RAINFOREST ALLIANCE

OCTOBER 2022

Banning the EU Export of Hazardous Pesticides

Position of the Rainforest Alliance

INTRODUCTION

In Europe, many hazardous pesticides are banned from being applied to crops because of their harmful effects on humans and the environment. The European Union, however, does not prohibit the production and export of these pesticides. As a result, large volumes of these pesticides are being still shipped from Europe to countries outside of the EU. Most of these exports go to low- and middle-income countries, such as Côte d'Ivoire, Uganda, Sudan, Morocco, Mexico, and Costa Rica. There, authorities often lack the capacity to ensure safe storage and transportation of such harmful chemicals, and many farmers lack the knowledge and training to protect themselves from the risks these products pose to their health and the environment. This results in devastating impacts to ecosystems and biodiversity, and to the health of farmers, workers, and agricultural communities.

The majority of these pesticides that are considered too hazardous for use in Europe are exported from Italy, the Netherlands, Germany, France, Belgium, Spain, and the United Kingdom. Allowing the export of these banned pesticides is an unacceptable double standard that must be stopped.

Several individual European countries acknowledge this export needs to be halted. France and Switzerland already adopted national laws that prohibit this practice. Switzerland has banned the export of five hazardous pesticides[1] since 2021, and in France the export has been banned since 2022.[2] In Germany, the government has announced they plan to introduce a similar ban by early 2023.[3]

VIOLATING THE RIGHT TO A SAFE WORKING AND LIVING ENVIRONMENT

In low- and middle-income countries, pesticides often violate the right to a safe working and living environment. They pose a problem not only to the farmers and workers tasked with applying the dangerous product (often without adequate personal protective equipment) but also, to entire families and rural communities. In many cases, insufficient systems to safely dispose of empty pesticide containers leads to dangerous practices, such as re-using the containers to store food and drink, or openly incinerating the containers, producing dangerous fumes.

1 https://www.admin.ch/gov/de/start/dokumentation/medienmitteilungen.msg-id-80711.html

2 https://www.tellerreport.com/news/2020-01-31---the-constitutional-council-validates-the-ban-on-the-export-of-prohibited-pesticides-to-the-eu---france-24-.ByzJUoqWzL.html

3 https://www.bmel.de/SharedDocs/Pressemitteilungen/DE/2022/119-vo-exportverbot-pestizide.html

Outside a flower-growing greenhouse in Colombia, a sign warns of ongoing pesticide application.

The health impacts of the hazardous pesticides vary from acute poisoning— causing skin irritations nausea, dizziness, headaches, vomiting, and even death—to long term consequences for chronic exposure, responsible for cancer, Parkinson's disease, fertility problems, and congenital malformations in children.

Even those who do not come into direct contact with these toxins are in danger of suffering health consequences. Many large-scale plantations opt for aerial fumigation—covering not only fields but also surrounding roads, houses, and schools with dangerous pesticides. Moreover, pesticide residues can infiltrate the soil and waterways, jeopardizing the health of the communities who fish, grow food, and drink from these natural resources.

Through direct exposure and pollution of the environment, pesticides violate the human rights of farmers, farmworkers, their families, and surrounding communities, as their health, lives, and livelihoods are put at risk.

Multiple cases of human rights violations caused by pesticides use have been reported through the United Nations' Human Rights mechanisms.[4] However, most affected communities lack access to appropriate judicial pathways and remedy mechanisms. They are tasked with fighting long legal battles with powerful companies and carry the burden of proof when relating their health issues to pesticide exposure. It is estimated that 385 million unintentional acute pesticide poisonings occur each year[5], with the majority occurring in low- and middle-income countries —where health, safety and environmental regulations are weaker. To illustrate: Syngenta is currently facing over 1,153 plaintiffs in the United States alone for causing Parkinson's in workers.[6] There are currently no lawsuits filed in low- and middle-income countries where most agricultural poisonings occur, meaning that most individuals are not seeing justice.

