



PAN Europe

Pesticides Action Network Europe

PAN Asia & the Pacific

PESTICIDE ACTION NETWORK

24 November 2003

Open letter to European Commission for the 27–28 November meeting of the Standing Committee on the Food Chain and Animal Health (SCFA)

For the attention of:

David Byrne, Commissioner for Health and Consumer Protection
Margot Wallström, Commissioner for the Environment
Alejandro Checci Lang, President of SCFA, DG SANCO, Director Directorate E ,
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Global responsibilities for paraquat after its addition to Annex 1 of 91/414

The Swedish Society for Nature Conservation, Pesticide Action Network (PAN) Europe and PAN Asia and the Pacific are calling on the Standing Committee to take urgent action following the inclusion of paraquat to the Annex 1 of the Pesticides Authorization Directive 91/414. The Commission's authorisation of 3 October 2003 is being used to challenge regulatory decisions taken to protect human health in other countries, and to demand registration even when local conditions will pose significant risks to pesticide users.

On 27 August 2002 the Malaysian Pesticide Control Division of the Department of Agriculture, announced a ban and phase out of use of paraquat to protect human health. Citing the EU authorisation, the main manufacturer of paraquat, Syngenta, together with Malaysian palm oil companies, now argue that the herbicide is 'safe', and that the Malaysian ban should be lifted. Attached to this letter is evidence of pressure being applied by the companies on the Malaysian regulatory authorities:

1. On 6 November 2003, the New Straits Times, one of Malaysia's largest English papers, reported on a press conference held by Syngenta Crop Protection SDn Bhd (attachment 1), which urged the Malaysian government to lift the ban on paraquat "based on the European Union's findings that the pesticide no longer posed a danger to health." The company's general manager John McGillivray is quoted as saying: "The EU has one of the highest standards and having it approved there is a clear indication that the product is safe".
2. On 8 November 2003 (attachment 2) the New Straits Times quoted the Malaysian regulator noting that the company argued that a 12-year study by the EU showed that paraquat was safe.

However the National Institute of Occupational Safety and Health pointed out that “it was difficult to verify the authenticity of the EU’s study as the result was not made public”.

3. The industry has placed full-page ‘advertorials’ in the Malaysian press promoting the safety of paraquat. The first appeared in the New Sunday Times of 12 October. The second, on 9 November, extensively quoted the SCFA approval as evidence for continued registration, stating that the “decision is relevant to the Malaysia use situation because the extensive database reviewed included an occupational health survey conducted in Malaysia” (attachments 3 and 4).

Regulators in developing countries have no information on safeguards that EU imposed with its authorisation (attachment 5). We note that knapsack application is common and the conditions of use are not equal to those of home gardeners in Europe. Good practice demands that regulators in developing countries should conduct a risk evaluation based on national conditions on which to base registration decisions. The importance of action on acutely toxic pesticides was affirmed in a resolution adopted at the Intergovernmental Forum on Chemical Safety in Bangkok earlier this month.

Previous to the Standing Committee taking its decision on 3 October, a number of Member States, as well as ourselves and other civil society organizations, warned that adding paraquat to the positive list could have adverse implications by: encouraging increased use of this toxic substance in developing countries; undermining bans in other countries; and forcing it back onto markets where it is currently banned.

It is imperative that the European Commission’s Standing Committee on the Food Chain and Animal Health on its meeting 27–28 November 2003 consider the consequences of paraquat approval in EU and immediately take the following action:

Consider the declaration of Sweden, supported by Luxembourg, Denmark and Finland, recorded in the Short Report of the SCFA meeting (4/2003) that the EU has a global responsibility to take into consideration use in developing countries and “contradictory signals an inclusion of this substance might give rise to.” (attachment 6) and in this light *review* the decision of including paraquat in Annex 1.

Require, in line with the declaration from Germany noted in the Short Report of the SCFA meeting (4/2003), that Syngenta “develop a plan for monitoring the use of plant protection products containing paraquat, in particular in developing countries, and to submit an annual report to the European Commission, Member States and the FAO.” This material should be included in the five-year evaluation of the decision.

Support strategies to prevent risks from paraquat in Malaysia as well as in other part of the world, by making public all background documents, monitoring plans and specific provisions for paraquat use in EU (attachment 6), and *declare* that the decision was made for the European context and cannot be used in other regions of the world. Furthermore, in line with the International Code of Conduct on the Distribution and Use of Pesticides of the Food and Agricultural Organisation of the UN (FAO), *declare* that paraquat and other pesticides should not be described as ‘safe’.

Demand from Syngenta, and other EU-based paraquat exporters, that the specific provisions for use of paraquat as put in the approval to Annex 1 of the Directive 91/414, should be applied in all the countries to which paraquat is exported.

According to a press release from the Commission’s representation in Sweden (Attachment 7), Syngenta undertook to the EU Commission, that it would apply to products exported to developing countries the same conditions as to products sold for use in Europe. We are unable to verify this information, and ask you to make available European Commission’s documentation on those promises, and to specify how they will be followed up.

Approval of a controversial chemical such as paraquat, without ensuring that the decision will not be misrepresented in developing countries, calls into question the approval procedure for toxic products at EU level and leads to loss of public confidence in the regulatory process. The least we expect from the European Commission in this tragic situation is that it now takes fully on board its responsibility and prevent any adverse effects on poor and vulnerable people in developing countries.

Thank you for your attention.

Yours sincerely,

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