

Mr Stavros Dimas
Environment Commissioner
European Commission
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cc: Ms Catherine Day
Mr. Peter Carl

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Subject: Elimination of "critical use exemptions for methyl bromide".

Dear Commissioner Dimas,

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 of 23 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 workers who use methyl bromide have an increased incidence of prostate cancer¹.

Under the Montreal Protocol and EC Regulation 2037/2000, methyl bromide was scheduled to be phased out on 31 December 2004 for all uses except quarantine and pre-shipment. However, the Commission Decision of 23 August 2005 indicates that the Commission and Member States approved exemptions amounting to 2,777 tonnes of methyl bromide for 2005.

Technically and economically feasible alternatives are available for nearly all of this tonnage. Apart from certain special situations that would amount to less than about 100 tonnes in total, there is no legal basis for continuing to grant exemptions in the EC, as the following points demonstrate:

1. EC Regulation 2037/2000 Article 3, 2(ii) states that production and importation of methyl bromide for critical use exemptions "**shall be allowed only if no adequate alternatives or recycled or reclaimed methyl bromide is available** from any of the Parties."

Alternatives are widely used in all countries of Europe, including the countries that requested Critical Uses. Examples of available alternatives can be found in case studies published by UNEP, MBTOC and others² and can also be found in a European database of available alternatives (on website of Ozone Secretariat, compiled by the European Commission as a requirement of Decision Ex.1/4 of the Montreal Protocol).

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 of Epidemiology, Vol. 157, No 9.

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"; MBTOC 2002 "Report of the Methyl Bromide Technical Options Committee"; Runia et al. 2005 "Case studies on Methyl Bromide Alternatives" Wageningen.

Since adequate alternatives are available from many Parties, there is no legal basis for granting further exemptions, except for several very minor uses for which alternatives are genuinely not available – the eligible exemptions would amount to less than 100 tonnes methyl bromide in total.

2. EC Regulation 2037/2000 Article 3, 2(ii) also states that the Commission shall ... “apply the criteria set out in Decision IX/6 of the Parties...” The first criterion in Decision IX/6 is that significant market disruption must be determined before any use of methyl bromide can qualify for exemptions. Since alternatives provide crop yields similar to MB in the vast majority of cases, the market 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, whatever one’s perspective on globalization, it is a fact that the market for crops such as strawberry, melon, tomato and other vegetables is very large today because it’s a global market – supermarket chains are able to source products from any country they wish, including Africa and Latin America. The large size of the market for these crops makes it impossible for significant market disruption to occur.

We would be grateful to receive a description of the procedures and steps that the European Commission intends to take in order to comply strictly with the criteria in Regulation 2037/2000 and eliminate virtually all exemptions for methyl bromide by the end of 2005. We expect the Commission to carry out its allotted task by enforcing the Regulation in full.

If the EC plans to license any MB for 2006 or future years we respectfully request to receive a full written justification for each critical use exemption, demonstrating how it complies with each relevant clause of the EC Regulation and Decision IX/6.

We note that some countries made significant efforts to reduce methyl bromide and have eliminated it before the phase-out date, whereas other countries appear to have made very little effort.

There is an urgent need to protect the ozone layer – and human health - by eliminating methyl bromide this year. In addition, it is important that MB should be replaced by environmentally sound alternatives. While recognizing that there may be a short-term role for chemical substitutes in situations where non-toxic alternatives are not available yet, we would like to request the Commission to draw up a strategy for ensuring that chemical alternatives to methyl bromide will be replaced by non-toxic and environmentally sustainable alternatives in the next five years.

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

Yours sincerely,



Sofia Parente
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