ANOTHER KEY STEP IN THE GLOBAL TRANSITION AWAY FROM PESTICIDES

An EU ban on the export of pesticides already banned from use within the EU itself is an important step in the global transition towards regenerative agricultural production. It will support a worldwide move away from the use of those dangerous chemicals and a step towards more sustainable practices and safer alternatives. Such a ban will send a strong signal to governments and companies everywhere: These pesticides are hazardous and should not be used anywhere in the world.

This transition is critical for the future health of our planet and its people. The quantity of pesticides used worldwide has risen 50-fold since 1950.[7] For most farmers, their first response after identifying a pest is to apply pesticide; many even use pesticides as a prophylactic method before pests actually appear.

The massive increase of pesticide use has not led to a significant decrease in crop losses. Pests are still widespread and a constant threat for farmers. An estimated 20–40 percent of global crop production is lost to pests annually. Each year, 3.5 billion kg of pesticides are applied globally, and each year plant and insect diseases together cost the global economy around US$290 billion.[8] Pesticide application is not solving the high risks of pests for farmers.

In addition, pesticides cause severe damage to people's health and the environment. While all pesticides can be dangerous—especially when used inappropriately—those which are classified as "highly hazardous" are of particular concern due to the severe adverse effects they can

4 Examples of cases reported through UN Human Rights mechanisms:

- https://ipen.org/news/united-nations-committee-rights-child-finds-violations-environmental-health-impacting
- https://www.ohchr.org/en/press-releases/2019/08/paraguay-responsible-human-rights-violations-context-massive-agrochemical
- https://www.unocha.org/story/la-contaminaci%C3%B3n-del-r%C3%ADo-la-pasi%C3%B3n-evidencia-una-crisis-humanitaria-en-guatemala

5 Boedeker, W., Watts, M., Clausing, P. *et al.* The global distribution of acute unintentional pesticide poisoning: estimations based on a systematic review. *BMC Public Health* 20, 1875 (2020). https://doi.org/10.1186/s12889-020-09939-0

6 MDL judge advances most paraquat claims against Syngenta, Chevron. https://www.reuters.com/legal/litigation/mdl-judge-advances-most-paraquat-claims-against-syngenta-chevron-2022-02-15/

7 PAN Germany. (2012). Pesticides and health hazards: Facts and figures. Hamburg: Pestizid Aktions-Netzwerk e.V. www.pan-germany.org/download/Vergift_EN-201112-web.pdf

8 FAO. (2019). New standards to curb the global spread of plant pests and diseases. FAO News, 3 April. Rome: Food and Agriculture Organization of the United Nations. https://www.fao.org/news/story/en/item/1187738/icode/

A worker in full protective gear applicies pesticides at a flower farm in Colombia.

pose to human health in both the short and the long term.[9] Highly hazardous pesticides also have serious effects on the environment, polluting both soils and waterbodies. Soil degradation and biodiversity loss caused by pesticides harm the entire ecological system on which food production depends.

The solution to improved pest management lies not in pesticide use, but in transitioning to farming practices that strengthen the complete agroecosystem. Several recent major reports (IPCC,[10] IPBES,[11] and HLPE[12]) state such a transition is needed to address the climate, biodiversity, human health, and social crises we face today. Alternative methods like Integrated Weed Management, Integrated Pest Management, regenerative agriculture, agroecology, and agroforestry will ultimately enable a reduction of agrochemical use, help to mitigate the climate crisis, increase farmers' resilience to climate change, improve livelihoods, and enhance biodiversity. The adoption of these methods is essential to deliver on the Paris Climate Agreement, the UN Sustainable Development Goals, and the post-2020 targets of both the Convention on Biological Diversity and the UN Convention to Combat Desertification.

