

Rationale for a progressive ban of Highly Hazardous Pesticides by Fair Trade Organisations



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Abbreviations

EPA	Environmental Protection Agency
Fair Trade	The Fair Trade movement advocates the payment of a higher price to marginalized producers and workers to help them move towards economic self-sufficiency as well as social and environmental standards. Fair Trade organisations and companies work with producers in developing countries on the basis of standards to help them get a better deal in the market for the products they grow and make such as coffee, cocoa, sugar, tea, bananas, cotton, fruit, flowers or handicrafts.
GHS	Globally Harmonized System of Classification and Labelling of Chemicals
HHPs	Highly Hazardous Pesticides
pbHHP	progressive ban of Highly Hazardous Pesticides
WHO	World Health Organisation

ing a prohibited materials list. It was the FAO who pioneered it and in 2007 it's Panel of Experts on Pesticide Management outlined criteria to identify HHPs (for more see the chapter on this issue and the Annex). As FAO has no legal power to implement the pbHHPs at national or regional levels it is now up to all stakeholders mentioned in the *International Code of Conduct on the Distribution and Use of Pesticides* to implement the progressive ban of Highly Hazardous Pesticides (pbHHPs). These stakeholders are governments, the pesticide industry, the food industry, farmers, and public interest groups.³ As public interest groups are directly addressed in the Code of Conduct PAN took up the task and further developed the idea of a pbHHPs based on the criteria developed by the FAO Panel of Experts on Pesticide Management.

Using all the criteria listed by the FAO Panel of Experts on Pesticide Management and by adding some additional criteria (to address the environment and the hormonal system) PAN International developed the "PAN International List of Highly Hazardous Pesticides". This list is available at http://fao-code-action.info/action_centre.html. It is based on well accepted classification systems and it lists highly hazardous pesticides which should be eliminated globally. PAN suggests taking this "PAN List of Highly Hazardous Pesticides" (PAN List of HHPs) as a basis for developing a prohibited pesticides list.

In the following section a rationale will be described for creating a prohibited pesticides list that allows a gradual implementation by agricultural producers. It is based on the following two questions.

- What is the scientific, regulatory and political basis for developing a prohibited pesticides list?
- How could the progressive ban of HHPs be done stepwise?

³ See www.fao-code-action.info

2 What is the scientific, regulatory and political basis for developing a prohibited pesticides list?

A list of prohibited pesticides can be developed on the basis of:

- legally binding regulatory standards,
- voluntary regulatory standards,
- toxicological classifications of pesticides by hazard.

This three kinds of norms will be described in the following. It is important to note that legally binding regulatory standards as well as voluntary regulatory standards are based on the third category, the toxicological classifications by hazard.

2.1 Legally binding regulatory measures

These are measures either undertaken by national or regional governments to restrict or ban the use of pesticides within countries or regions (e.g. the EU) according to their legal framework, or by international structures which agree on conventions or protocols that are binding for those countries which ratify or sign them.

International regulations which are highly relevant for pesticides are the Montreal Protocol, the Stockholm Convention and the Rotterdam Convention, all of which are binding for the parties who have ratified or signed them. It can be assumed that there is a very broad agreement that the pesticides covered by these international conventions are highly hazardous and must or should be phased out.

2.1.1 The Montreal Protocol on Ozone-Depleting Substances (Montreal Protocol)

The Montreal Protocol was adopted in 1987 and has been amended several times since. It is binding for all countries who have ratified or signed it. The goal of the Montreal Protocol is to protect the ozone layer by reducing and eliminating global emissions of ozone depleting substances due to human activities. Methyl bromide is an ozone-depleting pesticide covered by the Montreal Protocol. Methyl bromide is listed in the PAN International List of Highly Hazardous Pesticides.

