MEET (CHEMICAL) AGRICULTURE

The world of backdoors, derogations, sneaky pathways, and loopholes.

Part 2:

Essential use of soil fumigant Metam Sodium

the unsustainable "15" identified

Pesticide Action Network Europe

SUMMARY

Derogations and loopholes are standard business in EU pesticide policy. PAN-Europe already wrote a report on the "120-day derogation" regime, allowing EU Member States to use hundreds of illegal pesticides for almost a full crop season[1].

This report highlights another derogation type, the "essential use" of soil fumigant Metam Sodium. Metam was officially banned by a 2009 Council decision[2], but immediately entered again via the backdoor by this same Council decision as "essential use". A virtual ban allowing 15 of the 27 EU Member States to continue the use of the poison gas Metam at the same scale as before. As always the decision-making is very intransparent and not many people outside the SANCO "agri-cocoon" will be aware of this virtual banning.

After an "access to documents" request PAN Europe received the mandatory 2010-reports the 15 Member States have to send to Commission at the end of their year of "essential use". It turns out the Member States do not live up very well to the rules

EU states do not live up very much to the rules they made for themselves; no single action plan was started.

1. http://www.pan-europe.info/News/PR/110126.html

2. COUNCIL DECISION of 13 July 2009 concerning the non-inclusion of metam in Annex I to Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (2009/562/EC).

they made for themselves, by not delivering reports in time, by giving vague answers, or by not answering questions at all like Greece.

The main element, “ensuring that alternative products or methods for such uses are being seriously sought, in particular by means of action plans” was heavily violated. No single Member State of the 15 started action plans or took serious responsibility for developing alternatives. Most Member States only mentioned industry initiatives and opinions. Member States apparently have great confidence in this fumigation industry in developing alternatives; however generally these industries try to relabel the use of Metam to ‘sustainable use’ or only look for other chemicals. Poland even claimed the use of Metam by industry is done “by applying IPM (Integrated Pest Management) principles to soil fumigation”. This is done in a project with DOW Chemical which is even EU-funded (LIFE+). Spain and others expressed as their big wish to have new chemicals on the market.

Remarkably the most obvious alternatives, non-chemical alternatives like crop rotation, were hardly mentioned (only once by Ireland for potatoes). There is clearly no intention in these 15 EU Member States to change agricultural practices in a more sustainable way and the intention to stick to the industrial agriculture based on monocultures and chemicals. The other 12 EU member states like Germany, Austria and Denmark have no problem to grow crops without Metam and this already makes it clear how unjustified this essential use is.

Also very remarkably is the lack of connection to the Directive for the Sustainable Use of Pesticides (128/2009/EC). This Directive, to be implemented by DG SANCO, requires a transition to IPM (integrated pest management), a management system in which non-chemical methods and practices get priority and chemicals can only be used as a last resort. Metam, eliminating soil biodiversity, cannot have any role in this IPM and it is remarkable DG SANCO is allowing this wide “essential use”.

Even more remarkable DG SANCO presently even is considering to legalise Metam in a new application of industry. Metam is also extremely dangerous for those living close to treated fields (adults downwind get in a few hours a dangerous dose during application, the effects on the vulnerable like children is not calculated). Health Commissioner Dalli needs to stop the new attempt to legalise Metam and oblige the “15” to start developing serious action plans to implement a wide crop rotation and resistant varieties, in connection with the implementation of the Directive 128/2009 on sustainable use.

Given the long list of derogations, backdoors and loopholes in pesticides policy in general, a ‘wider picture’ needs to be considered. PAN-Europe believes the conflict of interest of Agricultural Ministries, delivering the representatives in the Standing Committee, is one of the main reasons for the continuing pressure to open backdoors, serving mainly groups of back lagging farmers, stopping innovation in agriculture and certainly not serving citizens health and the environment in Europe.

