracy. The received proposal shall be forwarded to POPRC only after the Secretariat is satisfied that the proposal contains all information specified in Annex D. The multiple use of term "*shall"* in this paragraph is significant. It reinforces the obligatory role of the Secretariat in initial verification of the submitted proposal ahead of a detailed examination by the POPRC. It also means that if the Secretariat is not satisfied that the proposal contains the Annex D information, it shall not forward the proposal to the POPRC.

Examination of the proposal by the POPRC: Paragraph 3 of Article 8 says that the committee shall examine the proposal [as forwarded to it by the Secretariat] and "*apply the screening criteria specified in Annex D in a flexible and transparent way taking all information provided into account in an integrative and balanced manner"* . The phrase "*taking all information provided into account*" as used here refers to all information contained in the proposal forwarded to POPRC by the Secretariat. The phrase "*all information"* cannot be interpreted to refer to information extraneous to the information content of the proposal under evaluation as it would then open a Pandora's Box. In other words, the phrase "*all information provided"* cannot be misinterpreted as "*information provided by all"*. Accordingly, the phrase "*all information*

provided" as it appears in paragraph 3 must be taken to mean all information provided to the Secretariat in the original proposal, and duly forwarded to the POPRC.

Issue No. 1 involving EU proposal: On 26th Jul'07, European Commission (EC) on behalf of European Union (EU) submitted a detailed proposal to Stockholm Convention Secretariat proposing to list Endosulfan under the Convention. On 26th Sept'07, the Convention's Secretariat published a document (UNEP/POPS/POPRC.3/INF/10) that stated that *"Secretariat was satisfied that EU's proposal met the requirement of Annex D"*. The EU's proposal was then listed for examination by POPRC-3 (UNEP/POPS/POPRC.3/5). However, the POPRC-3 did not examine the proposal allegedly at the behest of a request from a POPRC member from EU. The PORPC-3 tersely noted in its final report that *"vital information required for consideration of Endosulfan had not been made available to it"* and asked notifying Party (EU) and others including observers to supply additional information before it begins to examine the EU's proposal at its next meeting (POPRC-4). It is not known as to how POPRC-3 noticed the missing "vital information" in the EU proposal without even examining it. The Secretariat can check voice recording of POPRC-3 proceedings and explain to COP-4 as to how missing vital information was noticed without examining the EU proposal in POPRC-3 and by whom.

Article 8 gives the Secretariat and POPRC distinct and complementary functions. The Secretariat receives proposals and verifies whether it contains the information required by Annex D. Once the Secretariat is satisfied that the proposal contains Annex D information, the Secretariat forwards the proposal to POPRC to examine whether the information in the proposal (as forwarded by the Secretariat) fulfils Annex D criteria or not. Permitting the POPRC to seek supplemental or additional information prior to examining the forwarded proposal presupposes that the PORPC can grant itself power to perform a function exclusively assigned to the Secretariat – that of determining whether the proposal contains information necessary for POPRC to begin its work of examining the proposal. While Article 8 (3) asks POPRC to be flexible, transplant, these can not be read so as to permit POPRC to usurp the functions exclusively reserved for the Secretariat.

Article 8 does not permit the POPRC to seek additional *"vital information"* before or during its examination/evaluation of the proposal. Article 8 allows POPRC to *"take into account any relevant additional information"* only after successfully progressing beyond Annex D and while proceeding to next level- that of Annex E evaluation. Therefore the decision of POPRC-3 to seek missing *"vital information"* before examining/evaluating the EU's proposal is clearly inconsistent with Paragraphs 3, 4 & 6 of Article 8 of the Convention. If the EU proposal was not found to be containing *"vital information"*, POPRC-3 should have set it aside in accordance with paragraph 4(b) of article 8.

Issue No. 2 involving EU proposal: When the Secretariat listed on the agenda an amended version of EU's proposal for examination by POPRC-4, China and India submitted a Conference Room Paper (UNEP/POPS/POPRC.4/CRP.3) arguing against admissibility of the amended proposal quoting Article 8 of the Convention particularly 4(a) and 4(b) of Article 8. Nevertheless, the Chair of POPRC-4 allowed examination of amended version of the EU's proposal by an unprecedented and unavailable voting option. There is nothing in the Convention that allows POPRC to decide by vote to accept examining an amended proposal whose original version was found to be lacking vital information. The original incomplete proposal of the EU should have been set aside at POPRC-3 itself. It should not have been given lease of life from POPRC-3 to POPRC-4.

At the end of the examination of the amended EU proposal, opinion of POPRC-4 remained divided as to whether or not it met all criteria of Annex D. The Chair of POPRC-4 supported by UNEP's legal advisor chose once again to take decision by majority vote quoting Article 19 paragraph 6(c) of the Convention. This was in error because of the following.

Article 19(6)(c) reads *"The Committee shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted, and no consensus reached, such recommendation shall as a last resort be adopted by a two-thirds majority vote of the members present and voting.*

It is clear, Article 19(6)(c) refers to "recommendation" and not to "decision".

Rule 45 of Rules of Procedure refers to "decision".

Both rule 45 of Rules of Procedures and Article 19(6)(c) establish procedure that POPRC must follow. Rule 45 expressly states that decision on matters of substance shall only be taken by consensus. Taken together, they establish that while procedural matters may be decided by a vote, all substantive decisions in the

Convention must be taken by consensus. POPRC's examination and subsequent decision whether or not a proposal meets Annex D criteria is not a recommendation subject Article 19(6)(c). It is a substantive decision.