2.1.2 The Stockholm Convention on Persistent Organic Pollutants (POPs Convention)

The POPs Convention entered into force in 2004. For all those countries which have ratified or signed it the POPs Convention is legally binding. The aim of the Stockholm, or POPs, Convention, is to globally eliminate Persistent Organic Pollutants. Pesticides covered by the POPs Convention are highly toxic plus they are persistent and therefore lasting for decades in some instances before degrading into less dangerous forms. They evaporate and travel long distances through the air and through water, particularly to Arctic and Antarctic regions where they bioaccumulate in the food chain, including in fatty tissue of humans and animals.

The chemicals covered by the POPs Convention have all already been banned in Europe before the POPs Convention entered into force. But some are still in use in developing countries, legally as a result of exemptions allowed under certain conditions by the Parties of the POPs Convention and illegally where exemptions have not been agreed.

All POPs covered by the Stockholm Convention are listed on the PAN International List of HHPs.

2.1.3 The Rotterdam Convention (PIC Convention)

The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade which is also known as the Rotterdam Convention or PIC Convention, came into force in 2004. The aim of the PIC convention is to guarantee information exchange in international trade in pesticides that are banned, withdrawn or severely restricted in at least two countries in two regions for health or environmental reasons.

A pesticide listed in the Annex to the PIC Convention should not be exported to another country unless the importing country's government has been informed of the reasons for regulatory action, the hazards and risks of the pesticide and has positively consented to the import of the pesticide. The PIC Convention does not ban chemicals. It rather gives importing countries the information they need to take autonomous and informed decisions about chemicals that may be imported.

All pesticides covered by the Rotterdam Convention are listed on the PAN International List of HHPs.

2.2 Voluntary standards

These are standards that have been outlined by entities, institutions or organisations that have no legal power but take a lead in guiding international pesticide management policies. The most important one is the International Code of Conduct on the Distribution and Use of Pesticides.

2.2.1 The International Code of Conduct on the Distribution and Use of Pesticides (International Code of Conduct)

The International Code of Conduct was one of the first voluntary Codes of Conduct and it is the most comprehensive set of voluntary standards of conduct for all public and private entities engaged in, or associated with, the distribution and use of pesticides. Since its adoption in 1985 (the most recent revised version was adopted in November 2002) it has served as the globally accepted standard for pesticide management. The International Code of Conduct is often called the FAO Code as it was adopted by the FAO Conference.

FAO officially acts as a neutral forum where all nations meet as equals to negotiate agreements and debate policy. FAO is also a source of knowledge and information and it aims to support developing countries and countries in transition to modernize and improve agricultural, forestry and fishery practices, and to ensure good nutrition for all. FAO can not set standards that are legally binding for national or regional governments. Instead FAO supports member countries in solving problems related to agricultural production and as such has developed a long list of guidelines related to the production, marketing, use and disposal of pesticides.

In November 2006 the FAO Council suggested that the activities of FAO could include “*risk reduction, including the progressive ban on highly hazardous pesticides*”. In April 2007 the FAO Council informed its Committee on Agriculture (COAG)⁴ of its intention to develop a new initiative for pesticide risk reduction. COAG welcomed the initiative to reduce risks associated with the use of hazardous pesticides including the progressive ban on highly hazardous pesticides. And in October 2007 the FAO Panel of Experts on Pesticide Management discussed a paper called “*Addressing Highly Toxic Pesticides (HTPs)*” with a note from the Secretariat explaining: “*Through this thought-starter FAO wishes to start its work on highly hazardous pesticides.*” (...) “*This thought-starter builds on the information document provided to COAG on pesticide risk reduction*”⁵. As a first step, this paper focuses on options for defining highly hazardous pesticides.”

Based on this paper the Panel of Experts listed criteria to identify highly hazardous pesticides (see Annex 2). This work of the Panel of experts took place within the framework of the implementation of the Code of Conduct.