1. INTRODUCTION

Metam sodium is one of the main soil fumigants. It was banned in 2009 because harmful impurities were present, consumer exposure was not acceptable and the dossier incomplete.[3] The other main fumigant 1,3-Dichloropropene (an industrial waste stream) was banned beginning 2011 by Health Commissioner Dalli. Both the ban of 1,3-Dichloropropene and the ban on Metam Sodium is opposed fiercely by EU Member States like Spain, Italy and Portugal. As a result the illegal pesticide 1,3-Dichloropropene is used on the basis of the derogation on "unforeseen danger".[4] For Metam, Council Decision 200/562/EC of 13 July 2009 itself provides for continued use till 2014 for the 15 Member States who like to use Metam Sodium. Twelve Member Sates, among which Germany, do not need Metam and this raises strong doubts about how "essential" this use is in other Member States.

3. During the evaluation of this active substance, a number of concerns have been identified which did not permit to demonstrate the acceptability of consumer exposure. Those concerns were, in particular, inadequate residues studies and lack of information on a toxicologically relevant impurity, N,N´-dimethylthiourea (DMTU). Furthermore, due to the high rate of application, a large amount of the impurity DMTU is released in the environment and the lack of data with respect to its behaviour in the environment gives rise to concern

4. http://www.pan-europe.info/News/PR/110126.html

2. METAM 'UGLY FACE' OF INDUSTRIAL AGRICULTURE

Metam and Dichloropropene represent the type of agriculture of the last age in which nature and natural elements were eliminated to make industrial agriculture possible. In this paradigm biodiversity and natural elements are seen as useless and even an obstruction to the fully man-made (superior) system of agriculture. Metam and Dichloropropene function to keep monocultures in place and other narrow-rotations. Monocultures of course lead to disturbed soils in which certain organisms will prevail given the monotonous supply of this one crop and in the end for the farmer turn into a "pest". Metam and Dichloropropene serve to "reset" the soil (kill biodiversity) and make monocultures possible for some time until the story is repeated. Metam and Dichloropropene are also undermining IPM (integrated pest management) where wide rotations are one of the fundamentals.

This IPM is the basis of the Directive for the Sustainable Use of Pesticides (128/2009/EC) and every EU farmer has to apply the general principles of IPM from 2014 on.
This would mean Metam and Dichloropropene should be banned in the first place and not discussed just like any other pesticide in the SANCO approval decision system.

Regulation (EC) No 1107/2009 of 21 October 2009 concerning the placing of plant protection products on the market clearly states that the pesticides need to be used properly and according to the principles of IPM. Metam and Dichloropropene, clearly working opposite to IPM, should not be authorised.

5. General principles of integrated pest management

1. The prevention and/or suppression of harmful organisms should be achieved or supported among other options especially by:

- *crop rotation,*
- *use of adequate cultivation techniques (e.g. stale seedbed technique, sowing dates and densities, under-sowing, conservation tillage, pruning and direct sowing),*
- *use, where appropriate, of resistant/tolerant cultivars and standard/certified seed and planting material,*
- *use of balanced fertilisation, liming and irrigation/drainage practices,*
- *preventing the spreading of harmful organisms by hygiene measures (e.g. by regular cleansing of machinery and equipment),*
- *protection and enhancement of important beneficial organisms, e.g. by adequate plant protection measures or the utilisation of ecological infrastructures inside and outside production sites.*

2. Harmful organisms must be monitored by adequate methods and tools, where available. Such adequate tools should include observations in the field as well as scientifically sound warning, forecasting and early diagnosis systems, where feasible, as well as the use of advice from professionally qualified advisors.

3. Based on the results of the monitoring the professional user has to decide whether and when to apply plant protection measures. Robust and scientifically sound threshold values are essential components for decision making. For harmful organisms threshold levels defined for the region, specific areas, crops and particular climatic conditions must be taken into account before treatments, where feasible.

4. Sustainable biological, physical and other non-chemical methods must be preferred to chemical methods if they provide satisfactory pest control.

5. The pesticides applied shall be as specific as possible for the target and shall have the least side effects on human health, non-target organisms and the environment.