A recommendation is different from substantive decision. A substantive decision is one that is decided following a detailed hearing/debate/discussion wherein facts are contested. POPRC is a body of experts. Decision made by POPRC involving comprehensive examination of a proposal is therefore substantive decision .Recommendation is different from decision. Whereas recommendation is something suggested as a course of action, decision is a determination arrived after debate/discussion/hearing.

Article 31 of the Vienna Convention on the Law of Treaties (1969) provides authoritative guidance for interpreting the text of international treaties such as the POPs Convention. Article 31 of this Convention requires that treaties be interpreted in accordance with the "ordinary meaning" of their terms. Accordingly the term "recommendation" in Stockholm Convention cannot be confused with the term "decision". Both are different. It must also be noted here that Article 8 of the Convention refers to terms *"decide/decision"* and *"recommend/recommendation*" separately. The term recommend/recommendation is seen only towards the end of Article 8 in paragraph 9. But the term "decide" or "decision" appear several times in preceding paragraphs.

Decision by POPRC on a proposal whether or not it meets Annex D criteria is substantive in nature. Such substantive decisions can only be arrived by consensus as per rule 45 of Rule of Procedure. Taking decision on substantive matters by vote is clearly inconsistent with the Conventions text. The voting decision by the Chair of POPRC-4 on the EU proposal was invalid and so was the decision POPRC-4/5.

Issue No. 3 involving EU Notification: On the last day of POPRC-4, Dr. G.K. Pandey POPRC member from India submitted a dissent note, the full text of the same is reproduced below.

Note from Dr.G. K.Pandey, POPRC member from India to The Rapporteur

Please include the following in the main report of POPRC-4 final report or as annexure to the same.

- On the first day of the POPRC-4 , China and India submitted a Conference Room Paper explaining why the EU proposal on Endosulfan was procedurally unacceptable for consideration by POPRC-4 under ref:UNEP/POPS/POPRC-4/CRP.3 . A copy of the same is to be annexed to POPRC-4 final report.

- India also submitted another CRP (UNEP/POPS/POPRC-4/CRP .9) bringing out deficiencies and inadequacies in the EC's proposal on Endosulfan explaining why and how it fails to meet Annex-D criteria. The same may be annexed to the final report of POPRC-4

- During the deliberations India objected to the unfair practice of allowing notifying party(EC/EU) to also submit a "pre drafted review of its own proposal" to POPRC to guide the discussions on a preconceived path. India pointed out that such a practice is both unfair and unlawful in a multilateral convention as it goes against the principle of equity and justice. The EU member that submitted the "pre drafted review" admitted to have done so. It is rather strange to permit the notifying party to submit a self review of its own proposal and subsequent self claim that it passes Annex D review for acceptance by POPRC. Stockholm Convention can not allow this.

- During the deliberations India repeatedly pointed out that the data presented in EU proposal fails to consider the data generated from environment other than EU such as tropical region countries including India. Therefore the Annex D evaluation was not done in an integrative and transparent manner as mandated in Article 8(3) of the Convention taking into account all information. India also repeatedly pointed out that Annex D criteria were not at all met by EU proposal.

- India also protested to the chair's decision to go for voting on matter of substance nature in contravention of what is provided in the Convention and rules of procedures- more specifically rule 45 of Rules of procedures to be read with article 8 of the Convention . India read out relevant provisions and right interpretation of same and explained that the "decisions" are different from

"recommendations" under the Convention. India also conveyed its reservations on the verbal legal advice given by the legal advisor of UNEP in this regard.

- India also objected to final adoption of Annex D review report submitted by Sweden, a member of EU- the notifying party- as though it was prepared by POPRC members.

- In short, India would like to reiterate that the decision taken on EC's proposal regarding Endosulfan suffers from series of procedural, technical, legal and ethical improprieties. India strongly protests this and would like to request COP-4 to comprehensively examine the above before deciding to accept or reject the recommendation of POPRC-4 in this regard.

Dr.G.K Pandey
17-10-08
Geneva.

India regrets to have to observe that this dissent note has not been made public yet. Dissent notes form an integral and perhaps inevitable part of pluralistic discussions in multilateral forums. Dissent notes must be made public in the interest of transparency and good governance. Besides , paragraph 33 of COP's decision SC.1/7 (Terms of reference to Persistent organic pollutant's Review Committee) stipulates that *".....recommendation from the Committee shall provide reasons as well as any dissenting views and relevant supporting documents"* to COP.

India urges that this dissent note be circulated and made available to all at COP-4.

Issue No. 5 with EU Notification: Available documents and information show that European Union (notifying party) was allowed to:

- defer and amend its initial proposal between POPRC-3 and POPRC-4
- pre-draft Annex D evaluation and supply to POPRC-4.
- prepare Annex E risk profile for and on behalf of POPRC-4

Text of the Convention and its rules of procedures would allow none of these privileges to the notifying party. Ideally, the notifying party should not be unilaterally pushing its proposal through various levels of decision making by POPRC.

Conclusion

In view of aforesaid procedural breaches and not so subtle deviations from norms, India suggests that decisions made by POPRC-3 and POPRC-4 on EU proposal concerning Endosulfan be disapproved and set aside. India is firmly of the opinion that decisions in Stockholm Convention should be made in strict accordance with the text of the Convention and approved Rules and Procedures. COP-4 may also suggest ways as to how to prevent and correct such breaches in future. Stockholm Convention is an important Multilateral Environment Agreement (MEA). India is committed to ensure that its implementation does not, by design or default, deviate from the text of the Convention.