While discussing the criteria the Expert Panel considered also addressing environmental criteria. In the end there were not included as the Panel decided to only use criteria being based on internationally consented criteria, and they felt that human toxicity should have the first priority. Additionally they did not include the criteria “endocrine disrupting properties”, as there is also no internationally agreed reference available. At its 2008 meeting the panel agreed to put the issue of endocrine disrupting properties of pesticides again on the agenda of a future meeting.

2.2.2 The PAN tools to support the identification of hazardous pesticides

Before PAN International published the PAN List of HHPs 2009 there were three PAN tools to support the identification of hazardous pesticides.

The Dirty Dozen

In 1985 on the World Environment Day PAN International launched the campaign in order to describe what kind of adverse effects pesticides can have. This PAN International “Dirty Dozen” was never intended to be a “black list”. Its aim was rather to illustrate the various adverse effects pesticides can cause. However, several NGOs, governmental representatives and Fair Trade organisations used the PAN “Dirty Dozen” as if it had been created as a comprehensive black list.

It should be noted that another “Dirty Dozen” is mentioned quite often, the dozen (12) chemicals being covered by the Stockholm Convention (for more see <http://chm.pops.int>).

⁴ The FAO Committee on Agriculture (COAG) conducts periodic reviews and appraisals of agricultural and nutritional problems in order to propose concerted action by Member Nations and the Organization. It also reviews the agriculture and food and nutrition work programmes of the Organization and their implementation, with emphasis on the integration of all social, technical, economic, institutional and structural aspects in promoting agricultural and rural development. Its functions are enumerated in Rule XXXII of the General Rules of the Organization. Membership must be renewed formally each biennium.

⁵ This document is available at: http://www.fao.org/unfao/bodies/coag/coag20/index_en.htm

PAN Bad Actors

To address requests for information on “bad pesticides” PAN North America developed a comprehensive pesticide data base. The Pesticide Action Network (PAN) Pesticide Database is a one-stop location for toxicity and regulatory information for pesticides. The database and website are updated and enhanced by Pesticide Action Network North America (PANNA). In this database several pesticides are signed as “PAN Bad Actors”⁶ to support users in identifying hazardous pesticides. The “PAN Bad Actors” have never been used to come up with a separate “black list”.

The PAN List of Lists

Another tool PAN created to make hazardous pesticides more easily visible is the *List of Lists* created by PAN UK (for more see <http://www.pan-uk.org/List%20of%20Lists.html>). It provides a convenient reference for identifying those pesticides associated with particularly harmful health and environmental impacts. The *List of Lists* 2009 covers pesticides which are: banned under international conventions; classified as hazardous by the World Health Organisation; carcinogenic or endocrine disrupters; banned in the European Union; and many others. The 3rd edition also incorporates a list of endocrine disrupters compiled by *Our Stolen Future*, a group of independent scientists, and, in the context of international concern about declining bee populations, a section on pesticides highly toxic to bees has been added.

The PAN International List of Highly Hazardous Pesticides (PAN HHP List)

In 2009 PAN International published the PAN HHP List. This list is the only list which can be used as a PAN black list. PAN based this PAN HHP List on the criteria being listed by the FAO Panel of Experts on Pesticide Management. In addition to these criteria PAN added other criteria based on internationally accepted classifications such as some environmental indicators, plus endocrine disrupters as defined by the EU.

2.3 Toxicological Classifications of Pesticides by Hazard

The regulatory measures described above are all based on toxicological classifications of pesticides by hazard. Classifications of pesticides by hazard have been developed for decades in order to systematically communicate how hazardous a pesticide is and which risks might have to be expected (e.g. acute effects or long term effects such as cancer or reproductive effects) if one is exposed to the substance.

On the basis of data and information about the hazards of a pesticide, governments decide via a risk assessment if a pesticide can be registered for use under certain conditions or if it will be severely restricted or banned.

Toxicological classifications have been developed by different institutions. The following classifications are among the most acknowledged and recognized.

