



24th November 2015

Public reply to Syngenta's answer regarding the Ad Hoc Monitoring Report

In reference to Syngenta's response, dated October 9th 2015, to the Ad-Hoc Monitoring Report submitted by a coalition of civil society organizations, we wish to make the following comments. Our comments are structured according to the paragraphs of Syngenta's letter, which have been included for clarity.

Syngenta: Thank you for providing a copy of "Ad Hoc Monitoring Report" and for the opportunity to comment and respond. Syngenta welcomes the report and thanks the submitting organisations for bringing this to Syngenta's attention. While we can confirm that we comply with the local legislation, we are open to the possibility of working with other stakeholders to further improve our practices.

Syngenta states that they comply with local legislation. In the Ad Hoc Monitoring Report (the Report) we mention some specific cases where we believe that this is not the case. Syngenta's response provides no evidence to contradict these accusations. However, we also wish to clarify that the main focus of our report is compliance with the FAO/WHO Code of Conduct on Pesticide Management. It is evident that in order for Syngenta to fulfill its responsibilities with regard to human rights¹ as well as to comply with the Code of Conduct, complying with national law is often insufficient. Therefore, referring to compliance with national law does not provide an adequate response to the analysis in the Ad Hoc Monitoring Report.

Syngenta: In 2013 Syngenta launched The Good Growth Plan, an initiative aimed at better structuring, and measuring the performance of our sustainability strategy. Through The Good Growth Plan the company has committed to train 20 million farmers around the globe by 2020. We have also committed to reach and empower 20 million smallholders. India is one of the most important countries in terms of training activities and interaction with smallholders. In 2014 we identified almost 1.4 million small farmers in India using Syngenta products, and we trained more than 30% of them.

¹"[t]he responsibility to respect human rights [...] exists over and above compliance with national laws and regulations protecting human rights." (para. 1 of the UN's Commentary to Guiding Principle 11 on Business and Human Rights; <http://business-humanrights.org/sites/default/files/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf>)

According to the FAO's Guidance on Pest and Pesticide Management Policy Development² – that provides guidance on the implementation of the International Code of Conduct on the Distribution and Use of Pesticides – the training of farm workers is the third of three measures, in descending priority, that should be taken to reduce risk. The first measure is to avoid pesticides where possible. The second calls for less hazardous pesticides to be used. The training of farm workers only constitutes the third measure recommended by the FAO: “The impact of training in proper pesticide use continues to be questioned and cannot be regarded as a solution for risks associated with the use of highly hazardous products, particularly in developing countries where large numbers of small-scale farmers would have access to these products”³. Therefore this sole action recommended by Syngenta cannot be regarded as an effective solution.

Thus, Syngenta's worker safety program ignores the most effective methods for improving safety. It appears that the company does not want to reduce its pesticide sales, nor does it want to replace its highly hazardous pesticides. By its refusal to remove highly hazardous products from the market, Syngenta is responsible for the high health risks that countless farmers and farm workers are exposed to. In addition, it is necessary to point out that Syngenta in its letter only mentions the farmers that have been trained (according to the Good Growth Plan Website these trainings last only for 60 or even 15 minutes). Further, the letter confirms that Syngenta reaches only a minority of the users with this training. However, in order to measure the effectiveness of training the main question is not how many farmers attended the company's training courses, but if the occupational safety and health practices that were presented are applied appropriately afterwards.⁴ Our Report shows that highly questionable modes of pesticide use still exist and have not been abandoned – even after decades of training.

This is not surprising, as between 1992 and 1996 Novartis (the predecessor of Syngenta) commissioned a study on the change in farmer behavior due to training on issues such as awareness of health risks, use of personal protective equipment and disposal of empty containers. The study concluded that one year after the training was completed almost all farmers returned to their previous behavior of not applying essential safeguards for the use of pesticides.⁵ It is for this reason that renouncing the use of pesticides and limiting the availability of highly hazardous pesticides is of great importance.

Syngenta: The report appears not to recognize that India has a well-established and functioning pesticide regulatory system with which companies are required to comply, but it does suggest the possibility of shortcomings in terms of labeling of products in India and in the training of smallholders and the provision of stewardship in general. Syngenta will investigate the accuracy of these claims and will take appropriate action, if necessary, to meet our commitments.

As mentioned in our reply to the first paragraph, it is often insufficient to comply with a national regulatory system in order to fulfill responsibilities under the Code of Conduct and Human Rights Law.