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Dissent note by Dr.G.K Pandey, POPRC Member from India at the session of POPRCC-5 (12th Oct- 17th Oct 2009)

Background Information:

- At the fourth meeting of the Conference of Parties (COP-4) held in May 2009, India had submitted a Conference Room Paper (UNEP/POPs/COP.4/CRP.4) strongly questioning the procedural and technical validity of POPRC-4 decision on Endosulfan proposal submitted by the European Union.
- Referring to the contentions raised by India at the COP-4, the final report of COP-4 reads as follows:
- **Para 106**: *In the context of whether decisions of the Committee had to be made by consensus or if all efforts to reach consensus had been exhausted could be made on the basis of a vote, there was considerable discussions on the relative standings of the rules of procedure of the Convention on the one hand and the text of the Convention itself on the other,*
- **Para 107:** *As one representative had expressed particularly strong views on that topic, the president suggested that when the Secretariat drew up draft decision on various aspects of the work of the Committee, it should consult with the representative to address his concerns. The UNEP Senior Legal Officer, acting as the legal advisor to the Conference of the Parties , and a "friend of the president" yet to be nominated were also to be involved.*

At the POPRC-5

- India raised objections to POPRC-4 decision on Endosulfan nearly six months ago at the COP-4 meeting held in May 2009.Now that the draft decision on various aspects of the Committee had been drawn up and I , therefore, sought to know on the first day of POPRC-5 why the "**Friend of the President**" had not yet been nominated to address the concerns raised by India in its Conference Room Paper. In response to this, a very evasive reply was given to me by the Senior Legal Officer of the UNEP present at the POPRC-5. He read from para 74 of the final report of the COP-4 which in no way addresses the subsequent decision of the President of COP-4 as given in para 106 & 107 of the final report. He did not even read out the paragraphs 106 & 107 at all at the POPRC-5

Received by the Secretariat of the Stockholm Convention
16/10/2009

16/10/2009

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- As the **"Friend of the President"** is yet to be nominated to address the concerns raised by India on Annex D evaluation of Endosulfan, it is not proper and legitimate and under the Convention to go ahead with its Annex E evaluation. Here is an unprecedented situation where certain questions were raised at the COP-4 on Annex D evaluation of Endosulfan by POPRC-4 and they are yet to be addressed. Under the circumstances, the Annex D review decision on Endosulfan by POPRC-4 can't be considered complete and valid for progressing to the Annex E evaluation stage. My expressed views and reservations on this important matter were not considered at the POPRC-5.

- Further, the UNEP's legal officer present at the POPRC-5 even justified the decision by vote on "substantive matters". This goes against the text of the Convention (more specifically Article 19.6) and rules of procedures of the Convention (more specifically rule 45).

- I therefore stated on the first day of the POPRC-5 that I would be participating in further deliberations concerning Endosulfan pending final decision by the COP

- I am also surprised that although India had submitted its comments on the Endosulfan's draft risk profile to the Chair of the contact group drafting Endosulfan risk profile last Tuesday, 13th Oct, the data provided by India have been summarily rejected.

- I find that there is extreme reluctance to consider and include scientific data submitted by India that would prove that Endosulfan does not persist, does not bio accumulate, does not undergo long range transport and does not produce significant adverse effects in remote areas far away from its sources of release. Only such scientific data that suits the notifying party, the notifying party have been included. I formally complained against similar practice during Annex D review too. India also reiterated this complaint in its Conference Room Paper UNEP/POPs/COP.4/CRP.4 dated 3rd May 09 submitted at the COP-4. But all these seem to be an exercise in vain and futility.

- The whole set of data included in the draft risk profile is very narrow, selective , cherry picked and show a strong scientific bias against the product under review. The Endosulfan draft risk profile was prepared by the European Commission and supplied to POPRC for its use. At the POPRC-5 , a member from the European Union played the lead role in preparing the final draft risk profile for Endosulfan. There is a strong element of conflict of interest involved in this as the European Union is the notifying party. This was earlier protested by India in its CRP submitted at COP-4.

- Finally, against the provisions of the text of the Convention and Rule of Procedures, the Chair of the POPRC-5 went in for voting on the final day to move the incomplete and questionable Annex E review of Endosulfan to Annex F though the long range environmental transport leading to significant adverse human health and/or

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environmental effects were not established at due to data gaps. An irrelevant precedence involving Chlordecone was quoted by the Chair in this regard to move the proposal to Annex F.

I therefore submit this dissent note.

It is requested that this note be attached to the final report of POPRC-5 and also be brought to the kind notice of COP-5.

Dr/G. K Pandey

16th Oct 09.

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Morocco

Secrétariat d'Etat auprès du Ministère de l'Energie, des Mines,
de l'Eau et de l'Environnement, chargé de l'Eau et de l'Environnement
Département de l'Environnement

المملكة المغربية
ROYAUME DU MAROC

كتابة الدولة لدى وزارة الطاقة والمعادن
والماء والبيئة، المكلفة بالماء والبيئة

05 JAN 2011 0032 131DSI

A

Monsieur le Secrétaire Exécutif de la Convention de Stockholm

Objet : Proposition d'amendement de l'annexe A de la Convention de Stockholm

Suite à la proposition d'amendement de l'annexe A de la Convention de Stockholm, formulée par le comité d'étude des polluants organiques persistants à sa 6ème session, j'ai l'honneur de vous informer que le Royaume du Maroc n'a pas d'objection quant à l'inscription de l'Endosulfan et de ses composantes à l'annexe A de ladite convention.