6. The professional user should keep the use of pesticides and other forms of intervention to levels that are necessary, e.g. by reduced doses, reduced application frequency or partial applications, considering that the level of risk in vegetation is acceptable and they do not increase the risk for development of resistance in populations of harmful organisms.

7. Where the risk of resistance against a plant protection measure is known and where the level of harmful organisms requires repeated application of pesticides to the crops, available anti-resistance strategies should be applied to maintain the effectiveness of the products. This may include the use of multiple pesticides with different modes of action.

8. Based on the records on the use of pesticides and on the monitoring of harmful organisms the professional user should check the success of the applied plant protection measures.

General principles of integrated pest management

3. METAM IS EXTREMELY DANGEROUS

Metam sodium is a very toxic chemical. It quickly decomposes into methyl isothiocyanate (MITC) and is together with Metam the main chemical of exposure. Based on US-EPA data Metam is a probable human carcinogen (malignant blood vessel tumours). Independent literature also shows many negative effects. Unfortunately independent literature is still not taken into account in the decision making and keeps on being based on industry-sponsored studies. Independent studies learn that Metam (and MITC) are a developmental toxin causing cranio-facial abnormalities (teratogen) at low doses (1 uM) in Zebrafish, Van Boxtel, 2010.[6]

Metam also can cause hypersensitivity (Pruett 2001 review[7]) which is one year later still very present. Metam shows immunotoxic effects and can cause asthma (Pruett 2005[8], 2009[9]).

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6. Antonius Leonardus van Boxtel, Bart Pieterse, Peter Cenijn, Jorke Harmen Kamstra, Abraham Brouwer, Wessel van Wieringen, Jacob de Boer, and Juliette Legler, Dithiocarbamates Induce Craniofacial Abnormalities and Downregulate sox9a during Zebrafish Development, TOXICOLOGICAL SCIENCES 117(1), 209–217 (2010)

7. Stephen B. Pruett; L. Peyton Myers; Deborah E. Keil, TOXICOLOGY OF METAM SODIUM, Journal of Toxicology and Environmental Health, Part B, 4: 2, 207 — 222

8. Stephen B. Pruett, Qiang Zheng, Carlton Schwab, and Ruping Fan, Sodium Methyldithiocarbamate Inhibits MAP Kinase Activation through Toll-like Receptor 4, Alters Cytokine Production by Mouse Peritoneal Macrophages, and Suppresses Innate Immunity, TOXICOLOGICAL SCIENCES 87(1), 75–85 (2005)

9. Stephen B. Pruett, Bing Cheng, Ruping Fan, Wei Tan, and Thomas Sebastian, Oxidative Stress and Sodium Methyldithiocarbamate–Induced Modulation of the Macrophage Response to Lipopolysaccharide In Vivo, TOXICOLOGICAL SCIENCES 109(2), 237–246 (2009)

