

## **Hiltrud Breyer: Policy in Europe**

### **New EU Pesticides legislation: a win-win situation for all**

**Updated position paper on the EP's second reading vote, 13 January 2009**

#### **Rapporteur Hiltrud Breyer**

After constructive negotiations, in December 2008 the European Parliament and Council agreed on new rules for the placing pesticides on the market. On Tuesday, 13 January, the European Parliament will have its second reading vote on the agreement. As the rapporteur for the EP's Committee on Environment, Health and Food Safety on the new pesticides regulation, I am very pleased that the political agreement takes the Common Position of the EU's agricultural ministers a step further. The regulation brings crucial improvements for health and the environment. The new pesticides rules are a win-win situation for all: not only for environment, health and consumer safety, but also for the economy. They will lead to more innovation in the industry, thus boosting the competitiveness of Europe's economy.

Dangerous pesticides are the number one concern of European consumers. And unfortunately the latest figures vindicate their worries: 49 per cent of all fruit, vegetables and cereals contain a cocktail of pesticides - a record high. Food in Europe is contaminated with at least 354 different pesticides. Pesticides which are most often detected include those which cause cancer, are mutagenic, toxic to reproduction or have a negative effect on the hormonal system (endocrine disruptor). The top contaminated food items are grapes, followed by bananas and peppers.

The new pesticide authorisation rules mark a necessary change of direction in EU pesticide policy. The scaremongering strategy by industry and farmers' representatives has failed. Contrary to some assertions, farmers will not be deprived of using the affected pesticides overnight. For most of the currently authorised active substances the new law will only take effect in 2016. Furthermore, the foreseen substitution will lead to safer products, from which farmers and their families will be the first to benefit. Today, they are the ones who bear the disproportionate health risks and costs because of chronic pesticide exposure.

#### **New EU pesticides rules**

##### **Main points of the political agreement of EP and Council**

With the new pesticides rules the EU takes the lead: for the first time and internationally unprecedented highly toxic pesticides will not be up for reapproval. Active substances which cause cancer, are mutagenic and reprotoxic will be banned (CMR pesticides), unless there is insignificant exposure to them.

This ban puts an end to the absurd discussion at which concentration for example of a carcinogenic pesticide is still tolerable for human health.

The legislation is based on a qualitative risk-based approach, instead of a quantitative approach with setting limits.

The cut-off criteria also include endocrine disruptors that cause damage to the hormonal system. So far there is no definition for such substances. EP and Council

have agreed on first criteria. Within four years, the EU Commission has to come up with a list of further criteria to establish a definition.

### **Yes to derogation, but with clear criteria**

The Common Position of the EU agricultural ministers introduced a derogation on the ban of certain CMR and endocrine substances. Substances which are classified under the EU directive on Dangerous Substances as category C2 and R2 (meaning there is sufficient proof leading to the conclusion that the substance causes cancer in human beings or damage to reproduction) can be authorised for a further five years, if they are essential to control a serious danger to plant health.

In order to find a compromise the European Parliament accepts this derogation, but sets up clear criteria.

The political agreement foresees the following:

- the derogation does not apply to carcinogenic substances - category 2 with no threshold of effect
- the derogation is only applicable to the Member State where there is serious danger to plant health; it is not a green light for all other Member States to re-introduce the toxic pesticides through the backdoor
- The EU member state which calls on the derogation has to set up a substitution plan to end the substances' use.

### **Strict safety assessment for pesticides which are immunotoxic or damage the development of the nervous system**

The European Union is a knowledge-based community. Neurotoxic pesticides can endanger the development of the brain and the nervous system of our children. In 2006, the toxicologist Philippe Grandjean identified 202 chemicals - among them 90 pesticides - which cause damage to the development of the brain and nervous system and reduce the IQ. In the US every 6th child nowadays suffers from a developmental disorder. Autism and other developmental disorders cause high costs to society. Each year there are 1.7 million deaths in Europe because of cancer, each year 3 million new people fall ill with it. A healthy immune system is an important factor in fighting cancer.

The political agreement foresees:

- Substances which damage the immune system and negatively affect the development of the nervous system are classified as candidates for substitution. If there are less damaging pesticides available and if the substitution criteria are fulfilled, those substances have to be replaced.
- These pesticides are put to the test: there is a new requirement to check if a stricter safety margin is necessary, and if so, it has to be applied.

