To: Minister of Agriculture,
Minister of Environment
CC: National ozone office

PAN Europe

Pesticides Action Network Europe

Development House
56-64 Leonard Street
London EC2A 4JX
United Kingdom
Tel +44 (0) 207 065 0920
Fax +44 (0) 207 065 0907
Email : sofia-paneurope@pan-uk.org
Website: www.pan-europe.info

December 2005

Subject: Elimination of "Critical Use Exemptions" for methyl bromide

Dear XXX

We are very concerned about the large quantities of methyl bromide permitted for so-called "Critical Use Exemptions" in 2005, as reported in the Commission Decision 2005/625/EC (August 2005, Official Journal L 219, 47-53). As an ozone-damaging chemical, methyl bromide has a substantial negative effect on the ozone layer, and thereby has negative effects on human health and the environment. In addition, methyl bromide is a highly toxic pesticide, and pesticide workers who use methyl bromide have an increased incidence of prostate cancer[1]. Methyl bromide gas poses a significant health risk to agricultural workers and people in nearby communities when it drifts from fields, or is released in large quantities after treating flour mills or food factories.

Under the Montreal Protocol and EC Regulation 2037/2000, methyl bromide was scheduled to be phased out by 31 December 2004 for all uses except quarantine and pre-shipment. However, Commission Decision 2005/625/EC paragraph (3) says that the Commission received proposals for Critical Use exemptions from several national authorities in Europe. Exemptions were granted (in some cases at a slightly lower level) as listed in Annex I of the Decision.

Technically and economically feasible alternatives are available for nearly all cases, apart from certain special situations for which alternatives are genuinely not available, that would amount to less than about 100 tonnes in total in the EU. In the vast majority of cases there is no legal basis for granting exemptions, as the following points demonstrate:

1. EC Regulation 2037/2000 Article 3, 2(ii) provides the basis for granting any exemptions. It states that methyl bromide for critical use exemptions **"shall be allowed only if no adequate alternatives"** are available from any of the Parties (Parties refers to any countries that are members of the Montreal Protocol, about 150 countries).

   Methyl bromide is merely one of many methods for controlling pests such as nematodes and fungi in soil, and insects in flour mills. Alternatives are widely used in all countries of Europe, including our own countries and others that requested Critical Uses. Examples of

[1] MBTOC (1995) "Report of the Methyl Bromide Technical Options Committee for the 1995 Assessment – Review of alternatives to methyl bromide"; Alavanja et al. (2003) "Use of Agricultural Pesticides and Prostate Cancer Risk in the Agricultural Health Study Cohort", American Journal pf Epidemiology, Vol. 157, No 9.

available alternatives can be found in case studies published by UNEP, MBTOC and others[2] and can also be found in a European database of available alternatives (on website of Ozone Secretariat, compiled as a requirement of Decision Ex.I/4 of the Montreal Protocol[3]).

Since adequate alternatives are available in our own region and from many Parties, there is no legal basis for granting exemptions.

2. The Montreal Protocol Decision IX/6 and Regulation 2037/2000 Article 3, 2(ii) lists several criteria that have to be met before any exemptions can be granted. The first criteria in Decision IX/6 is that **"significant market disruption"** must be determined before any use of methyl bromide can qualify for exemptions. Since alternatives can provide crop yields similar to MB in the vast majority of cases, the market for these crops cannot be disrupted. Even if MB users claim that crop yields would be reduced slightly, this would not be greater than the fluctuations that occur in any crop from year to year (due to diverse reasons). Moreover, the market for crops such as strawberry, melon, tomato and other vegetables is very large today because it's a European market – suppliers can source products from any country they wish in the EU, also Africa, Eastern Europe and further afield. It is therefore impossible for "significant market disruption" to occur when methyl bromide is phased out.

We would be grateful to receive a description of the procedures and steps that the Environment Ministry and Agriculture Ministry intend to take to eliminate all methyl bromide exemptions by the end of 2005 [or within six months]. We would also like to know if the Environment or Agriculture Ministry plans to request Critical Use exemptions for 2006 or 2007? If so, we respectfully request a list of the specific uses and pest species.

We note that some countries made significant efforts to reduce methyl bromide and eliminated it well before the international phase-out date of 2005. The Netherlands, for example, was the largest user of methyl bromide in Europe in 1970s and early 1980s, but phased out all soil uses by 1992 because government studies reported on accidents and poisonings of agricultural workers, water pollution in areas with a high water table, and health risks to the local community from methyl bromide gas emitted in the local air[4]. The government examined the impact of phase out and concluded that crop production did not suffer, in fact production improved because the phase-out stimulated innovation and useful modernization in the horticulture sector. Many non-chemical methods were adopted, including crop rotation, IPM, steam, potting mix (substrates) and bio-controls.[5] In the post harvest sector, the Netherlands adopted alternatives such as IPM, heat, pressure and controlled atmospheres.

There is an urgent need to protect the fragile ozone layer – and thereby protect human health - by eliminating methyl bromide this year. It is desirable that methyl bromide should be replaced by environmentally sound alternatives where feasible. The problem needs to be solved by a two-stage approach, outlined below:

---

[2] See, for example, UNEP 2000 "Case studies on alternatives to methyl bromide, Volume I: Technologies with low environmental impact"; UNEP 2002 "Case studies on alternatives to methyl bromide, Volume II: Technologies with low environmental impact in countries with economies in transition"; Chapters 4, 5 and 9 in MBTOC 2002 "Report of the Methyl Bromide Technical Options Committee"; Runia et al. 2005 "Case studies on Methyl Bromide Alternatives" Wageningen.

[3] http://www.unep.org/Information_for_the_Parties/Decisions/Decs_MeBr/Dec_Ex_I_4(1)/MBr_Alternatives

[4] Report of the Netherlands Parliamentary Session, Lower House 1980/81. 16 400, Chapter XIV, 50. The Hague.

[5] MINVROM 1997. Good Grounds for Healthy Growth. VROM, The Hague.

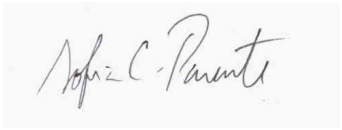
Stage 1: Eliminate methyl bromide immediately by introducing non-toxic alternatives or, where not available, chemical alternatives.

Stage 2: Develop and adopt non-toxic treatments to replace any toxic chemical alternatives in the next few years.

We would like to request the Environment and Agriculture Ministries to draw up a two-stage strategy for ensuring that methyl bromide will be eliminated immediately, and that chemical alternatives to methyl bromide will be replaced in the next 3-5 years by non-toxic and environmentally sustainable alternatives.

We hope for constructive action on this important matter by the relevant Ministers, and look forward to receiving your response.

Yours sincerely,



(Sofia Parente, Coordinator PAN Europe)