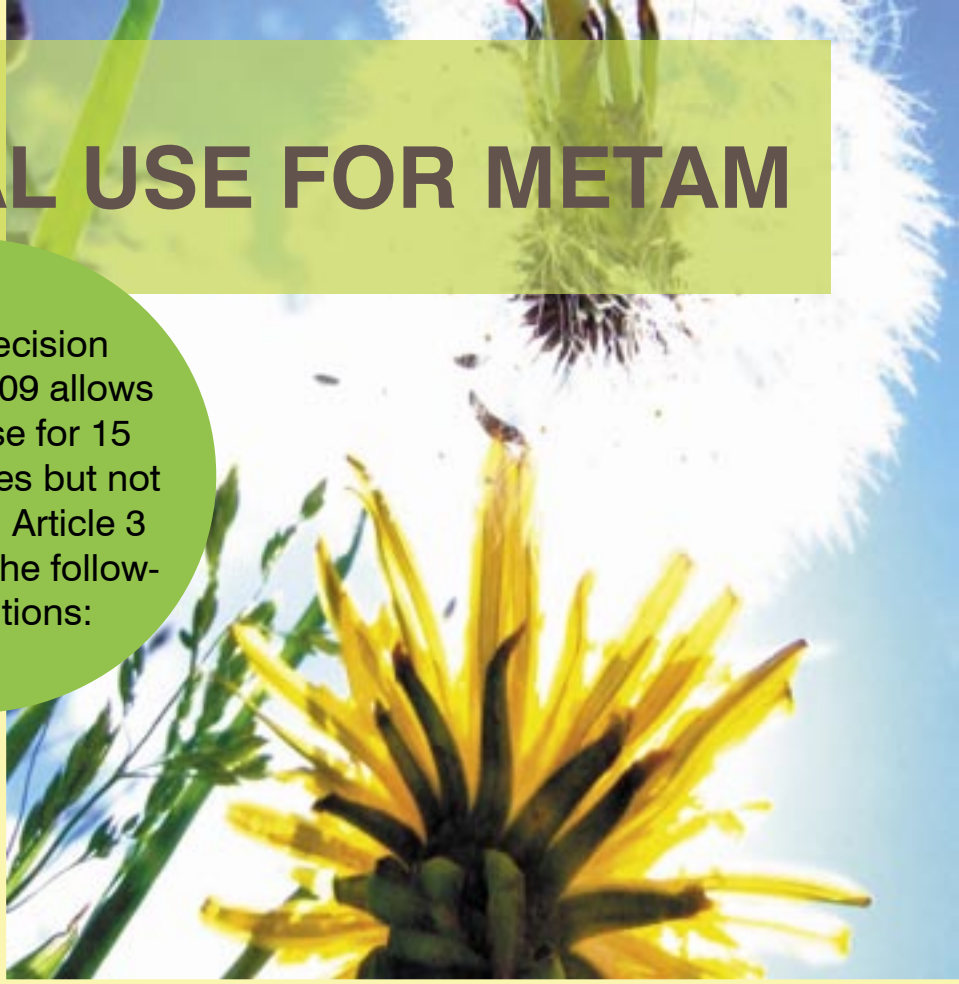
Metam (and other DTC's) inhibit the enzyme dopamine-b –hydroxylase which reduce the level of the hormone norepinephrine with possible negative effects on the central nervous system (Pruett, 2009) and highly probably cumulative effects of this group of chemicals. No testing on endocrine disruption is done.

Residents and people in the neighbourhood of the treated fields are at risk. Available information is scarce but shows that levels of MITC 15–20 m from a field treated with metam sodium reached maximum levels of 271 ppb, which exceeds the REL (US-EPA chronic reference exposure level) for disabling effects (40 ppb). Concentrations nearer treated fields are considerably higher (up to 1102 ppb). Each year, already in California, >90.000 people are exposed to too high levels of Metam/MITC (Pruett, 2001 review).

Health levels (Pruett, 2009 review)		*Industry (Dutch Auth. 2009)*	*Analysis MITC (fields US, Pruett, 2009)*	*Analysis MITC (field NL, 80-ties, answers in Parliament)*
0,5 ppb	Discomfort	3 ppb (15-20 meters from field on day 14, no specification)	2 ppb (average local communities)	Around 10 ppb on 1-2 KM distance from filed
40 ppb	Disabling health effects		270 ppb (15-20 meter distance to field)	Around 100 ppb close to field
150 ppb	Lethality		1100 ppb (near field)	

It is remarkable however that decades of use of hundreds of Millions of kg's of these very poisonous soil fumigants which are emitted to the air in Europe never resulted in a serious analysis of amounts emitted nor a assessment of the risks for humans.