Par ailleurs, il est à préciser que le Gouvernement du Maroc a décidé de procéder au retrait des homologations des pesticides à base de l'endosulfan.

En restant à votre disposition pour toute information supplémentaire, je vous prie d'agréer Monsieur le secrétaire Exécutif, l'expression de ma considération distinguée.

Le Secrétaire Général
du Département de l'Environnement

MAHFOUD Jamal

United Arab Emirates

E-mail communication

Subject: Proposal to amend Annex A to the Stockholm Convention to be discussed at the fifth meeting of the Conference of the Parties

Dear Sir,

The Department of Chemical of Hazardous Waste in the Ministry of Environment and Water (UAE) has reviewed the proposal. We believe that the chemicals mentioned in the proposal can be added to Annex A. Exemption to some countries should be provided if needed.

Best Regards

Muna Al Falasi

Annex II

Submission by the United States of America

E-mail communication

Subject: Proposal to amend Annex A to the Stockholm Convention to be discussed at the fifth meeting of the Conference of the Parties

Thank you for your letter dated 22 October 2010 regarding the proposal to amend Annex A to the Stockholm Convention to be discussed at the fifth meeting of the Conference of the Parties (COP 5). That letter indicated that Parties to the Convention are invited to notify the Secretariat by 1 December 2010 of any relevant issue or issues that they may wish to raise at the fifth meeting of the Conference of the Parties.

The United States is not a Party to the Stockholm Convention and is not proposing to raise a particular issue regarding endosulfan at COP 5.

We would like to take this opportunity, however, to submit information regarding the U.S. timetable for the phase-out of endosulfan in case it would be of interest to other delegations. In the United States, most currently approved endosulfan crop uses will end by 31 July 2012, including over 30 crop uses plus use on ornamental trees, shrubs, and herbaceous plants. The remaining uses will end over the following 4 years, with the final endosulfan uses ending on 31 July 2016.

More information can be found at the following website http://www.epa.gov/pesticides/reregistration/endosulfan/endosulfan-agreement.html as well as in the attachment to this letter (Federal Register Notice from 10 November 2010 (75 FR 69065-69069)).

Dated: November 2, 2010.

Darrell A. Winner,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 2010–28382 Filed 11–9–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9224–5]

Draft Toxicological Review of Urea: In Support of Summary Information on the Integrated Risk Information System (IRIS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of peer review meeting.

SUMMARY: EPA is announcing that Versar, Inc., an EPA contractor for external scientific peer review, will convene an independent panel of experts and organize and conduct an external peer review meeting to review the draft human health assessment titled, "Toxicological Review of Urea: In Support of Summary Information on the Integrated Risk Information System (IRIS)" (EPA/635/R–10/005). The draft assessment was prepared by the National Center for Environmental Assessment (NCEA) within the EPA Office of Research and Development.

On September 28 EPA released this draft assessment [75 FR 59716] solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. This draft assessment has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency policy or determination.

Versar, Inc. invites the public to register to attend this workshop as observers. In addition, Versar, Inc. invites the public to give brief oral comments and/or provide written comments at the workshop regarding the draft assessment under review. Time is limited, and reservations will be accepted on a first-come, first-served basis. In preparing a final report, EPA will consider Versar, Inc.'s report of the comments and recommendations from the external peer review workshop and any written public comments that EPA receives in accordance with this notice.

DATES: The peer review panel workshop on the draft assessment for Urea will be held via teleconference on December 13, 2010, beginning at 1 p.m. and ending at 5 p.m. Eastern Standard Time.

ADDRESSES: The draft "Toxicological Review of Urea: In Support of Summary Information on the Integrated Risk Information System (IRIS)" is available primarily via the Internet on the NCEA home page under the Recent Additions and Publications menus at *http://www.epa.gov/ncea.* A limited number of paper copies are available from the Information Management Team (Address: Information Management Team, National Center for Environmental Assessment [Mail Code: 8601P], U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 703–347–8561; facsimile: 703–347–8691). If you request a paper copy, please provide your name, mailing address, and the draft assessment title.

The peer review meeting on the draft Urea assessment will be held via teleconference. To attend the teleconference, register no later than December 6, 2010, by contacting Versar Inc. by e-mail: *saundkat@versar.com* (subject line: Urea Peer Review Meeting), by phone: 703–750–3000, ext. 545 or toll free at 1–800–2–VERSAR (1–800–283–7727), ask for Kathy Coon, the Urea Peer Review Meeting Coordinator, or by faxing a registration request to 703–642–6809 (please reference the Urea Peer Review Meeting and include your name, title, affiliation, full address and contact information). There will be limited time at the peer review workshop for comments from the public. Please inform Versar, Inc. if you wish to make comments during the workshop.

FOR FURTHER INFORMATION CONTACT: For information on registration, access or services for individuals with disabilities, or logistics for the external peer review workshop, please contact Versar, Inc. at 6850 Versar Center, Springfield, VA 22151; by e-mail: *saundkat@versar.com* (subject line: Urea Peer Review Meeting), by phone: 703–750–3000, ext. 545 or toll free at 1–800–2–VERSAR (1–800–283–7727), ask for Kathy Coon, the Urea Peer Review Meeting Coordinator, or by faxing a registration request to 703–642–6809 (please reference the Urea Peer Review Meeting and include your name, title, affiliation, full address and contact information).