⁶ PAN Bad Actors are chemicals that are one or more of the following: highly acutely toxic, cholinesterase inhibitor, known/probable carcinogen, known groundwater pollutant or known reproductive or developmental toxicant.

2.3.1 The World Health Organisation (WHO)

As an international Organisation WHO has no decision making power on a national level. It recommends classifications for pesticides by hazard. This classification has been updated many times. The WHO classifications are the most well known internationally. The most recent version is the "WHO Recommended Classification of Pesticides by Hazard and Guidelines to Classification – 2004"⁷ and it lists about 870 pesticides. All pesticides listed in WHO Class 1a and 1b are included in the PAN HHP list.

WHO Recommended Classification of Pesticides by Hazard and Guidelines to Classification (WHO Classification)¹⁶

Since its first approval in 1975 the WHO Classification has gained wide acceptance. Individual active ingredients are classified in a series of tables, according to the oral or dermal toxicity of the technical product, and its physical state. However, the list also provides an approach to defining the toxicity of formulations.

The WHO Classification has some limitations such as the following:

- Newly marketed active ingredients are in use but they have not been classified by the WHO
- Inhalative toxicity is not included in the WHO classification. This is a major gap as pesticide users are often exposed via inhalation, especially in developing countries where respiratory masks are often not available or not well kept.
- It does not take endocrine disrupting properties into account.

Concerns about the WHO classification have not just been raised by PAN. In 2008 the FAO/WHO Panel of Experts on Pesticide Management discussed the WHO Classification. A presentation was made by the WHO on the WHO Classification, and in particular on the approach taken for the inclusion of certain chronic hazards (the "CMR" criteria: carcinogenicity, mutagenicity and reproduction toxicity). At present, pesticides classified by the International Agency for Research on Cancer (IARC) as having a high likelihood of being carcinogenic, are specifically identified in the WHO Classification. Reproductive toxicity is taken into account on a case-by-case basis, but not all pesticides listed in the classification have been evaluated against this hazard. Concern was expressed that CMR hazards have not been, and are presently not, systematically evaluated for all pesticides listed in the WHO Classification. It therefore, contrary to acute hazards, may not provide a complete classification of CMR hazards.

However, the only other global hazard classification, the *Globally Harmonized System for the Classification and Labelling of Chemicals* (GHS), while providing criteria for CMR hazards, does not evaluate individual pesticides against these criteria. Systematic evaluation of individual pesticides against the CMR criteria of the GHS, and inclusion of its results in the WHO Classification, would according to the Panel be extremely useful.

The Panel reiterated its previously expressed concern that the acute toxicity classifications of the WHO system and of the GHS have not yet been harmonized. It therefore recommended that WHO, as soon as possible, harmonize its criteria for acute toxicity with those of the

⁷ WHO (2005): The WHO recommended classification of pesticides by hazard and guidelines to classification 2004, International Program on Chemical Safety (IPCS) & World Health Organization (WHO), Geneva

GHS. The Panel further recommended that WHO should assess the feasibility of incorporating the GHS CMR criteria, and possibly other relevant endpoints, into its Classification. Pesticides listed in the Classification would subsequently need to be evaluated against these criteria, so that the WHO Classification can be considered comprehensive and complete, not only for acute hazards but also for the most important chronic hazards. The Panel recognized, however, that such evaluations would require considerable resources.⁸

2.3.2 The Environmental Protection Agency (EPA)

EPA is responsible for the registration of pesticides in the USA. In this role the US EPA is classifying pesticides by hazards and defines conditions of use.

PAN has included the EPA classification for cancer and for bee toxicity in its HHP List. The U.S. EPA Office of Pesticide Programs maintains a List of Chemicals Evaluated for Carcinogenic Potential.⁹ This list is a product of the general risk assessment included in the process of pesticide registration. This classification can be seen as a further development of the IARC classification system, but also includes the potential exposure of humans.¹⁰ Therefore, a low exposure potential can place a pesticide in a lower category even when sufficient evidence of carcinogenicity exists. U.S. EPA's classification of carcinogenicity has changed several times over the last 20 years. The list is updated annually, but its focus is mostly on pesticides registered in the USA.

