

**CHEMICAL WEAPONS CONVENTION
GUIDANCE NOTES:
FOR ANNUAL PAST DECLARATION FOR 2008
FOR DISCRETE ORGANIC CHEMICALS (DOC)
AND PSF-CHEMICALS**

These Guidance Notes accompany a notice served under section 22(1) of the Chemical Weapons Act 1996 (“the 1996 Act”). The statutory notice requires the full and accurate completion of a declaration form(s). The form(s) must be completed in accordance with these Guidance Notes. The duly completed form(s) must then be returned to the UK Chemical Weapons Convention National Authority. The notice specifies a date by which you must ensure that the Authority receives the completed form(s).

The notice under section 22(1) creates a legal obligation which must be complied with. Failure to return the completed declaration form(s) by the due date without reasonable excuse is an offence contrary to section 22(3) of the 1996 Act. It is also an offence, contrary to section 22(4) of the 1996 Act, knowingly to provide false or misleading information in completing the declaration form(s).

These guidance notes explain how to complete a declaration of past activity in calendar year 2008 for Discrete Organic Chemicals (DOCs) and Phosphorus, Sulphur and Fluorine (PSF)-containing chemicals. You must read them carefully before completing the declaration forms.

Completed forms should be returned no later than **Friday, 30th January 2009** by post to:

**Chemical Weapons Convention National Authority
Department of Energy and Climate Change
Bay 117
1 Victoria Street
London
SW1H 0ET**

1. Background to Annual Past Declaration for Calendar Year 2008

An Annual Past Declaration is required, under the Chemical Weapons Convention (CWC), for all sites which, in the calendar year 2008:

- produced more than 200 tonnes of Unscheduled Discrete Organic Chemicals
and/or
- contained one or more plants that produced more the 30 tonnes of a PSF chemical.

Annex A to these guidance notes contains definitions and Annex B contains examples of reportable and non-reportable DOCs under the Convention, and also examples of processes that are not considered "Production".

2. Confidentiality and Security of Information

A box should be ticked to assign a level of confidentiality to the information that is being provided. This classification only applies to actual data submitted in the declaration and not to information supplied to the OPCW as part of an inspection (which may be accorded a higher category of confidentiality, if necessary).

Definitions are provided below on the types of classification. All information, including that classified "not restricted" is stored within secure areas and is only passed to those with a need to know. A protected or highly protected classification should therefore be used only in exceptional circumstances.

The definitions for each of the classifications are:

Not Restricted - Information that is marked not restricted will not be released by the Chemical Weapons Convention National Authority or the Organisation for the Prohibition of Chemical Weapons, unless specifically cleared for release. To request release, the OPCW would contact the NA who, in turn, would ask the company for permission to release any information.

Restricted - Information the unauthorised disclosure of which would be prejudicial to the interests of a commercial or governmental body or of a national of a State Party.

Protected - Information the unauthorised disclosure of which may cause substantial damage to the interests of a commercial or governmental body or of a national of a State Party.

Highly Protected - Sensitive, confidential information the unauthorised disclosure of which would cause serious damage from the point of view of national security or commercial secrecy to the interests of a commercial or governmental body or of a national of a State Party.

Declarations should be accorded the lowest appropriate classification. Not Restricted or Restricted should be chosen unless there is a process awaiting patent, or some other sensitive commercial consideration. However, for DOC and PSF chemicals, if the product is being sold to the open market in bulk, and capacity is known, then no restrictions should apply.

QUESTIONS

The declaration should only contain information relating to a single site and not multiple sites.

Question 1/2 – Name of site and site address

Insert name commonly used for site and the site address. "Site" (Works, Factory) is defined as the local integration of one or more plants, with any intermediate administrative levels, which are under one operational control, and includes common infrastructure, such as:

- i) Administration and other offices;
- ii) Repair and maintenance shops;
- iii) Medical centre;
- iv) Utilities;
- v) Central analytical laboratory;
- vi) Research and development laboratories;
- vii) Central effluent and waste treatment area; and
- viii) Warehouse storage.

Enter the commonly used site name and its address.

Question 3 – Name of Site Operator

Insert Site operator's name.

Question 4 – Site Operator's Address

Only complete this section if the site operator's address is different from the site address.

Questions 5 – Name of Site Owner

Only complete this section if the site owner is different from the site operator.

Questions 6 – Site Owner's Address

Only complete this section if the site owner's address is different from the site address.

