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Analysis of UK Pesticides Safety Directorate report on the proposed cut off criteria and substitution provisions

On 12 May the UK Pesticides Safety Directorate (PSD) published an assessment of the Commission's proposals for 'cut off' criteria and substitution provisions, and of the amendments proposed by Parliament.¹ The PSD's analysis is presented both in terms of substances affected and the potential impacts on UK agriculture.

PAN Europe welcomes the PSD study in providing a clear and transparent contribution to the formulation of EU pesticides legislation. We also note that the PSD's estimates of the proportion of pesticides affected by the Commission's 'cut off' criteria reflect those provided by the Commission and by PAN Europe.

At the same time, the report's findings must be considered within the parameters of its methodology. The study includes no assessment of the role that new substances not yet included in Annex 1 might play in future crop protection. Nor does it take into account the positive influence that regulatory decisions taken today may have on the development of newer, safer pesticides tomorrow. More problematically, the proposed EU legislation is considered only in terms of agrochemical crop protection; thus giving no consideration to the advantages of protecting insects as pollinators, nor to the human health or environmental benefits derived from eliminating Europe's most hazardous pesticides from the EU food chain.

Analysis of specific aspects of the PSD study is given below:

- **No UK losses under the Commission's proposals**
According to the PSD study, implementation of the Commission's proposed cut off criteria, assuming a strict definition of the term 'endocrine disruptor', would remove up to 5% of pesticides (active substances) from use in the EC. This estimate matches both the Commission's own figure for the 'cut off' criteria, as well as that provided by PAN Europe. The PSD study identifies no specific impacts on UK agriculture were these 5% of substances removed from agricultural use.
- **New pesticides are not included in the study**
A 2008 study sponsored by Bayer and Syngenta found 471 pesticides (active substances) either on Annex 1 or pending;² including 55 new (new after 1993) pesticides for which the evaluation process is still ongoing. Yet the PSD report is based on an assessment of 286 pesticides (active substances). Furthermore 'new active substances not yet included in Annex 1' are specifically excluded

from the PSD's analysis. PAN Europe knows of no reasonable grounds upon which to reject all new pesticides currently under evaluation, and believes that many of these pesticides can provide valuable pest control options above and beyond those considered under the terms of the PSD analysis.

- **No consideration of health or environmental gains**

While the greater protection of human health and the environment form the core basis of both the Commission's proposed 'cut off' criteria, and the amendments adopted by Parliament, the PSD provides no assessment of the positive health or environmental impacts these provisions would deliver. No comment is given on potential gains for biodiversity, population ecology, or the survival of endangered species. Similarly, the health benefits associated with the removal of carcinogens, mutagens, reproductive toxins and endocrine disruptors from the EU food chain receive no consideration.

- **Saving bees benefits EU agriculture**

Amendment 244 adopted by Parliament on 23 October 2007 seeks to better protect bees from exposure to insecticides. These substances include clothianidin – a pesticide recently responsible for causing mass deaths among bees in Germany. In assessing the potential impacts of Parliament's proposal on this matter the PSD focuses entirely on the removal of 40 pesticides linked with toxicity to pollinators. No assessment is provided relating to the benefits to agricultural productivity associated with assuring the continued existence of bees as pollinators.

- **Regulation drives R&D**

Speaking at the Council meeting of 19 May 2008, Commissioner Androulla Vassiliou highlighted the importance of providing incentives to industry to produce newer, safer pesticides within the context of the proposed cut off criteria. The PSD makes no assessment of the potential for regulatory reform to promote the identification of more effective agrochemicals. Instead the PSD adopts the same narrative as industry in suggesting that the Commission's proposals 'need to be considered against the backdrop of substantial losses of active substances which have already occurred' as a result of 91/414. No mention is made of the 129 new pesticides (new after 1993) either in Annex 1 or pending.

- **No impact on warfarin**

The PSD provides a detailed summary of the potential impacts that the loss of warfarin may pose to the control of grey squirrels. Yet the proposed 'cut off' criteria make specific provision for the use of substances in 'closed systems' – thus ensuring the continued use of warfarin as a rodenticide. No reasonable interpretation of the Commission's proposals points towards increases in the population of grey squirrels leading to 'increased native tree death' as envisaged under the scenario set forth by the PSD.

¹ A full copy of the UK Pesticide Safety Directorate report can be downloaded from [http://www.pesticides.gov.uk/uploadedfiles/Web_Assets/PSD/Impact_report_final_\(May%202008\)\(1\).pdf](http://www.pesticides.gov.uk/uploadedfiles/Web_Assets/PSD/Impact_report_final_(May%202008)(1).pdf)

² Nomisma, European Agriculture of the Future: the role of plant protection products – economic impacts, January 2008