The US EPA also defines categories for environmental toxicity of pesticides¹¹. Pesticides highly toxic to bees according to the US EPA are included in the PAN List of HHP.

2.3.3 The European Union

The major legislative framework in force dealing with dangerous substances in the European Union is the Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labeling of dangerous substances¹². For the PAN International List of HHPs the final proposal for the 30th amendment¹³ was used to identify pesticides which are very toxic by inhalation as well as pesticides considered carcinogenic, mutagenic and/or toxic to reproduction.

⁸ Report 2nd FAO/WHO joint meeting on pesticide management and 4th session of the FAO panel of experts on pesticide management 6-8 October 2008 Geneva

⁹ US Environmental Protection Agency Office of Pesticide Programmes (2000): List of Chemicals Evaluated for Carcinogenic Potential, U.S. EPA Office of Pesticide Programmes, Washington, DC, USA

¹⁰ Altenburger, R., Bödeker, W., Brückmann, S., Oetken, G., Weber, C. (1999): Zur Human- und Ökotoxizität von Pestiziden, die im Bananenbau verwendet werden, Pestizid Aktions-Netzwerk e.V. (PAN Germany), Hamburg, Germany

¹¹ US EPA (2007): Technical Overview of Ecological Risk Assessment Analysis Phase: Ecological Effects Characterization, U.S. Environmental Protection Agency, Washington, DC
www.epa.gov/oppefed1/ecorisk_ ders/toera_analysis_eco.htm

¹² EC (1967): Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labeling of dangerous substances. Official Journal of the European Community No. 196. Brussels

¹³ Final proposal of the Technical Committee on Classification and Labeling of Dangerous Substances for the 30th Adaptation to Technical Progress of Directive 67/548/EEC, <http://ecb.jrc.ec.europa.eu/classification-labelling/>

Issue of concern are endocrine disrupting properties of pesticides. The EU has developed a priority list of pesticides with evidence for endocrine disrupting properties. In the PAN HHP List all EU Category 1 pesticides (at least one study providing evidence of endocrine disruption in an intact organism) and Category 2 pesticides (in vitro evidence of endocrine disruption) are included.^{14, 15, 16}

2.3.4 The International Agency for Research on Cancer (IARC)

IARC's mission is to coordinate and conduct research on the causes of human cancer, the mechanisms of carcinogenesis, and to develop scientific strategies for cancer prevention and control. The Agency is involved in both epidemiological and laboratory research and disseminates scientific information through publications, meetings, courses, and fellowships. IARC is part of the World Health Organisation (WHO). A series of monographs was started in 1972 and since then, almost 900 agents have been reviewed.

All pesticides which are classified by IARC as 'carcinogenic to humans' (Group 1), 'probably carcinogenic to humans' (Group 2A) or 'possibly carcinogenic to humans' (Group 2B) have been included in the PAN List of HHP.¹⁷

2.3.5 The Globally Harmonized System for the Classification and Labelling of Chemicals (GHS)

The GHS is a new system, which will globally change the basis for classification and labelling of chemicals in the very near future as it will replace national and/or regional systems by a globally harmonized system. The GHS is not directly legally binding at country level. However, at the World Summit on Sustainable Development (WSSD) in Johannesburg in 2002 the global governmental community agreed to implement it by end of 2008.

The GHS is based on the EU classification system. It harmonises two key areas of chemicals management: The criteria for classifying substances and mixtures according to their health, environmental and physical hazards; and hazard communication, including requirements for labelling and safety data sheets.