For information on the draft assessment, please contact Amanda Persad, National Center for Environmental Assessment [Mail Code: B–243–01], U.S. Environmental Protection Agency, National Center for Environmental Assessment, Office of Research and Development U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone: 919–541 9781; facsimile: 919–541–2985; or e-mail: *FRN_Questions@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Information About IRIS

EPA's IRIS is a human health assessment program that evaluates quantitative and qualitative risk information on effects that may result from exposure to chemical substances found in the environment. Through the IRIS Program, EPA provides the highest quality science-based human health assessments to support the Agency's regulatory activities. The IRIS database contains information for more than 540 chemical substances that can be used to support the first two steps (hazard identification and dose-response evaluation) of the risk assessment process. When supported by available data, IRIS provides oral reference doses (RfDs) and inhalation reference concentrations (RfCs) for chronic noncancer health effects as well as assessments of potential carcinogenic effects resulting from chronic exposure. Combined with specific exposure information, government and private entities use IRIS to help characterize public health risks of chemical substances in a site-specific situation and thereby support risk management decisions designed to protect public health.

Dated: November 4, 2010.

Darrell A. Winner,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 2010–28381 Filed 11–9–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2002–0262; FRL–8852–4]

Endosulfan: Final Product Cancellation Order

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency of pesticide products containing endosulfan, pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This cancellation order follows an August 18, 2010, **Federal Register** Notice of Receipt of Requests from the endosulfan registrants to voluntarily cancel their product registrations. In the August 18, 2010, notice, EPA indicated that it

would grant the request and issue a cancellation order unless the Agency received substantive comments within the 30-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests within this period. The Agency received three comments on the notice in support of the cancellations of all endosulfan products, which included signatures from over 53,000 individuals. Upon review of these comments, EPA determined that the Agency should, nonetheless, grant the registrants' cancellation requests. The registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any FIFRA section 3 or 24(c) registration, distribution, sale, or use of endosulfan products subject to this cancellation order is permitted only in accordance with the terms of this order.

DATES: The use deletions and cancellations in this order are effective as provided in Unit IV.

FOR FURTHER INFORMATION CONTACT: Melanie Biscoe, Pesticide Re-evaluation Division, Office of Pesticide Programs (7508P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–7106; e-mail address: *biscoe.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How can I get copies of this document and other related information?

EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2002–0262. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov,* or, if only available in hard copy, at the Office of Pesticide Programs (OPP), Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility's telephone number is (703) 305–5805.

II. What action is the agency taking?

This notice announces the cancellations, as requested by registrants, of all endosulfan products registered under sections 3 and 24(c) of FIFRA. These registrations are listed in sequence by registration number in Table 1 of this unit. Note that the product names of several registration numbers were corrected in this table subsequent to the August 18, 2010, **Federal Register** Notice of Receipt of Requests (75 FR 51049) (FRL–8841–5) from the endosulfan registrants to voluntarily cancel their product registrations. However the registration numbers listed in the August 18, 2010, **Federal Register** Notice were correct and did not need to be amended in this notice.

TABLE 1—ENDOSULFAN PRODUCTS SUBJECT TO THIS CANCELLATION ORDER

Registration No.	Product name	Chemical name
11678–5 ..	Thionex Endosulfan Technical.	Endosulfan.
19713–9 ..	Drexel Endosulfan 2EC.	Endosulfan.
19713–319	Drexel Endosulfan Technical.	Endosulfan.
19713–399	Drexel Endosulfan 3EC.	Endosulfan.
61483–65	Endalfly Insecticide Cattle Ear Tag.	Endosulfan.
66222–62	Thionex 50W ..	Endosulfan.
66222–63	Thionex 3EC ..	Endosulfan.
66222–64	Thionex Technical.	Endosulfan.
AZ030004	Thionex 3EC ..	Endosulfan.
AZ980004	Drexel Endosulfan 3EC.	Endosulfan.
HI030001	Thionex 50W ..	Endosulfan.
HI030002	Thionex 3EC ..	Endosulfan.
HI070006	Thionex 3EC ..	Endosulfan.
ID030002	Thionex 3EC ..	Endosulfan.
ID030004	Thionex 3EC ..	Endosulfan.
ID980003	Drexel Endosulfan 3EC.	Endosulfan.
NC080001	Thionex 3EC ..	Endosulfan.
NV030001	Thionex 3EC ..	Endosulfan.
OR030007	Thionex 3EC ..	Endosulfan.
OR030010	Thionex 3EC ..	Endosulfan.
OR030012	Thionex 50W ..	Endosulfan.
OR030013	Thionex 3EC ..	Endosulfan.
OR030024	Thionex 3EC ..	Endosulfan.
UT030003	Thionex 3EC ..	Endosulfan.
WA030013	Thionex 3EC ..	Endosulfan.
WA030017	Thionex 50W ..	Endosulfan.
WA030018	Thionex 3EC ..	Endosulfan.
WA030024	Thionex 3EC ..	Endosulfan.
WA030027	Thionex 3EC ..	Endosulfan.
WA980012	Drexel Endosulfan 3EC.	Endosulfan.

