



**Pesticide
Action
Network**
Europe

**Dealing with industry
behind closed doors.**

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To: Ms. Kyriakides
European Commissioner for Health and Consumer Policy
European Commission
B-1049 Brussels.

Concerning: Braunschweig meeting.

Dear Health Commissioner Ms. Kyriakides, we were unpleasantly surprised to learn about another secret meeting of Commission and national authorities with industry on zonal pesticide issues. Your services invited pesticide industry as the only stakeholder to the meeting. We refer to the 5-7 December 2023 workshop meeting in Braunschweig called 'Zonal Authorisation Procedure Improvements and Developments' (ZAPID), organised by the Federal Office of Consumer Protection and Food Safety of Germany. It is already the second time pesticide industry, after Dublin 2016, is offered this unique opportunity to agree with policy officers of Commission and member states in the workshop on zonal pesticide policy and further decreasing the protection of EU citizens and their environment. Pesticide industry gets direct access to decision-makers at dinners, coffee breaks and even a Christmas market event and create personal bonds. An opportunity that those organisations representing the public is withheld. You send the invitations to industry and you know very well it is unacceptable to design policy and derogations exclusively with industry, excluding all other stakeholders. Moreover it is illegal. The legal obligation to make an "independent, objective and transparent assessment assessment", as laid down in regulation (CE) 1107/2009 is gravely violated.

Failing independence.

The regulation of pesticides was gradually created 50-60 years ago but still has failed to update the regulation process to current standards. A major conflict of interest is the fact that industry tests its own products. Major fraud scandals in the 80-ties (IBT, Craven Laboratories) did not change this conflict and only a certificate obligation (GLP, Good Laboratory Testing) was added to testing. Still the authorities fail to guarantee that tests are properly performed or the outcome properly recorded. The next step is the evaluation by the Rapporteur Member State of the evaluation of the dossier submitted by industry. Again this evaluation, the DAR, is written as a draft by pesticide industry. Industry is thus not only testing its own products, but also writing its own risk assessment. The Rapporteur only every now and then adds conclusions to the DAR if it agrees or not. The evaluation is assisted by soft legislation, the guidelines. Again these guidelines in many cases are co-written by industry and do not include current scientific insights. This was

for instance the case on a 2010-guideline on bees¹, the 2002-guideline on insects² (still used up to this day), on comparative assessment³ and many other guidelines. Industry writing its own rules⁴. With the effect that biodiversity is not protected as can be witnessed by the current biodiversity collapse in agricultural areas⁵. On top of this, industry with its deep pockets, works to influence policy makers at all levels⁶. Food Authority EFSA was created to have the final independent scientific word on the pesticide evaluation, drafting a peer review on the DAR, but -again- EFSA was flooded with industry-linked experts and even seemed to have a preference for industry views, for example by insisting that carcinogens can be used at a so-called 'safe level'⁷, just like industry advocated for. In one case a complete industry lobby group was turned into an EFSA expert group⁸, promoting a tool (TTC, Threshold of Toxicological Concern) that would save costs for industry and avoid expensive animal testing. Not coincidentally, several employees at EFSA management that work on pesticides has an industry background or other conflicting links⁹. In conclusion, pesticide regulation includes major conflicts of interest in testing and risk assessment and is for a part designed by pesticide industry itself. Still you keep on offering industry privileged positions to further derail pesticide policy.

Commercial interests prevail.

Putting industry's interest at a platform is a pattern in pesticide policy. In the 3 zonal meetings for pesticide authorisation industry was invited exclusively to each of them in the past years, while other stakeholders were not invited. And this is also the case for a number of other secret meetings like participating in the risk envelope meeting (2010), PAI-meeting (2017), SUR-meeting (2018), and the EPPO expert group on minor use (2018). And there is no public information on these meetings or their minutes published. For these meetings industry was invited exclusively, denying all other stakeholders this opportunity. But industry wanted more. They asked for a workshop on the same topics and got their way in Dublin (2016) with great opportunities to create network bonds with the decision-makers during dinners and coffee breaks and corridors. The meeting was kept secret for several years. Now industry again asked for an exclusive workshop and again they got their way, now in Braunschweig, 5-7 December 2023.