The EU commission developed a proposal for a regulation to implement the GHS and on 20 January 2009 the Regulation (EC) 1272/2008 on classification, labelling and packaging of substances and mixtures (CLP) entered into force. This so called CLP implements the Globally Harmonised System (GHS). CLP will stepwise replace Directive 67/548/EEC (substances) and Directive 1999/45/EC (preparations).

¹⁴ EC (2000): Towards the establishment of a priority list of substances for further evaluation of their role in endocrine disruption - preparation of a candidate list of substances as a basis for priority setting, European Commission, Delft

¹⁵ EC (2004): Commission Staff Working Document SEC (2004) 1372 on implementation of the Community Strategy for Endocrine Disrupters - a range of substances suspected of interfering with the hormone systems of humans and wildlife (COM (1999) 706), European Commission, Brussels

¹⁶ EC (2007): Commission staff working document on the implementation of the "Community Strategy for Endocrine Disrupters" - a range of substances suspected of interfering with the hormone systems of humans and wildlife (COM (1999) 706), (COM (2001) 262) and (SEC (2004) 1372). European Commission, Brussels, 30.11.2007

¹⁷ IARC (2006): Agents reviews by the IARC Monographs, Volumes 1-95 (by CAS Numbers), International Agency for Research on Cancer (IARC), Lion, France. Website: <http://monographs.iarc.fr/index.php>

In the future PAN International will base the List of HHPs on the GHS.

3 How could the progressive ban of HHPs be done stepwise by Fair Trade organisations?

The PAN International List of Highly Hazardous Pesticides, published in early 2009, available at http://fao-code-action.info/action_centre.html, is the best available list on which to base targeted and well-defined steps to eliminate HHPs. Many of the HHPs on the PAN List are banned within the European Union. However, many of them are still being used in other regions of the world. Therefore, getting rid of such chemicals is not necessarily just a matter of substitution for many farmers, but a matter of the conversion of agricultural production systems. This fact urges all those intending the progressive ban of HHPs to develop a short term, mid term and long term plan.

It is advisable that, where possible, farms faced with having to phase out highly hazardous pesticides are assisted to make the transition to organic or agroecological production systems. If the farmers are unwilling to take this step and/or Fair Trade Organisations are not able to support them in it, then the next step is to see if a farmer can phase out all the HHPs in one go, using only less hazardous pesticides. If this also cannot be achieved, then a stepwise procedure as described below can be used, allowing for the phase out of groups of pesticides in the short term, mid term and long term. The speed of phase out is very much dependent on the readiness of the specific farmer to integrate ecological crop protection and pest management techniques and approaches.

If certain conventional farmers have not implemented integrated pest management procedures, this might imply that a range of HHPs will continue to be used over a certain time period. Therefore, to make sure the negative effects of HHPs are kept as low as possible, the progressive ban should start with Step 1, ensuring that the basic legal duties are implemented.

3.1 Check if basic duties are implemented

Pesticides are registered on the assumption that their use will be in compliance with national, regional and international regulations. However, studies, NGO monitoring activities and governmental surveillance programs show that this is frequently not the case. Therefore an essential basic task is to make sure that pesticides are at least used according to law.

Non-compliance can result in severe negative effects for the farmer or pesticide user, consumers and the environment. It can additionally hit the actors along the food chain as expected standards might not be met. In terms of fair-trade products it can hit actors even harder as it can be assumed that the consumers expect that fair trade products do not involve illegal use of highly hazardous pesticides.

For health and safety reasons a monitoring system should be in place that looks, not just at the compliance with a prohibited pesticides list, but also with all health and safety and environment protection regulations.

3.2 Fact finding mission

Pesticide risk reduction and pesticide use reduction activities should start with a fact finding mission which should answer the following questions.

Which HHPs are being used and which of the HHPs used are registered for the purpose they are used for, and which are not?