We welcome Syngenta's intention to take appropriate action to meet its commitments; however

² Download at <http://www.fao.org/3/a-a0220e.pdf>

³ The quote is taken from page 12 of the FAO's Guidance on Pest and Pesticide Management Policy Development

⁴ The critique of Syngenta's Good Growth Plan presented in this paragraph has already been published by the Berne Declaration in the report “More Growth Than Good: A Closer Look at Syngenta's Good Growth Plan”. Download at: https://www.berndeclaration.ch/fileadmin/files/documents/2014-09-18_PF-BD-Syngenta-good-growth-plan_report-EN.pdf

⁵ Atkin J., Leisinger K.M., Safe and Effective Use of Crop Protection Products in Developing Countries, 2000, study on India on p. 69-98, overall conclusion on p. 123.

verification of appropriate action can only occur with transparency. We therefore urge Syngenta to publicly provide information on which topics, and by when, action will be taken and to publicly communicate the resolution of the reported shortcomings.

Syngenta: While the samples used for the report are small and the monitoring periods brief, we acknowledge that some of the issues raised by the report are potentially relevant to farming communities, not only in India -where the existence of 16 official languages represents itself a challenge-, but in some other developing countries. Syngenta understands the importance of training farmers to ensure the maximization of the benefits of the products they use. Our solutions (i.e. products plus capacity building activities) should lead to better control of the pests and diseases which attack their crops, in a safe and responsible manner, both for the environment and the people.

We agree that the samples used for the report are small and this was mentioned in the report itself. Nevertheless the findings of the report are supported by many other studies on the subject. Even the data collected by Syngenta itself and published by Matthews⁶ indicates that only 20% of pesticide users in India wear the minimal three items of PPE during spraying. It could therefore be argued that Syngenta's "Solutions" (i.e. products plus capacity building activities) have not been successful, as they have not led to pesticide management that is conducted "in a safe and responsible manner, both for the environment and the people."

Syngenta: As part of the commitment to keep people safe, we are strengthening our training protocols, aiming at harmonizing critical messages and information, improving the facilitation skills of our trainers, and exploring ways to measure the effectiveness of the training. In November 2015, Syngenta has planned a workshop on Labor Safety, engaging NGOs, academia and training practitioners with a broad geographical representation. We would welcome your participation in this event, and invite you to share your experience on the ground.

Most of the partners in our coalition had other commitments for the time slot for the workshop, which was announced at short notice; others were not willing to engage in a workshop in which the agenda was not prepared jointly and where they feared that the most important subjects would not be discussed. For these reasons nobody involved in the preparation of our report was able to participate in the Syngenta workshop.

Furthermore, in this paragraph Syngenta again shows that so far it is not prepared to engage in risk reduction activities which incorporate step 1 (avoiding pesticides where possible) and step 2 (switch to less hazardous pesticides) as recommended by the FAO (see paragraph above). At this point it is appropriate to remind Syngenta of Article 3.6 of the Code which states that "Pesticides whose handling and application require the use of personal protective equipment that is uncomfortable, expensive or not readily available should be avoided, especially in the case of smallscale users and farm workers in hot climates". Syngenta has a responsibility to implement this article.

Syngenta welcomes discussing the issues highlighted in the report with the authors and looks forward to working with the Government of India, farmers and civil society organisations to continuously improve the implementation of stewardship and best practices labeling.

We are prepared to discuss the issues highlighted in the report with Syngenta during a meeting for which the agenda is prepared jointly and we are also prepared to engage with the Government of

⁶Matthews GA: Attitudes and behaviours regarding use of crop protection products—A survey of more than 8500 smallholders in 26 countries. Crop Protection (27):834–846, 2008

India to find solutions for the recurring problems related to pesticide use. The most beneficial option would be to hold a meeting in India within the framework of the FAO mechanism as it guarantees the involvement of all actors and the discussion of a wide range of possible solutions. It will be crucial that any such discussion focusses primarily on the goal to reduce reliance on pesticides and the goal to select pesticides that present the lowest risk to users; the first two steps outlined in the FAO Guidance on Pest and Pesticide Management Policy Development. Any discussion which focusses only on step 3 (to ensure proper use of the selected products) without having elaborated on all of the possibilities for step 1 and step 2 will not lead to a productive outcome.

For the coalition:

François Meienberg
Berne Declaration

Christian Schliemann
European Center for Constitutional
& Human Rights

Umendra Dutt
Kheti Virasat Mission

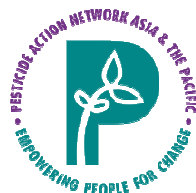


EUROPEAN CENTER FOR
CONSTITUTIONAL AND
HUMAN RIGHTS



Sarojeni V. Rengam
Pesticides Action Network –
Asia Pacific

Julia Duchrow
Bread for the World



Brot
für die Welt