### **Breakthrough for the protection of bees**

According to a study of the Helmholtz Centre for Environmental Research the economic advantages of pollinators in 2005 amounted to around 150 billion Euros.

This represents a tenth of the world food production. If the pollinators - mainly honeybees - are missing, this would cost 190-310 billion Euros a year.

In the EU bees play a decisive role in the production of over 80 million tonnes of food, equalling to the production of 160 kg per person. But the bees are in danger: in Germany alone over 300 million bees died in spring 2008 after maize was disseminated treated with the pesticide clothianidin. In France last year 60% of bee

colonies collapsed, in the US nearly 40%. Already in 2006, beekeepers from all over Europe called on the European Commission to withdraw authorisation for insecticides such as clothianidin or imidacloprid.

At the insistence of the European Parliament, the new pesticides regulation is a breakthrough for bee protection.

The following changes are foreseen:

- a substance will only be approved if it is proven that there are no unacceptable acute or chronic effects on the survival and development of the bee colony. Effects on honeybee larvae and behaviour also have to be taken into account.
- In its revision of the data requirements, the EU Commission has to ensure that actual pesticide exposure of bees is taken into account, including pollen and nectar.

### **Substitution is a win-win situation**

The taking over of the substitution principle of the EU chemicals legislation REACH is a decisive step for the better protection of health in Europe, but also for the strength of Europe's industry. It is especially the substitution principle which will boost competition in the chemical industry. There is no automatism for substitution, as there are clear rules when a substance has to be replaced: 1. the alternative must be a distinctly lower risk to health and the environment; 2. there must not be economic or practical disadvantages for users; 3. the substitution must not lead to resistance; 4. effects on the cultivation of fruits and vegetables (minor use) have to be taken into account.

The political agreement foresees:

- shorter deadlines for the substitution process, meaning quicker substitution with less harmful substances. Candidates for substitution are only approved for 7 years. After the comparative assessment shows better alternatives are available and the other requirements are fulfilled, candidates for substitution have to be taken off the market within 3 years instead of five.

### **Protection of vulnerable groups**

Babies, infants and pregnant women are highly susceptible for toxics in food, they are vulnerable groups. With specific references to vulnerable groups in the agreement the European Union proves that it puts the precautionary principle first and the protection of vulnerable groups at the forefront:

- the text of the regulation emphasizes that the protection of human health is on equal footing with the harmonization of the market. The regulations' provisions are based on the precautionary principle.
- a broad definition of vulnerable groups is introduced; this definition also includes residents who are subject to high exposure over a long time
- risk assessment and authorisation are oriented on vulnerable groups

### **Cumulative and synergistic effects**

The old authorisation system is based on the approach that only one pesticide is used on a given fruit or vegetable. However, in many food items a whole toxic cocktail can be found. The political agreement foresees that cumulative and synergistic effects have to be taken into account, when scientific methods are available, which have been recognised by the EU food safety agency EFSA.

### **Traceability along the food chain**

Food retailers are at a blank when it comes to the question which pesticides have been used on fruits and vegetables. The agreement gives the starting point for the introduction of the electronic field pass:

- the obligation to document production and use is new (5 years for producers and sellers, 3 years for professional users)
- a list of criteria is defined, what has to be documented: name of the pesticide, when it was used, on which crop
- within 3 years, the EU Commission has to come up with a study on costs and benefits of an information system from producer to retailer.

### **Yes to zonal authorisation, while ensuring flexibility of each member state**

The EU Commission foresaw as a new element the division of Europe into three zones for the pesticide product approval. As soon as one product is to be authorised in one country of the zone, the other states in the zone are required to allow the product on their territory (compulsory mutual recognition). The compromise of the political agreement is the clear yes for the harmonisation of product approval, but leaves the EU member states flexibility to ensure their national environmental standards are upheld.

The following is foreseen:

- the European Parliament accepts the division into 3 zones with mutual recognition for pesticide products
- on the insistence of the European Parliament, Member States now have much more possibilities to put in place further conditions or restrictions of use
- the complete refusal of a product is the exception, even though on EP's insistence the hurdle for refusal is less high.

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