

# Revision of the Sustainable Use of Pesticides Legislation - “Reduce Use” Proposal (RUP)

Position paper, 23 March 2022

***“Change requires vision and moral conviction and that’s where respect for human rights is key, because respect for human rights calls for the prevention of harm, not to minimize harm but to prevent harm and leave no one behind.”*** – Marcos Orellana, UN Special rapporteur on toxics and human rights<sup>1</sup>.

## INTRODUCTION

The European Commission was expected to publish the revision of the directive on the sustainable use of pesticides<sup>2</sup> on the 23 March, setting the path for the legal implementation of the Farm to Fork, but intense lobby pressure managed to delay it using flawed arguments<sup>3</sup>. The new legislation must be presented as soon as possible and have three main objectives:

- Ensure that Member States finally comply with EU law, this is, that they reduce their dependence on the use of chemical pesticides and that integrated pest management (IPM), which is mandatory since 2014, is applied at farm level across Europe.
- Introduce strong legally binding targets on the reduction of the use and risk of chemical pesticides, in line with the Farm to Fork Strategy, both at EU and national level, and solid indicators to measure progress. Otherwise, it will not be possible to achieve the above-mentioned objectives.
- Be based on the available science showing clear links between pesticide use and severe damage to the environment, biodiversity<sup>4</sup> and human health.

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<sup>1</sup> <https://eeb.org/exposure-to-pesticides-worldwide-has-clear-human-rights-implications/>

<sup>2</sup> <https://eur-lex.europa.eu/eli/dir/2009/128/oj>

<sup>3</sup> <https://eeb.org/delay-in-new-pesticides-law-publication-risks-derailing-farm-to-fork/>

<sup>4</sup> <https://www.euractiv.com/section/agriculture-food/news/industrial-agriculture-linked-to-insect-collapse-says-new-report/>

## POSITION PAPER

- 1. The rationale behind the proposal on the sustainable use of pesticides (SUP) should be the protection of citizens' health, biodiversity, water, soil, air and the environment in general.** The precautionary principle and the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay, enshrined in the Treaty of the Functioning of the European Union, should be applied. The text should include a provision indicating that Member States may adopt stricter measures to protect the environment.
- 2. The aim of the SUP and of National Plans should still be to reduce dependence on the use of pesticides and to promote integrated pest management (IPM) and alternative approaches or techniques such as non-chemical alternatives to pesticides.** The proposal should be named « Regulation for reducing the use of chemical pesticides » to properly take into account the aim of the legal text. Given the very damaging effects of chemical pesticides for human health (agricultural workers and citizens in general), and for the environment, talking about « sustainable use of pesticides » is an oxymoron.
- 3. The « Reduce Use » proposal (RUP) should take the form of a regulation,** to ensure better implementation at national level, and be ambitious enough to catch up with the delay caused by Member States not applying it properly. In this context, **it should not incentivize any techniques that still rely on the use of pesticides, like precision farming. Aerial spraying (including the use of drones) should be banned, without exemptions, as should be seed coating and spraying under some meteorological conditions (i.e. winds stronger than 3m/s).**
- 4. National Action Plans (NAPs) drafted by Member States should be reviewed and approved by the Commission and a group of experts,** consisting of environmental scientists and civil society, to ensure transparency and independent scientific advice. **The Commission should be ready to launch infringement procedures should Member States not comply with the legislation.**
- 5. To be coherent with the Green Deal's objectives, the RUP should be a strong pillar for the agroecological transition of the EU agri-food system. The definition of IPM should be in line with the principles of agroecology.** IPM means applying chemical pesticides as the very last option. The RUP must upgrade the definition of IPM and, as part of it, make the application of agroecological practices mandatory to achieve the pesticide use reduction targets. It should also set a hierarchy from least disruptive to agro-ecosystems, including natural pest control, to most disruptive, with chemical pesticides only to be applied as the very last resort.
- 6. The RUP must include legally binding reduction targets of 50% real reduction of the use of chemical pesticides at EU level by 2030. To increase the accountability for Member States (MS), Intermediary MS targets until 2030 should be defined, giving the Commission the possibility to start infringement procedures if targets are not met. MS reduction targets by 2030 should never be lower than 40%, regardless of historical progress.** The RUP should also include a legally binding objective of at least 10% of agricultural land being dedicated to high-biodiversity landscape features at farm level. Harmonised Risk Indicators (HRI) must be radically improved, and indicators based on the use of pesticides should be put in place. The RUP must also include environmental indicators (i.e. pesticide residues in water, soil, organic farming, biodiversity), and indicators on the application of IPM principles.