Helping Farmers Embrace Regenerative Agriculture

The Rainforest Alliance supports farmers to transition to practices that strengthen the agroecosystem. Producers in our certification program develop Integrated Pest Management (IPM) practices and reduce pesticide use. Rainforest Alliance Certified farmers are not allowed to use pesticides that are defined as highly hazardous according to the definition of the FAO and WHO, due to their harmful effects on the environment and human health.[13] The Rainforest Alliance has provided workshops for over 100,000 farmers in South Asia on manual and natural pest control techniques,[14] and recently started collaborating with the inter-governmental organization CABI, on ways to help smallholder farmers around the world implement more sustainable agricultural practises.[15]

9 FAO and WHO. 2019. Detoxifying agriculture and health from highly hazardous pesticides - A call for action. Rome.

10 IPCC, 2021: Summary for Policymakers. In: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, doi:10.1017/9781009157896.001.

11 IPBES (2019): Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. S. Díaz et.al. Germany. https://doi.org/10.5281/zenodo.3553579

12 HLPE. 2019. Agroecological and other innovative approaches for sustainable agriculture and food systems that enhance food security and nutrition. A report by the High Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security, Rome.

13 NSP - Highly Hazardous Pesticides (HHPs)." Food and Agriculture Organization of the United Nations, https://www.fao.org/agriculture/ crops/thematic-sitemap/theme/pests/code/hhp/en/.

14 Our Work to Improve Rural Livelihoods (2021) https://www.rainforest-alliance.org/insights/our-work-to-improve-rural-livelihoods/

15 https://www.cabi.org/news-article/cabi-and-the-rainforest-alliance-pledge-working-towards-more-sustainable-agriculture/

However, through our work we also see how difficult it is for many farmers to make this transition. They face many barriers: Lack of finance to invest in alternatives, lack of support from both governments and buyers to invest in alternative, aggressive marketing from the agrochemical industry to continue using agrochemicals and associated practices, and even counter-productive measures from governments like subsidies for agrochemicals.

The EU can play an important role in reducing these barriers and supporting producers globally in the transition to a more sustainable approach to pest management. An export ban for pesticides not allowed in the EU itself is an important first step.

AN EU EXPORT BAN OF HAZARDOUS PESTICIDES – POSITION OF THE RAINFOREST ALLIANCE

On 14 October 2020, the European Commission affirmed in its Chemicals Strategy for Sustainability[16] that the EU will "lead by example, and, in line with international commitments, ensure that hazardous chemicals banned in the European Union are not produced for export, including by amending relevant legislation if and as needed." This commitment was welcomed by the European Parliament and Council. We expect the Commission to live up to its commitment and develop a legislative proposal by 2023. The Rainforest Alliance calls on the Commission to:

1. **Introduce an EU legislative proposal to ban the export of hazardous pesticides by 2023**

- The EU cannot continue to allow the export of pesticides that are considered unsafe for use within the EU itself. It is a double standard where people and nature in low- and middle-income countries suffer from the negative impacts of pesticides deemed too hazardous for use in the EU itself.

- The high risk of human rights violations in third countries caused by pesticide use should be a key factor in the EU's decision on whether to continue exporting pesticides deemed too dangerous for use in Europe. The EU has committed to taking necessary measures to promote human and labour rights—such as the right to health and the right to safe and healthy working conditions—and to cooperate internationally in the achievement of such rights.[17] Through the export of hazardous pesticides however, EU states are allowing companies to risk the health, lives, and livelihoods of farmers, workers, and rural communities in low- and middle-income countries.

2. **Support the transition of producers in low- and middle-income countries**

- A ban of the export of hazardous pesticides is an important first step, but it must be complemented by other measures to ensure farmers do not suffer increased crop losses, or simply end up buying hazardous pesticides produced elsewhere. Safer alternatives for hazardous pesticides are available, but producers do not always have access to them or to the finances needed to invest in alternative practices. Farmers in sectors and regions affected by an EU ban on pesticide exports who have limited access to alternatives need to be identified and supported in transitioning to sustainable alternatives.

At the School for Field Studies, a teaching farm in Costa Rica, insect traps are used to control pests among the mango and orange trees.

