

Proposed additions of chemical families to Schedule 1 of Chemical Weapons Convention and BIS requests for comments from chemical, biotechnology and pharmaceutical companies

15 August 2019

On 14 August 2019 the U.S. Department of Commerce published a proposed change to the list of "Schedule 1" chemicals in the "Annex on Chemicals" to the Chemical Weapons Convention (CWC). The U.S. Department of Commerce's Bureau of Industry and Security (BIS) is seeking public comments on the impact on commercial activities of the proposed additions of five chemical families that are currently under consideration for being listed as toxic chemicals in "Schedule 1" of the CWC.

Specifically, BIS is interested in whether the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms in the United States would be significantly harmed by the limitations that would be imposed on access to, and production of, the compounds included in the five chemical families identified in the [attached notice](#). BIS will be accepting comments until 13 September 2019 (30 days after the date of publication).

The CWC is an international arms control treaty that contains verification provisions. The provisions of the CWC that affect commercial activities involving "Schedule 1" chemicals are implemented in the Chemical Weapons Convention Regulations (CWCRCR) (see 15 Code of Federal Regulations 712) and in the Export Administration Regulations (see 15 Code of Federal Regulations 742.18 and 15 Code of Federal Regulations 745), both of which are administered by BIS. The CWCRCR restrict commercial production of "Schedule 1" chemicals to research, medical, or pharmaceutical purposes only. The CWCRCR also contain other requirements and prohibitions that apply to "Schedule 1" chemicals and/or "Schedule 1" facilities.

The following five chemical families are under consideration for being listed as toxic chemicals in "Schedule 1":

- 1. P-alkyl-N-fluorophosphonyl amidines**

- Generic name: P-Alkyl (H or \leq C₁₀, incl. cycloalkyl) N-(1-(dialkyl(\leq C₁₀, incl. cycloalkyl)amino))alkylidene(H or \leq C₁₀, incl. cycloalkyl) phosphoramidic flourides and corresponding alkylated or protonated salts

2. O-Alkyl-N-fluorophosphorylamidines

- Generic name: O-alkyl (H or \leq C₁₀, incl. cycloalkyl) N-(1-(dialkyl(\leq C₁₀, incl. cycloalkyl)amino))alkylidene(H or \leq C₁₀, incl. cycloalkyl) phosphoramidofluoridates and corresponding alkylated or protonated salts

3. P-alkyl-N-fluorophosphonyl guanidines

- Generic name: P-Alkyl (H or \leq C₁₀, incl. cycloalkyl)-(bis((alkyl (H or \leq C₁₀, incl. cycloalkyl)alkyl(H or \leq C₁₀, incl. cycloalkyl)amino))methylene) phosphonamidofluoridates and corresponding alkylated or protonated salts

4. Carbamates (quaternaries and bisquaternaries of dimethylcarbamoyloxy pyridines)

- Generic names:
 - N-(n-Bromo (Alkyl)-N-(3-dimethylcarbamoyloxy- α -picolinyloxy)-N,N- (C_nH_{2n-1}, n= 1,2,3) ammonium bromide (n=1-10)
 - 1-[N,N-Dialkyl(C<10)-N-(n-(hydroxyl, cyano, acetoxy)alkyl(C<10)ammonio)]-n-[N-(3-methyl-carbamoyloxy- α -picolinyloxy)-N,N-dialkyl(C<10)ammonio]decane dibromide (n=1-8)
 - 1,n-Bis[N-(3-dimethylcarbamoyloxy- α -picolinyloxy)-N,N-dialkyl(C<10)ammonio]-alkane-(2, (n-1)-dione) dibromide (n=2-12)

5. Fluorophosphoryl dihaloformaldoximes (also referred to as substituted ((alkylidene)amino)oxy-phosphates and phosphonates)

- Generic name: O-(1-Alkyl(H, Me)-2-alkyl(H, Me)-2-chloroethyl)-(((dihalo(F, Cl)methylene)amino)-oxy)phosphorofluoridates

Please refer to the [attached notice](#) for additional information related to the proposed additions and the process for submitting comments to BIS.

If you have any questions or would like to prepare comments, please contact us.

Contacts



Anthony V. Capobianco
Partner, Washington, D.C.
T +1 202 637 2568
anthony.capobianco@hoganlovells.com



Lourdes Catrain
Partner, Brussels
T +32 2 505 0933
lourdes.catrain@hoganlovells.com



Brian P. Curran
Partner, Washington, D.C.
T +1 202 637 4886
brian.curran@hoganlovells.com



Aline Doussin
Partner, London, Paris
T +44 20 7296 2961 (London)
aline.doussin@hoganlovells.com



Aleksandar Dukic
Partner, Washington, D.C.
T +1 202 637 5466
aleksandar.dukic@hoganlovells.com



Ajay Kuntamukkala
Partner, Washington, D.C.
T +1 202 637 5552
ajay.kuntamukkala@hoganlovells.com



Robert D. Kyle
Partner, Washington, D.C.
T +1 202 637 5494
robert.kyle@hoganlovells.com



Beth Peters
Partner, Washington, D.C.
T +1 202 637 5837
beth.peters@hoganlovells.com



Stephen F. Propst
Partner, Washington, D.C.
T +1 202 637 5894
stephen.propst@hoganlovells.com

Anne Salladin
Partner, Washington, D.C.
T +1 202 637 6461
anne.salladin@hoganlovells.com



Anne W. Fisher
Senior Associate, Washington, D.C.
T +1 202 637 6569
anne.fisher@hoganlovells.com

www.hoganlovells.com

"Hogan Lovells" or the "firm" is an international legal practice that includes Hogan Lovells International LLP, Hogan Lovells US LLP and their affiliated businesses. The word "partner" is used to describe a partner or member of Hogan Lovells International LLP, Hogan Lovells US LLP or any of their affiliated entities or any employee or consultant with equivalent standing. Certain individuals, who are designated as partners, but who are not members of Hogan Lovells International LLP, do not hold qualifications equivalent to members. For more information about Hogan Lovells, the partners and their qualifications, see www.hoganlovells.com. Where case studies are included, results achieved do not guarantee similar outcomes for other clients. Attorney advertising. Images of people may feature current or former lawyers and employees at Hogan Lovells or models not connected with the firm.
© Hogan Lovells 2019. All rights reserved.