4. ESSENTIAL USE FOR METAM



Council decision of 13 July 2009 allows essential use for 15 Member States but not unrestricted. Article 3 provides for the following conditions:

- it ensures that no harmful effects to human and animal health and no unacceptable influence on the environment are caused

- it ensures that alternative products or methods for such uses are being seriously sought, in particular by means of action plans

- shall inform the Commission about the measures taken by 31 December of each year and provide on a yearly basis estimates of the amounts of metam used for essential uses

- it ensures that such plant protection products remaining on the market are relabelled in order to match the restricted use conditions

- it imposes all appropriate risk mitigation measures to reduce any possible risks in order to ensure the protection of human and animal health and the environment

5. PAN ACCESS TO DOCUMENTS REQUEST

On 26 March 2011 PAN Europe send a request for access to documents to Commission. Apparently on 28 March DG SANCO send a letter to the 15 Member States and on 20 June finally all reports were collected. Most MS apparently disregarded their own Council Decision by not reporting on 31 December 2010.

PAN analysed the reports (see summary tables below):

Member State	Poland	Portugal	Belgium
Date of reporting	14-04-2011	December 2010	December 2010
MRL status	'not required'	?	0,02 mg/kg (LOQ)
Use	Field use: strawberries, cabbages, carrots, lettuce, onions, garlic. Glasshouse use: tomatoes, cucumbers, peppers.	Vegetables, for non specified crops; such as on tomatoes, carrots, potatoes, strawberries, ornamentals and also in nurseries.	Potting soil (all crops), potatoes, sugar and fodder beets, onions, vegetables, fruit crops, herbs, orchards (replanting), ornamentals
Relabelling?	'Label is OK'	Labels are updated	No
Health and environm. effects	PL "did not receive information about harmful effects.."	Trained personnel, appropriate application, certification.	Professional users only, soil compaction, greenhouses 4 day no entrance and ventilation
Mitigation measures	Many restriction for use by operator; technique "practically eliminates the escape of volatile breakdown products to the air"	Soil covered with plastic; avoids loss of chemicals. Greenhouse sealed for 7 days.	See previous
Amount	301.200 KG	877.000 KG (half tomatoes), rising	127.000 KG
Alternatives sought seriuously, in part. by action plans	SustUse ((LIFE+ paid 1,2 Million Euro to DOW chemicals ao.) and use of chlorpicrin	soil solarization, steam, artificial substrate cultivation, use of chlorpicrin,	Steaming, Biological preparations, Culticlean freesbrander, Comb. of authorised products, New unauthorised products
Remarks	PL part of SustUse of fumigants by applying IPM principles to soil fumigation (!).	Alternatives are inferieur	Alternatives are more expensive

Member State	Hungary	Greece	Romania	Spain
Date of reporting	31-03-2011	'2010'	04 04 2011	?
MRL status	0,02 mg/kg (LOQ)	No info	?	
Use	Potatoes, carrots, celeriac, parsley root, tobacco, vineyard, orchard, ornamentals; glasshouses: green paprika, tomatoes, cucumbers, strawberry	Potting soil and soil compost (for all crops), Indoor and outdoor use for soil treatment (for vegetable and ornamental crops), tobacco nurseries.	Vegetables and ornamental plants	
Relabelling?	'label restricted'	'done'	?	Yes
Health and environm. effects	Application restricted in frequency, by professionals, also supervised, and 200 m buffer to water	'in label'	?	Risk mitigation measures ensure there is no harmful effect
Mitigation measures	Only once per season	'in label'	?	
Amount	36.614 KG	719.207 KG	9,9 KG	3.189.202 KG
Alternatives sought seriuously, in part. by action plans	Manufacturers to do more research on environmentally more-friendly soil insecticides	Main producer informed us they have undertaken EU trials for alternatives;	No chemical alternatives for the moment	New chemicals hopefully on the market, fluensulfona, amisulbrom, etc.
Remarks	Alternatives only possible with state subsidy	Interim reports of trials mentioned above, refined conclusions by 2011		Spain been studying alternatives for a year: no options