- This support should not focus only on phasing out the use of the specific pesticides of which export will be halted through the export ban. It should also focus on stimulating a transition that strengthens the holistic agroecosystem through Integrated Pest Management (IPM), regenerative agriculture, and agroecology. Increasing the inherent strengths of agroecosystems will not only enable a reduction of agrochemical use, but ultimately, also help to mitigate climate change, increase farmers' resilience to climate change, improve their livelihoods, and enhance biodiversity which supports reaching the goals of the Paris Climate Agreement, the post-2020 CBD and UNCCD, and the SDGs.

- To support this holistic transition, the EU needs to implement its commitment to use green diplomacy and development support instruments to promote the use of lower-risk substances and alternatives to pesticides globally.[18] It needs to engage in dialogue and cooperation with partner countries, including within

16 EU Chemicals Strategy for Sustainability, EU Commission. 14-10-2020. https://ec.europa.eu/environment/pdf/chemicals/2020/10/Strategy.pdf

17 https://www.europarl.europa.eu/factsheets/en/sheet/165/human-rights.

18 May 2020. Final Report from the EU Commission on the evaluation of regulation (EC) No 1107/2009 on the placing of plant protection products on the market and of Regulation (EC) No 396/2005 on maximum residue levels of pesticides. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0208&from=EN

Tea pluckers at work on a farm in Assam, India. Rainforest Alliance staff are training local farmers in Integrated Pest Management techniques. Photo by Suvashis Mullick

the framework of Trade and Sustainable Development Chapters and Sustainable Food Systems Chapters in trade agreements. It should also use the Global Europe instrument to work on national roadmaps and specific programmes and partnerships to support partner countries in transitioning towards more sustainable food systems and development. Finally, discussions led by the Food and Agriculture Organization (FAO) on an action plan to promote the global phase-out of highly hazardous pesticides by 2030 have stalled. The EU should ensure this action plan is reinvigorated.

3. Hold companies accountable

- Some European manufacturers also produce significant amounts of hazardous pesticides outside of Europe; sales of those products will not be affected by an EU export ban. Likewise, manufacturers could evade the export ban by moving production to other sites outside the EU. We therefore call on the Commission to implement, without delay, its commitment[19] in their Chemical Strategy to "promote due diligence for the production and use of chemicals within the initiative on sustainable corporate governance." This means holding companies headquartered in Europe accountable for ceasing the export, sale, as well as use in their operations and value chains, of highly hazardous chemicals banned by the EU, wherever in the world they are produced.

- The proposal of the directive on Corporate Sustainability Due Diligence is also an opportunity to hold all companies operating in the EU accountable for the environmental and social impacts throughout their global agricultural value chains. This clearly includes the need to address the risk of harmful pesticides being used. This potential should be fully harnessed by referring in the Annex to the joint FAO-WHO definition of hazardous pesticides. In addition, the Annex should include a provision that the phaseout of these pesticides should be reached with support of alternative pest and weed control measures, according to the IPM approach as defined by the FAO.[20]

CONCLUSION

To solve the climate, biodiversity, and social crises we are facing today, a profound transformation of agricultural and food systems is needed. We must create agricultural systems that do not rely on the use of agrochemicals anymore, farming *with* instead of *against* nature. This transformation can only happen through collective action by all stakeholders involved. The EU cannot continue to allow the export of pesticides that are considered unsafe for use within the EU itself. It is a double standard where people and nature in low- and middle-income countries suffer from the negative impacts of pesticides deemed too hazardous for use in the EU itself. The Rainforest Alliance calls on the EU to adopt and implement such a ban as quickly as possible and to ensure producers—especially smallholders—are supported in the transition by receiving access to trainings and alternatives for hazardous pesticides.

19 Idem 12.

20 Position of the Rainforest Alliance on the proposal for an EU Corporate Sustainability Directive. July 2022. https://www.rainforest-alliance.org/wp-content/uploads/2022/08/RA-position-on-proposal-for-EU-directive-on-CSDD-position-paper.pdf

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The Rainforest Alliance is creating a more sustainable world by using social and market forces to protect nature and improve the lives of farmers and forest communities.

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