This is not necessarily an easy task, as the analysis should not just look at the pesticides officially being banned or officially being registered for use but also at those pesticides which are used illegally and where they are used, as the illegal use is an indicator of any kind of problem (law not known by user, law not enforced, no alternative available or known by farmers, strong phytosanitary standards that have to be met by farmers etc.). Phasing out pesticides is about phasing in alternative pesticides and/or alternative pest management approaches – no matter if the use of a pesticide is legal or illegal at a specific stage.

3.3 Define the aims, timeframes and indicators

A prohibited pesticides list should not stand alone but should be placed into the context of the progressive ban of highly hazardous pesticides, risk reduction and finally pesticide use reduction.

Therefore any stakeholder interested in joining the efforts to progressively ban highly hazardous pesticides should do so by starting developing a plan of how HHPs could be banned progressively. Such a plan can only be well implemented if it defines aims, timeframes and indicators and if it is transparent.

3.4 Identify which of the HHPs being used are the most worrying

Pesticides can have many different adverse effects and it is difficult to weight these different effects against each other. For example: Is it more worrying if a pesticide causes reproductive effects or if it causes cancer? How about environmental effects? Are they less important than those effects directly damaging human beings (e.g. by short term or by long term excruciating death?) How would one weight a pesticide that might cause the death of pollinators (possibly without having full evidence) taking into account that a third of the global food production is dependent on pollinators, especially bees?

Taking this into account PAN Germany suggests that the progressive ban of HHPs should be implemented by not ranking the different criteria but rather treating the different criteria within specific groups of criteria equally as can be seen in Table 1.

Table 1: Criteria for putting pesticides on the Prohibited Pesticides List			
Toxicological Criteria			Regulatory Criteria
Group 1: Acute toxicity	Group 2: Long term effects	Group 3: Environmental toxicity	Group 4: Conventions
Extremely toxic (WHO 1a)	cancer	persistence in water	Montreal Protocol
Highly toxic (WHO 1b)	mutagenicity	persistence in water sediment	Rotterdam Convention (PIC)
Inhalative toxicity (R26)	reproductive toxicity	bee toxicity	Stockholm Convention (POPs)
	endocrine disruptor		

In a separate file (excel) the pesticides of the PAN List of HHPs are listed and it can be seen which of the criteria are met by the different pesticides on the PAN List of HHPs.

3.5 Steps to implement the phase out

In order to be able to progressively ban the HHPs the following systematic approach could be used.

3.5.1 Immediately (1 year)

All pesticides which are on the annexes of the Montreal Protocol, the Rotterdam Convention and the Stockholm Convention (see “Regulatory Criteria” in Table 1) should be on the prohibited pesticides list of any fair trade organisation with no exemption. These pesticides are not just highly hazardous but they are of such a high concern that the international governmental communities additionally have regulated them by binding international conventions. These are 42 pesticides which are of very high concern, and many of which have been banned in many countries already many years ago.

Those pesticides which possibly do not meet the “Group 4: Conventions” but do meet one or more criteria in “Group 1: acute toxicity” AND “Group 2: long term effects” AND “Group 3: environmental toxicity” should also already be on the PML without any exemption or should be put on the PML immediately.

To identify the pesticides meeting specific criteria please use the attached PAN List of HHPs.

3.5.2 End the use short term (3 years)

All those pesticides which meet at least one or more criteria in two groups described in Table 1 should be put on the prohibited pesticides list short term (3 years).

3.5.3 End the use long term (6 years)

All those pesticides which meet at least 1 criteria in the “Group 1: Acute Toxicity“ or “Group 2: Longterm Toxicity” or “Group 3: Environmental Toxicity” should be put on the PML long-term (6 years).

This means that after a period of 6 years no Fair Trade labelled agricultural product would be produced with the use of a highly hazardous pesticide.

4. The issue of exemptions

Legal regulatory systems as well as Fair Trade (standard setting) organisations work with exemptions in order to make sure that farmers do not risk their farm because they do not have a specific pesticide at hand or because governments or standard organisations expect that too many farmers might violate the law or standard.