Ireland	UK	Italy	Cyprus
04 02 2011	April 2011	Answer to SANCO letter of 28 March 2011	April 2011
0,02 mg/kg	0,2 mg/kg for metamitron, 0,02 mg/kg for dazomet	?	0,02 mg/kg
Glasshouse use: tomatoes, carnations, cucumbers, ornamentals, chrysanthemum and lettuce. Field use: potatoes, bulbs, hardy nursery stock, cane fruit,	Soil sterilant for glasshouse soils, nursery soils, outdoor soils and potting soils prior to planting of fruit crops, vegetable crops, potatoes, herbs, flowers, bulbs, ornamental plants and perennial plants.	Lettuce. Rice, lettuce and similar, tomatoes, peppers and aubergines, cucurbits, carrots, bulb vegetables, stem vegetables, potatoes, tobacco, replanting vineyards and orchards, flowers.	Nurseries, vegetables, potatoes, ornamentals, deciduous fruits, citrus fruits, and grapes.
GAP reflecting sought use.	Yes	Yes	The label refers to GAP that reflects only the essential uses
Risk phrases according to EU	Yes, determined during evaluation	?	EFSA identified risks for workers in greenhouses and aquatic organisms
Same	See above	Measures are provided in the labels	Measures taken
8.670 KG	TBC	?	25.800 KG
Several initiatives like nematode resistance, chemicals but also substitution by crop rotation in potatoes	A project to explore the use of biofumigant crops as a replacement for these fumigants is ongoing.	A summary document on the alternative methods proposed by marketing companies	Soil solarization and dazomet have been tested in local trials but are not considered efficient enough; exploring other options
No alternatives for essential uses	Chloropicrin and dazomet alternatives.		

Member State	Malta	France	Bulgaria	Netherlands
Date of reporting	04 04 2011	?	12 05 2011	?
MRL status	?		0,02 mg/kg	?
Use	Tomatoes, aubergines, peppers, melons, watermelons, squash, cucumbers and strawberries	Légumes et plantes fruitières, essentiellement mâche, carottes, tomates, fraises, asperges, plantes ornementales, arbres et arbustes	Disinfection of soil in glasshouses before sowing of tomatoes, cucumbers, lettuce, carrots, peppers, aubergines and tobacco.	?
Relabelling?	Yes.	?	?	?
Health and environm. effects	only professional users who have attended a recognised course are allowed to purchase, transport and store and use Metam	Only one incident in 2010	No risks or incidents identified	The risk on the health of humans of the proposed use was assessed. The risk on the health of humans is acceptable when mitigation measures are taken.
Mitigation measures	Monitoring of metam in the environment		No risks or incidents identified	?
Amount	66.310 KG	6.540.060 Ltrs.	3.080 Ltrs.	1.400.000 KG (2009)
Alternatives sought seriuously, in part. by action plans	?	Practical advise for operators from their suppliers	Encouraging of companies to authorize other soil disinfectants which can replace the essential use of metam.	Inundation, resistant varieties, green disinfection, trap crops, etc. list of option but no action plan.
Remarks	Information seminar for distributors		Oxamyl, ethoprophos and fosthiazate available to replace essential use.	Metam very efficient against weeds (illegal use?)

A. *Did the MS ensure no harmful effects to human and no unacceptable effects to the environment are caused?*

First of all this provision is “Brussels magic” because the reason for a ban is that this cannot be assured. This provision is clearly nonsense. The 15 MS also don’t know how to deal with it and mention the (many) mitigation measures ensuring no harmful effects will occur, France mentioning one incident, Poland saying they “did not receive information about harmful effects”, and Cyprus referring to EFSA saying risks for greenhouse workers and the aquatic organisms.

B. *Are the Metam containers relabelled?*

The answers are quite a mess. MS saying “done”, or giving no answer, or mysterious terms like “GAP reflecting sought use”(Ireland).

C. *Are appropriate risk mitigation measures taken?*

This one gives fairly good answers by most MS, saying only professional users, soil compacting, etc. Poland however claims the measures “practically eliminates the escape of volatile breakdown products to the air”, which is not the case as is widely known.

D. *Alternatives are seriously sought, in particular by means of action plans*

This provision is violated most. No MS of the 15 has imposed action plans. Many MS purely rely on what the producers of Metam tell them and do not feel an own responsibility.