Question 7 – Product Groups

Use the product group codes listed at Annex C to describe the main activities that make the plant site declarable. There may be cases where the final product produced onsite is not declarable, but is produced by consumption from a declarable DOC/PSF chemical(s) produced (synthesised) onsite. In these cases, the declaration must use the most appropriate product group code(s), given in Annex C, to reflect this DOC/PSF chemical production, and not the final product.

Note that codes 512, 514, 516, and 554 have now been attributed specific subcategories to facilitate the identification by the OPCW, from the declarations submitted, of sites that produce only common bulk chemicals of low relevance to the Convention.

Question 8/9 – Number of DOC Plants on Site and Aggregate Production Ranges

In response to these questions please record the number of plants producing Unscheduled Discrete Organic Chemicals, including PSF chemicals, but not schedule 1,2 or 3 chemicals at the site, and the aggregate amount of production for the year. A plant will always be part of a site. A plant (i.e. production facility, workshop) is defined as: "*a relatively self-contained area, structure or building containing one or more units with auxiliary and associated infrastructure*", such as:

- (i) Small administrative section;
- (ii) Storage/handling areas for feedstock and products;
- (iii) Effluent/waste handling/treatment area;
- (iv) Control/analytical laboratory;
- (v) First aid service/related medical section; and
- (vi) Records associated with the movement into, around and from the site, of declared chemicals and their feedstock or product chemicals formed from them, as appropriate.

If a PSF plant produces less than 30 tonnes it is not declarable as a PSF plant (it is not included in the number of PSF plants on site). However it must be included in the total number of DOC plants present on the plant site. In addition, production arising from plants producing less than 30 tonnes of PSF chemicals must be included when calculating the total production for the plant site as a whole.

Question 10 – Number of PSF Plants on Site

Please record the total number of PSF plants at the site.

Question 11 – Number of PSF Plants in Each Production Range

Indicate the number of PSF plants in each of the given production ranges, at the declared site.

Declaration and Signature

The form must be signed and dated by a person of the appropriate level of responsibility who is in a position to verify the accuracy of the information and who has authority to sign on behalf of the company/other organisation. Contact details must be provided so that any queries may be resolved quickly.

ANNEXES TO ANNUAL PAST DECLARATION GUIDANCE NOTES (2008) FOR DOC AND PSF CHEMICALS

Annex A Definitions

The definitions below follow the definitions in the Chemical Weapons Convention and might be slightly different from their normal meaning within the chemical industry.

Discrete Organic Chemical (DOC)

This means any chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulphides and metal carbonates, identifiable by chemical name, by structural formula (if known), and by Chemical Abstracts (CAS) registry number (if assigned).

However, the term does NOT include:

- a) chemicals included on Schedules 1,2 and 3 of the Convention;
- b) inorganic chemicals (e.g. oxides, sulphides, metal carbonates, and metal carbides);
- c) chemicals or chemical mixtures produced biologically;
- d) polymeric and oligomeric substances consisting of repeating units, and formed by the chemical reaction of monomeric substances;
- e) DOCs produced as by-products in waste treatment facilities and not otherwise isolated;
- f) DOCs produced by the mixing or recycling of DOCs already reported;
- g) intermediate DOCs completely converted to another reportable DOC in the same process.

Sites exclusively producing explosives or hydrocarbons are exempt from the reporting requirements of DOCs.

PSF-Chemical

This means a DOC containing one or more of the elements phosphorus, sulphur and/or fluorine.

If a PSF plant produces less than 30 tonnes it is not declarable as a PSF plant (it is not included in the number of PSF plants on site). However it must be included in the total number of DOC plants present on the plant site. In addition, production arising from plants producing less than 30 tonnes of PSF chemicals must be included when calculating the total production for the plant site as a whole.

Production

Production is defined under the CWC as “formation through a chemical reaction or synthesis” - that is, arising from a chemical change involving the formation and/or breaking of chemical bonds.

It is understood, for declaration purposes, to include all steps in the production of a chemical in any units within the same plant through chemical reaction, including any associated processes (e.g. purification, separation, extraction, distillation, or refining) in which the chemical is not converted into another chemical. The exact nature of any associated process (e.g. purification, etc.) is not required to be declared.

It is also understood, for declaration purposes, to include intermediates, by-products, or waste products that are produced and consumed within a defined chemical manufacturing sequence, where such intermediates, by-products, or waste products are chemically stable and therefore exist for a sufficient time to make isolation from the manufacturing stream possible, but where, under normal or design operating conditions, isolation does not occur.