Table 2 of this unit includes the names and addresses of record, in sequence by EPA company number, for all registrants of the products in Table 1 of this unit.

TABLE 2—REGISTRANTS OF CANCELED PRODUCTS

EPA company No.	Company name and address
11678 ...	Makhteshim Chemical Works, Ltd., 4515 Falls of Neuse Rd., Suite 300, Raleigh, NC 27609.
19713 ...	Drexel Chemical Company, 1700 Channel Avenue, P.O. Box 13327, Memphis, TN 38113–0327.
61483 ...	KMG-Bernuth, Inc., 9555 W. Sam Houston Pkwy., South, Suite 600, Houston, TX 77099.
66222 ...	Makhteshim-Agan of North America, Inc., 4515 Falls of Neuse Rd, Suite 300, Raleigh, NC 27609.

III. Summary of Public Comments Received and Agency Response to Comments

The Agency received three comments on the notice, published on August 18, 2010, that announced receipt of the requests for voluntary cancellation and opened a 30-day public comment period that ended on September 17, 2010. These comments were received from Pesticide Action Network North America (PANNA) and over 3,000 supporters, Defenders of Wildlife and over 50,000 supporters, and a private citizen. All comments support cancellation of all endosulfan pesticide products in the United States. The comments from PANNA, Defenders of Wildlife, and by extension the supporters of those organizations, request that EPA shorten the phase-out schedule for endosulfan, referring in general terms to a concern over continued risks to farmworkers, wildlife and the environment, and indigenous

peoples in the Arctic, as well as each organization's assertion that alternatives to endosulfan are available.

The Agency appreciates the comments submitted by the public. Pursuant to the cancellation request made as part of the endosulfan Memorandum of Agreement (MOA) with endosulfan registrants, most currently approved endosulfan crop uses will end in 2 years, including over 30 crop uses plus use on ornamental trees, shrubs, and herbaceous plants. The remaining 12 crop uses will end over the following 4 years. Of these remaining uses, the last four endosulfan uses will end on July 31, 2016.

EPA expects growers currently using endosulfan to successfully transition to lower risk pest control strategies. The endosulfan phase-out schedule helps facilitate this transition by providing growers time to research and adopt lower risk alternatives. Recognizing that endosulfan affords benefits in producing certain individual crops, the phase-out schedule allows a longer phase-out period where EPA determined there are benefits of endosulfan use and/or fewer available alternatives to endosulfan.

With regard to the commenters' concern about farmworker and environmental risks, EPA is requiring new mitigation measures for many crops during the endosulfan phase-out period in addition to mitigation requirements placed on endosulfan labels in previous years. Although these additional mitigation measures are designed to reduce worker risks, restricting and phasing out all uses of endosulfan will also address risks to wildlife and the environment.

Additional mitigation required during the phase-out varies by crop and includes measures such as:

- Canceling aerial use and specifying other application methods.
- Extending Restricted Entry Intervals (REIs).
- Extending Pre-harvest Intervals (PHIs).
- Reducing maximum single and/or seasonal application rates.

Detailed information about the additional mitigation measures is provided in the Appendices to the endosulfan MOA, which can be found at docket number EPA–HQ–OPP–2002–0262–0181 on *http://www.regulations.gov.*

With regard to the commenters' concern for endosulfan contamination of subsistence foods, the Agency's human health risk assessment has determined that there are no dietary risks of concern resulting from endosulfan use for all populations including indigenous people in the Arctic.

Because of the extensive additional mitigation required for many endosulfan uses for the duration of the phase-out period, in combination with the benefits afforded by and/or limited alternatives for certain uses of endosulfan, the Agency has decided not to alter the phase-out schedule requested by the endosulfan registrants and detailed in the endosulfan MOA.

IV. Cancellation Order

Pursuant to FIFRA section 6(f), EPA hereby approves the requested cancellations of registrations identified in Table 1 of Unit II. and hereby orders that:

- All endosulfan product registrations, identified in Table 1 of Unit II. are canceled for uses listed in List 1 of Unit VI. as of November 10, 2010.
- All endosulfan product registrations, identified in Table 1 of Unit II. are canceled for uses listed in List 2 of Unit VI. as of March 31, 2012.
- All endosulfan product registrations, identified in Table 1 of Unit II. are canceled for uses listed in List 3 of Unit VI. as of March 31, 2013.
- All endosulfan product registrations, identified in Table 1 of Unit II. are canceled for uses listed in List 4 of Unit VI. as of September 1, 2014.
- All endosulfan product registrations, identified in Table 1 of Unit II. are canceled for uses listed in List 5 of Unit VI. as of March 31, 2015.
- All endosulfan product registrations, identified in Table 1 of Unit II. are canceled for uses listed in List 6 of Unit VI. as of March 31, 2016.

EPA further orders that effective July 31, 2016, all section 3 registrations of endosulfan are canceled. The effective date of canceled section 3 registrations will therefore correspond with end use dates established in this order. As a matter of clarification, all FIFRA 24(c) Special Local Need registrations may remain in effect until their respective expiration dates, which will correspond with end use dates established in this order.