Frequently this still leads to a practice where farmers get exemptions even though other farmers producing the same crop in the same soil climatic area can do without. A Fair Trade organisation should make sure that only such exemptions are being agreed where there is no farmer producing the same crop within the same soil climatic area who can do without the pesticide.

Annex

FIRST SESSION OF THE FAO/WHO MEETING ON PESTICIDE MANAGEMENT

and

3RD SESSION OF THE FAO PANEL OF EXPERTS ON PESTICIDE MANAGEMENT

22-26 October 2007

Rome, Italy

RECOMMENDATIONS

(...)

Highly hazardous pesticides

7. The Panel discussed how to identify the group of highly hazardous pesticides and **recommended** that these be defined as having one or more of the following characteristics:

- Pesticide formulations that are included in classes Ia or Ib of the *WHO Recommended Classification of Pesticides by Hazard*;

or

- Pesticide active ingredients and their formulations that are included in carcinogenicity Categories 1A and 1B of the *Globally Harmonized System on Classification and Labelling of Chemicals* (GHS), or are included accordingly in the *WHO Recommended Classification of Pesticides by Hazard*;

or

- Pesticide active ingredients and their formulations that are included in mutagenicity Categories 1A and 1B of the *Globally Harmonized System on Classification and Labelling of Chemicals* (GHS) or are included accordingly in the *WHO Recommended Classification of Pesticides by Hazard*;

or

- Pesticide active ingredients and their formulations that are included in reproductive toxicity Categories 1A and 1B of the *Globally Harmonized System on Classification and Labelling of Chemicals* (GHS) or are included accordingly in the *WHO Recommended Classification of Pesticides by Hazard*;

or

- Pesticide active ingredients listed by the *Stockholm Convention* in its Annexes A and B;

or

- Pesticide active ingredients and formulations listed by the *Rotterdam Convention* in its Annex III

or

- Pesticides listed under the *Montreal Protocol*

or

- Pesticide formulations that have shown a high incidence of severe or irreversible adverse effects on human health or the environment.

8. The Panel further **recommended** that:

- a) WHO, FAO and UNEP further develop criteria for inclusion of pesticide formulations that have shown a high incidence of severe or irreversible adverse effects on human health or the environment, and that
- b) WHO incorporate the GHS criteria on “carcinogenicity, mutagenicity and reproductive toxicity” into its *Recommended Classification of Pesticides by Hazard* as a priority action.

9. The Panel discussed priority activities related to a progressive ban on highly hazardous pesticides and **recommended** that:

- a) FAO and WHO, as a first step, prepare a list of highly hazardous pesticides based on the criteria above, update it periodically in cooperation with UNEP, and make it widely known.
- b) FAO, in collaboration with WHO, invite governments and the pesticide industry to develop plans of action for progressively phasing out highly hazardous pesticides, either at the national or the regional level as appropriate, taking into account work undertaken in existing MEAs such as the Stockholm Convention, Rotterdam Convention and the Montreal Protocol.
- c) FAO, in collaboration with WHO, collect information on alternatives for highly hazardous pesticides, both reduced risk pesticides and other pest management approaches, in cooperation with all relevant stakeholders, and share experiences among countries.
- d) FAO, in collaboration with WHO, seek assistance from donors for countries which wish to phase out highly hazardous pesticides with the aim of preparing, implementing and enforcing phase-out plans and search for alternatives.
- e) FAO mobilize internal and external resources in order to implement, as a priority, the recommendations of the FAO Council with respect to highly hazardous pesticides.

10. The Panel discussed how to address the current use of highly hazardous pesticides, and **recommended** that highly hazardous pesticides should not be used unless

- (i) governments establish a clear need, (ii) no alternatives are available, and (iii) control measures as well as good marketing practices are sufficient to ensure that the product can be handled with acceptable risk to human health and the environment. In the latter circumstance, the use of such pesticides should be severely restricted.

(...)