Many alternatives are mentioned like soil inundation, resistant varieties, disinfection, trap crops, steaming and –most frequently- other pesticides like chlorpicrin and dazomet. Spain hopes there will be soon new chemicals on the market. And many mention that alternatives for the “essential use’ are inefficient and inferior and, creating the feeling they don’t believe in alternatives.

No single MS is apparently looking for an alternative in a serious way, let alone work on action plans. Remarkably, almost no MS mentions the most obvious alternative, a wide crop rotation.

Poland reports an initiative of DOW Chemicals and others for the “Sustainable use of Fumigants” as part of a LIFE+ project in which taxpayers contribute 1,2 Million Euro’s. Poland states this is done “by applying IPM principles to soil fumigation”. It is totally unjustified to relabel fumigants as sustainable and it is unbelievable European Commission helps in this effort.

E. *Amount used in 2010.*

The amounts used are reported by most MS, except UK, Italy and Netherlands (report use in 2009). France is by far the largest user with around 6.500.000 KG. Spain (3.000.000 KG), Netherlands (1.400.000 KG), Portugal (670.000 KG) and Greece (720.000 KG) are heavy users.

6. NEW ATTEMPT TO LEGALISE METAM SODIUM

While this “essential use” is running, industry is trying to make use of yet another derogation, called “resubmission”. Metam Sodium could be legalised in a fast track procedure. The applicant tried to fill gaps in the failing application of 2009 and tries again. EFSA already submitted a peer-review on the revised dossier of Metam.[10]
Although the applicant succeeded in filling some gaps where EFSA ‘assumed’ the risk was acceptable, still many unacceptable risk situations remain. If you happen to live downwind of a field where soil injection is applied within 5 hours the safe level is exceeded for adults in freshly fumigated fields (EFSA report page 23), for children this is not calculated by EFSA but dangerous levels will be reached much sooner, about 1,5 hours during application, while in that case the extra vulnerability of children is not taken into account. Also after application the emission continues, but again not calculated by EFSA for the vulnerable like children. The emission level put forward by industry for bystanders (0,003 mg/M3 during application and

10. European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance metam. EFSA Journal 2011;9(9):2334. [97 pp.].

0,0005 mg/M3 after application) seems unrealistically low. In the same EFSA peer-review (page 82/83) emission levels for bystanders are reported in previous analysis up to 0,054 mg/M3 during injection (15 fields, NL) and 0,003 mg/M3 (2 fields, NL, 1-5 days after injection) and up to 0,036 mg/M3 (1 field DE, 0-4 days after injection). Further it is not sure if the industry data are realistic since EFSA didn't peer-review them.[11]
Metam and its breakdown products furthermore kill soil organisms like earthworms, pollute groundwater, pose a high risk for birds and mammals and a risk for long-term transport. Enough reason to ban Metam forever.

11. The emission data of the applicants are not given in the EFSA report and it is not sure if the data are relevant for the actual use. Noted is: MITC air concentrations are proposed for the operator/worker/bystander exposure risk assessment. These concentrations have not been peer reviewed by fate and behavior experts

7. CONCLUSION

At least 15 EU Member states, among which France, Spain, Italy, The Netherlands and the UK, are not serious on the transition to a sustainable agriculture. They keep on using Metam Sodium, known to kill all soil life and polluting the air, on a large scale to keep monocultures in place. Their self-constructed 'Council Decision' of 2009 requires them to seriously look for alternatives, through action plans. But action plans are missing in all 15 cases. Also the other provisions of 'self-regulation' are generally not worked on in a proper way.

The fact the 12 other Member states do not need Metam Sodium questions the essentiality of this derogation. Given the transition to Integrated Pest management (IPM) and the mandatory management practices for farmers , a transition which is foreseen to be implemented in 2014, these "dirty 15" not only need to change practices and –more importantly- their intentions.