V. What is the agency's authority for taking this action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the Administrator may approve such a request.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. In any order issued in response to these requests for amendments to terminate uses, the Agency proposes to include the following provisions for the treatment of any existing stocks of the products identified or referenced in Table 1. These provisions are consistent with the requests for use deletions and requests for voluntary cancellations outlined in Unit II. of this notice:

1. *For the uses in List 1 of this unit.*—

i. EPA prohibits the registrants' distribution, sale, and reformulation of products permitting the following uses after December 31, 2010, except sale or distribution of such products for the purposes of proper disposal, or export consistent with section 17 of FIFRA.

ii. EPA prohibits the distribution or sale of products permitting the following uses by persons other than the registrants after May 31, 2011, except sale or distribution of such products for the purposes of proper disposal, or export consistent with section 17 of FIFRA.

iii. EPA prohibits registration and use of those products that show uses listed in List 1 on the label for those same uses after July 31, 2012. The stop use date for the uses listed in List 1 of this unit must be reflected on amended product labeling. Any use of existing stocks must be consistent with the previously approved directions for use on product labeling.

List 1.—Phase-Out Group A

Almond
Apricot
Broccoli
Brussels sprouts
Carrots
Cauliflower
Celery (non-AZ)
Citrus (non-bearing)
Collard greens
Dry beans
Dry peas
Eggplant
Filbert
Kale
Kohlrabi
Macadamia
Mustard greens
Nectarine (CA only)
Plum & prune

Poplars grown for pulp and timber
Strawberry (Annual)
Sweet potato
Tart cherry
Turnip
Walnut
Ornamental trees, shrubs, and herbaceous plants—includes boxelder, dogwood, lilac, Douglas fir (grown for ornamentals nursery stock or Christmas trees; Pacific Northwest only), elms, leatherleaf fern, pines (Austrian, jack, red, scotch, white), shade trees (except birch), shrubs, spruce (New England area only), taxus, orchids, hybrid poplars, Christmas trees Other uses that may appear on section 3 registration labels or on a 24(c) registration and are not listed above or on Lists 2, 3, 4, 5, or 6 of this unit.

2. *For the uses in List 2 of this unit.*—

i. EPA prohibits the registrants' distribution, sale, and reformulation of products permitting the following uses after March 31, 2012, except sale or distribution of such products for the purposes of proper disposal, or export consistent with section 17 of FIFRA.

ii. EPA prohibits the distribution or sale of products permitting the following uses by persons other than the registrants after May 31, 2012, except sale or distribution of such products for the purposes of proper disposal, or export consistent with section 17 of FIFRA.

iii. EPA prohibits registration and use of those products that show uses listed in List 2 on the label for those same uses after July 31, 2012. The stop use date for the uses listed in List 2 of this unit must be reflected on amended product labeling. Any use of existing stocks must be consistent with the previously approved directions for use on product labeling.

List 2.—Phase-Out Group B

Cabbage
Celery (AZ only)
Cotton
Cucumbers
Lettuce
Stone fruits not listed in List 1 of this unit, including nectarine (non-CA), peaches, and sweet cherry
Summer melons (cantaloupe, honeydew, watermelon)
Summer squash
Tobacco

3. *For the uses in List 3 of this unit.*—

i. EPA prohibits the registrants' distribution, sale, and reformulation of products permitting the following uses after March 31, 2013, except sale or distribution of such products for the purposes of proper disposal, or export consistent with section 17 of FIFRA.

ii. EPA prohibits the distribution or sale of products permitting the following uses by persons other than the registrants after May 31, 2013, except sale or distribution of such products for the purposes of proper disposal, or export consistent with section 17 of FIFRA.

iii. EPA prohibits registration and use of those products that show uses listed in List 3 on the label for those same uses after July 31, 2013. The stop use date for the uses listed in List 3 of this unit must be reflected on amended product labeling. Any use of existing stocks must be consistent with the previously approved directions for use on product labeling.

List 3.—Phase-Out Group C

Pear

4. *For the uses in List 4 of this unit.*—

i. EPA prohibits the registrants' distribution, sale, and reformulation of products permitting the following uses in the state of Florida after September 30, 2014, except sale or distribution of such products for the purposes of proper disposal, or export consistent with section 17 of FIFRA.

ii. EPA prohibits the distribution or sale in the state of Florida of products permitting the following uses by persons other than the registrants after October 31, 2014, except sale or distribution of such products for the purposes of proper disposal, or export consistent with section 17 of FIFRA.

iii. EPA prohibits registration and use of those products that show uses listed in List 4 on the label for those same uses in the state of Florida after December 31, 2014. The stop use date for the uses listed in List 4 of this unit must be reflected on amended product labeling. Any use of existing stocks must be consistent with the previously approved directions for use on product labeling.

List 4.—Phase-Out Group D

All Florida uses of:
Apple
Blueberry
Peppers
Potatoes
Pumpkins
Sweet corn
Tomato
Winter squash

5. *For the uses in List 5 of this unit.*—

i. EPA prohibits the registrants' distribution, sale, and reformulation of products permitting the following uses after March 31, 2015, except sale or distribution of such products for the purposes of proper disposal, or export consistent with section 17 of FIFRA.

ii. EPA prohibits the distribution or sale of products permitting the following uses by persons other than the registrants after May 31, 2015, except sale or distribution of such products for the purposes of proper disposal, or export consistent with section 17 of FIFRA.

iii. EPA prohibits registration and use of those products that show uses listed in List 5 on the label for those same uses after July 31, 2015. The stop use date for the uses listed in List 5 of this unit must be reflected on amended product labeling. Any use of existing stocks must be consistent with the previously approved directions for use on product labeling.