It is very unacceptable to discuss policies or derogations on authorisation exclusively with industry but it is also a clear violation of the rules on doing an independent, objective and

¹ EPPO (European and Mediterranean Plant Protection Organization), 2010. PP 1/170 (4): Side-effects on honeybees. 40, 313-319

² Commission, DG SANTE, Guidance Document on Terrestrial Ecotoxicology Under Council Directive 91/414/EEC, SANCO/10329/2002 rev 2 final, 17 October 2002

³ <https://pp1.eppo.int/standards/PP1-271-3>

⁴ <https://www.pan-europe.info/sites/pan-europe.info/files/public/resources/reports/industry-writings-its-own-rules-pdf.pdf>

⁵ Francisco Sánchez-Bayo, Kris A.G. Wyckhuys, Worldwide decline of the entomofauna: A review of its drivers, Biological Conservation 232 (2019) 8-27.

⁶ <https://www.greenqueen.com.hk/big-ag-eu-farming-lobby-politicians-pesticide-use-reduction-green-policies-farm-to-fork/>

⁷ <https://www.pan-europe.info/sites/pan-europe.info/files/public/resources/reports/carcinogens-in-our-food-aug-7.pdf>

⁸ <https://www.pan-europe.info/sites/pan-europe.info/files/public/resources/reports/pane-2011-a-toxic-mixture-industry-bias-found-in-efsa-working-group-on-risk-assessment-for-toxic-chemicals.pdf>

⁹ https://www.pan-europe.info/sites/pan-europe.info/files/public/resources/press-releases/PR%20with%20LIFE%20logo/EFSA%20and%20science%20final%20april%202021_Final.pdf

transparent assessment as a basis for decision-making (art. 36.1 the pesticide Regulation 1107/2009 and Art.6.2 of Regulation 178/2002, the EU Food Law).

Saving costs in stead of saving humans livelihood and its environment.

Both industry and the national authorities (ministries of agriculture) aim at further 'harmonising' decision-taking on pesticides, even possibly completely abolishing the national authorisation. For industry this would save the costs of testing and designing dossiers on the pesticide product (the formulation), for the ministries (and the related authorisation body) save costs of evaluation. Both also have an interest in removing 'blockades' in getting pesticides quickly approved on the market and for ministries easy access of pesticides for 'their' farmers. Both also are not very much interested in the objectives of the pesticide Regulation, the protection of citizens and their environment. This makes the cosy relations of industry, Member States and Commission the more questionable. All topics discussed in Dublin and Braunschweig are about cost-reduction and none is about increasing the protection of citizens and the environment. One examples is mutual recognition, allowing studies to be recognised in other EU countries, also between zones and saving costs for industry. Another is minor uses, a provision that allows 'minor' crops pesticides without a proper safety evaluation, good for industry and the ministries and their farmers. Again another is the toxicity of formulations, the actual sprayed mix of pesticide + coformulants (more effective killing), and ways to avoid real toxicity testing. Again another is the 'risk envelope', grouping crops to prevent individual evaluation of safety. And industry will be pushing to keep the farming as intensive as it is by promoting drone spraying, genetic engineered crops, precision farming and all kind of technical 'solutions' to avoid pesticide reduction programs. And to avoid the implementation of prevention techniques & non-chemical methods (IPM, Integrated Pest management). A legal requirements for farmers since 2014.

Dear Ms. Kyriakides, we do not think it is right what your services are doing to invite industry exclusively. This will further undermine the pesticide Regulation that aims to protect humans and the environment. We urge you to reverse course and stop organising these undermining workshops and meetings.

Thank you in advance for your answer.

Sincerely yours,

Hans Muilerman,

Pesticide Action Network, Brussels.