First of all, Commissioner Dalli should stop a new attempt of applicants (and the 15 Member States) to legalise Metam in a fast track procedure (Resubmission). Secondly Mr. Dalli should enforce the Council Decision and oblige the "15" to put in place action plans for alternatives which ft in IPM like crop rotation and resistant crop varieties.

The fact that the decision-taking process in the Standing Committee is very in transparent and done behind closed doors also contributes to back laggards not being made visible and unhealthy situations covered. Not many people will be aware of the massive amounts of gas pumped in the fields and be aware of the risks they are exposed to without knowing.

Given the endless row of derogations and loopholes, it is necessary to look at the 'greater picture'. Regulation 1107/2009 provides for "the objective of protecting human and animal health and the environment should take priority over the objective of improving plant production" (recital 24). This fundamental principle of pesticide regulation is in daily practice apparently forgotten many times and probably not accepted by heart by many regulators. The pesticide unit in Europe luckily moved from DG Agriculture to DG SANCO but in almost all EU Member states pesticide policy is firmly in the hands of Agricultural Ministries. This could explain why in many cases the interests of farmers are more on the radar of national representatives than human health and the environment. In fact the opposite of what the Directive intended.

it is necessary to look at the 'greater picture'

The interests of farmers served by Agricultural Ministries and the derogations will be mainly those relying heavily on pesticides, using fixed spraying calendars and the chemical umbrella as their way of crop management. This is quite strange as Europe just adopted the Directive on the sustainable use of pesticides (128/2009/EC) making non-chemical methods and practices first choice. So national agricultural policy in several EU Member States seems to be focussed very much on those farmers using outdated practices. Supplying back-laggards with more pesticides will not only be seen as support for their management style but also stops innovation to non-chemical methods and practices.

8. RECOMMENDATIONS

Start an EU-wide programme to help the transition to a sustainable agriculture. This documents shows many Member States have not yet the right mindset for a change. They might feel they make their farmers happy by keeping old outdated practices in place. But this doesn't help farmers and keeps on giving agriculture its bad image.

Many companies offering biological control techniques or companies assisting farmers to change to integrated pest management will get a problem getting their practices introduced in the market as long as pesticides are abundantly present. The loophole policy in fact doesn't help agriculture in the end as innovation to sustainable practices are delayed.

Make the elimination of 'bad practices' a first priority. Ban all soil fumigants to promote a wide crop rotation. Ban the neonicotinoids who ruin biodiversity to promote biological control. Limit the use of vulnerable crop varieties, make mechanical weeding standard practice, etc.

Put an end to the long row of loopholes like "essential use" (use of banned pesticides), "provisional use" (use of new pesticides while the decision to approve is not made yet), "mutual recognition" (forcing EU member states to allow a pesticide when it is authorised in another), "prolongation" (allow market access without evaluation), "minor use" (a yet to be defined new possibility to use non-approved pesticides), "resubmission" (allow a banned pesticide to stay on the market while being assessed in a fast track priority procedure), "confirmatory data"(allowing market access without a full dossier). It will not be easy to find EU approval without derogations. These derogations only favour standard industrial agriculture.

Transparency should be improved. Standing Committee should have open meetings and make meeting documents available. There is no reason why these documents and opinions should be kept secret. The intransparency also gives the EU a wrong image of dealing behind closed doors and keeping stakeholders at a distance.

Member States looking for misusing rules and provisions should be controlled and the rules enforced by Commission.

Brussels, 2 November 2011.

PAN-Europe
Rue de la Pépinière 1, B-1000, Brussel
Tel. + 32 2503 0837, Fax. + 32 2402 3042
http://www.pan-europe.info/

Pesticide Action Network Europe is a network of NGOs working to minimise negative effects and replace the use of hazardous chemicals with ecologically sound alternatives. Our network brings together consumer, public health, and environmental organisations, trades unions, women's groups and farmer associations from across 19 European countries. We work to eliminate dependency on chemical pesticides and to support safe sustainable pest control methods.

Text:
Hans Muilerman

Graphic design:
Krisztina Mogyoró
www.envitrend.hu