List 5.—Phase-Out Group E

Apple
Blueberry
Peppers
Potatoes
Pumpkins
Sweet corn
Tomato
Winter squash

6. *For the uses in List 6 of this unit.*—

i. EPA prohibits the registrants' distribution, sale, and reformulation of products permitting the following uses after March 31, 2016, except sale or distribution of such products for the purposes of proper disposal, or export consistent with section 17 of FIFRA.

ii. EPA prohibits the distribution or sale of products permitting the following uses by persons other than the registrants after May 31, 2016, except sale or distribution of such products for the purposes of proper disposal, or export consistent with section 17 of FIFRA.

iii. EPA prohibits registration and use of those products that show uses listed in List 6 on the label for those same uses after July 31, 2016. The stop use date for the uses listed in List 6 of this unit must be reflected on amended product labeling. Any use of existing stocks must be consistent with the previously approved directions for use on product labeling.

List 6.—Phase-Out Group F

Livestock ear tags
Pineapple
Strawberry (perennial/biennial)
Vegetable crops for seed (alfalfa, broccoli, Brussels sprouts, cabbage, cauliflower, Chinese cabbage, collard greens, kale, kohlrabi, mustard greens, radish, rutabaga, turnip)

List of Subjects

Environmental protection, Pesticides and pests.

Dated: October 28, 2010.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.

[FR Doc. 2010–28138 Filed 11–9–10; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–9224–8]

Science Advisory Board Staff Office Notification of a Public Meeting of the SAB Lead Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public meeting of the SAB Lead Review Panel to peer review two draft EPA documents entitled *Approach for Developing Lead Dust Hazard Standards for Residences and Approach for Developing Lead Dust Hazard Standards for Public and Commercial Buildings.*

DATES: There will be a public meeting held on December 6, 2010 from 9 a.m. to 5 p.m. (Eastern Time) and December 7, 2010 from 8:30 a.m. to 12:30 p.m. (Eastern Time).

ADDRESSES: The face-to-face meeting on December 6–7, 2010 will be held at the Madison Hotel, 1177 15th Street, NW., Washington, DC 20005; telephone (202) 862–1600.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain information concerning the public meeting may contact Mr. Aaron Yeow, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; by telephone/voice mail at (202) 564–2050 or at *yeow.aaron@epa.gov.* General information about the SAB, as well as any updates concerning the meeting announced in this notice, may be found on the EPA Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2, notice is hereby given that the SAB Lead Review Panel will hold a public face-to-face meeting to peer review two draft EPA documents entitled *Approach for Developing Lead Dust Hazard Standards for Residences and Approach for Developing Lead Dust Hazard Standards for Public and Commercial Buildings.* The SAB was established pursuant to 42 U.S.C. 4365 to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under FACA. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Background: Human exposure to lead may cause a variety of adverse health effects, particularly in children. EPA's Office of Pollution Prevention and Toxics (OPPT) regulates toxic substances, such as lead, through the Toxic Substances Control Act (TSCA). In 2001, EPA established standards for lead-based paint hazards, which include lead in residential dust. OPPT is considering possible revision of the residential lead-based paint dust hazard standards and the development of lead-based paint dust hazard standards for public and commercial buildings. As part of this effort, OPPT has developed two draft documents, *Approach for Developing Lead Dust Standards for Residences and Approach for Developing Lead Dust Standards for Public and Commercial Buildings.* OPPT sought consultative advice from the SAB Lead Review Panel on early drafts of the documents on July 6–7, 2010 [**Federal Register** Notice dated June 3, 2010 (75 FR 31433–31434)]. EPA has considered the advice provided by individual members of the SAB Lead Review Panel in revising the two documents that will be peer reviewed by the SAB Lead Review Panel on December 6–7, 2010. For this peer review, EPA has requested that the SAB panel provide recommendations on: The technical approaches for developing the hazard standards, empirical blood lead modeling, analysis of variability and uncertainty, and biokinetic blood lead modeling.

Availability of Meeting Materials: Agendas and materials in support of this meeting will be placed on the EPA Web site at *http://www.epa.gov/sab* in advance of the meeting. For technical questions and information concerning EPA's documents please contact Dr. Jennifer Seed at (202) 564–7634, or *seed.jennifer@epa.gov.*

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office.

Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit comments for a federal advisory committee to consider as it develops advice for EPA. They should send their comments directly to the Designated Federal Officer for the relevant advisory committee. *Oral Statements:* In general, individuals or groups requesting an oral presentation at a public face-to-face meeting will be limited to five minutes, with no more than a total of one hour for all speakers. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should contact Mr. Aaron Yeow, DFO, in writing (preferably via e-mail) at the contact information noted above by November 29, 2010 for the face-to-face meeting, to be placed on the list of public speakers. *Written Statements:* Written statements should be supplied to the DFO via e-mail at the contact information noted above by November 29, 2010 for the face-to-face meeting so that the information may be made available to the Panel members for their consideration. Written statements should be supplied in one of the following electronic formats: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP format. Submitters are requested to provide versions of signed documents, submitted with and without signatures, because the SAB Staff Office does not publish documents with signatures on its Web sites.

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Aaron Yeow at (202) 564–2050 or *yeow.aaron@epa.gov.* To request accommodation of a disability, please contact Mr. Yeow preferably at least ten days prior to each meeting to give EPA as much time as possible to process your request.

Dated: November 4, 2010.

Anthony F. Maciorowski,

Deputy Director, EPA Science Advisory Staff Office.

[FR Doc. 2010–28379 Filed 11–9–10; 8:45 am]

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