Annex B Examples of DOCs Reportable Under the CWC

<u>Name</u>	<u>CAS Number</u>
Acetophenone	98-86-2
6-Chloro-2-Methyl Aniline	87-63-8
2-Amino-3-Hydroxybenzoic Acid	548-93-6
Acetone	67-64-1
Benzoyl Peroxide	94-36-0
Propionic Acid, Sodium Salt	137-40-6
Methyl Acrylate	96-33-3
Bromoxynil	1689-84-5
Octadecanoic acid	57-11-4
Propylene glycol	57-55-6
Sodium xylene sulfonate	1300-72-7

Examples of DOCs Not Reportable Under the CWC

<u>Name</u>	<u>CAS Number</u>
Calcium Carbide	75-20-7
Sodium Carbonate	497-19-8
Polyvinyl Alcohol	9002-88-4
Polydimethylsiloxane	9016-00-6
Polyacrylamide	9003-05-8
Cellulose, carboxymethyl ether, sodium salt	9004-32-4
Starch	9005-25-8
Polyethylene glycol	25322-68-3
Calcium carbonate	471-34-1
Paraffin waxes and hydrocarbons*	8002-74-2
Tallow (Glycerides of C16-18 fatty acids)	61789-97-7
Polybutadiene-acrylonitrile	9003-18-3
Polybutadiene-polystyrene copolymer	9003-55-8
Polymethylene polyphenylene isocyanate	71463-63-3
Toluene*	108-88-3

* Only excluded if produced at a site producing only hydrocarbons

Examples of Processes

The following are processes that involve chemicals or mixtures of chemicals that are NOT considered "production" (chemical synthesis), do not result in DOC end-products and are therefore excluded from CWC reporting requirements on DOCs:

- Fermentation
- Extraction
- Purification
- Distillation
- Filtration

Annex C Product Groups

<i>Code</i>	<i>Description: Chemicals and Related Products</i>
511	Hydrocarbons and their halogenated, sulphonated, nitrated or nitrosated derivatives
512(A) – 512(B) –	Methanol Other alcohols, phenols, phenol-alcohols, and their halogenated, sulphonated, nitrated or nitrosated derivatives
513	Carboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives
514(A) – 514(B) –	Urea Other nitrogen-function compounds
515	Organo-inorganic compounds, heterocyclic compounds, nucleic acids and their salts, and sulphonamides
516(A) – 516(B) – 516(C) –	Formaldehyde Methyl <i>tert</i>-butyl ether (MTBE) Other organic chemicals
522	Inorganic chemical elements, oxides and halogen salts
523	Metal salts and peroxysalts of inorganic acids
524	Other inorganic chemicals; organic and inorganic compounds of precious metals
525	Radioactive and associated materials
531	Synthetic organic colouring matter and colour lakes, and preparations based thereon
532	Dyeing and tanning extracts, and synthetic tanning materials
533	Pigments, paints, varnishes and related materials
541	Medicinal and pharmaceutical products, other than medicaments of Group 542
542	Medicaments (including veterinary medicaments)
551	Essential oils, perfume and flavour materials
553	Perfumery, cosmetic or toilet preparations (excluding soaps)
554(A) – 554(B) – 554(C) –	Detergents produced by neutralisation of sulphonic acids Soap produced by saponification of a fatty acid Other soap, cleansing and polishing preparations
562	Synthetic fertilizers
571	Polymers of ethylene, in primary forms
572	Polymers of styrene, in primary forms
573	Polymers of vinyl chloride or of other halogenated olefins in primary forms
574	Polyacetals, other polyethers and epoxide resins, in primary forms; Polycarbonates, alkyd resins, polyallyl esters and other polyesters
575	Other plastics, in primary forms
579	Waste, parings and scraps, of plastics
581	Tubes, pipes and hoses, and fittings therefor, of plastics
582	Plates, sheets, film, foil and strip, of plastics
583	Monofilament of which any cross-sectional dimension exceeds 1mm, rods, sticks and profile shapes, whether or not surface-worked but not otherwise worked, of plastics
591	Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products, put up in forms or packings for retail sale or as preparations or articles (e.g. sulphur-treated bands, wicks and candles, and fly papers)
592	Starches, inulin and wheat gluten; albuminoidal substances; glues
593	Explosives and pyrotechnic products
597	Prepared additives for mineral oils and the like; Prepared liquids for hydraulic transmission; Anti-freezing preparations and prepared de-icing fluids; Lubricating preparations
598	Miscellaneous chemical products
599	Others