7. **The most hazardous pesticides (i.e. candidates for substitution) should be banned** in line with the EU's chemicals strategy aim for a toxic-free environment and an end date for chemical pesticide use in the EU should be set. **Prior to that, and given the scientific evidence of a strong presumed link between exposure, certain types of cancers and neurologic disorders such as Parkinson's disease, the use of chemical pesticides should be duly justified.** It should also be justified in line with IPM principles where chemical pesticides are applied only at the very last resort.
8. **The use of chemical pesticides should be banned within closed settlements, like cities and municipalities, and around them (appropriately-sized buffer zones should be set).** This ban is needed to protect vulnerable groups, whose use of the living space is not reduced to specific areas within towns, cities and villages, and to protect the general population as a whole. Priority should be given to physical, mechanical, and biological pest control methods in those areas, and to organic farming in the agricultural areas around. **Similar provisions, including appropriately-sized buffer zones, should apply to areas frequently used by agricultural workers and greenhouses. The use of chemical pesticides should be banned in and around (appropriately-sized buffer zones) ecologically sensitive areas (including protected areas like Natura 2000 ) and around water bodies and drinking water catchment areas. Chemical pesticides for non-professional use should be banned immediately.**
9. **The implementation of the RU legislation should be linked to the one of the Common Agricultural policy.** The budget of the Common Agricultural Policy must be used to drive the transition towards agroecology.

## ANNEX

**1 - The rationale behind the proposal should be the protection of citizens' health, biodiversity, and the environment. If economic considerations are to be taken into account they should consider all costs of pesticides.**

Estimated costs of chemical pesticides are much higher than its benefits. Societal costs in Europe were estimated at €2.3 billion in 2017, while industry profit was estimated at €0,9 billion that same year<sup>5</sup>. Any economic analysis should also consider the fact that it has been proved that it is possible to significantly reduce the use of pesticides without affecting farms' economic and productive performance<sup>6</sup>.

We have increasing scientific evidence on the negative effects of pesticides and of chemical cocktails on all ecosystems, biodiversity and human health. A 2022 ASC study warns that chemical pollution has passed safe limits for humanity, threatening the stability of global ecosystems on which life depends<sup>7</sup>. Scientists also warn of the combined effects of chemical pollution and climate change on biodiversity.<sup>8</sup> Moreover, the EU safety assessments for pesticides are based on models rather than real-life studies and do not consider risks of pesticide cocktails and indirect effects in the food web.

In Europe the precautionary and preventive principles enshrined in the Treaty of the Functioning of the European Union must be applied<sup>9</sup>. Environmental damage should as a priority be rectified at source and the polluter should pay. The text should include a provision indicating that, according to article 193 of the Treaty, Member States may adopt stricter measures to protect the environment<sup>10</sup>.

**2- The aim of the legislation *should still be* to reduce dependence on the use of pesticides and to promote integrated pest management and alternative approaches or techniques such as non-chemical alternatives to pesticides. The proposal should be named « Regulation for reducing the use of chemical pesticides » to properly take into account the objective of the text, necessary considering the very serious negative effects of chemical pesticides in human health and the environment**

Despite the implementation problems of the current sustainable use legislation<sup>11 12</sup>, the SUD contains positive principles, in line with the current objectives of the Farm to Fork and Biodiversity Strategies which should be maintained in the new legislation. These are as follows:

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<sup>5</sup> Bureau d'Analyse Sociétale d'Intérêt Collectif (Basic), *Analyse de la création de valeur et des coûts cachés des pesticides de synthèse*, (Basic, 2021). Available at : [https://lebasic.com/wp-content/uploads/2021/11/BASIC\\_Etude-Creation-de-Valeur-et-Couts-Societaux-Pesticides\\_20211125.pdf](https://lebasic.com/wp-content/uploads/2021/11/BASIC_Etude-Creation-de-Valeur-et-Couts-Societaux-Pesticides_20211125.pdf)

<sup>6</sup> Lechenet et al. (2017), Reducing pesticide use while preserving crop productivity and profitability on arable farms, *Nature plants*., <https://www.nature.com/articles/nplants20178>

<sup>7</sup> L. Persson et al., *Environ. Sci. Technol.* 56, 3, 1510-1521 (2022). DOI : [10.1021/acs.est.1c04158](https://doi.org/10.1021/acs.est.1c04158)

<sup>8</sup> K. Groh et al., *Environ. Sci. Technol.* 56, 2, 707-710 (2022). DOI : [10.1021/acs.est.1c08399](https://doi.org/10.1021/acs.est.1c08399)

<sup>9</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12016E191>

<sup>10</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012E193>

<sup>11</sup> Court of Auditors Special report 05/2020. Available at: [https://www.eca.europa.eu/Lists/ECADocuments/SR20\\_05/SR\\_Pesticides\\_EN.pdf](https://www.eca.europa.eu/Lists/ECADocuments/SR20_05/SR_Pesticides_EN.pdf)

<sup>12</sup> European Parliament resolution of 12 February 2019 on the implementation of Directive 2009/128/EC on the sustainable use of pesticides (2017/2284(INI)). Available at: [https://www.europarl.europa.eu/doceo/document/TA-8-2019-0082\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2019-0082_EN.html)

- The aim of promoting the use of integrated pest management (IPM) and of alternative approaches or techniques such as non-chemical alternatives to pesticides.
- The aim for MS, through their National Action Plans, of reducing the dependency on the use of pesticides.
- The definition of non-chemical methods including agronomical practices (in line with IPM principles) or physical, mechanical, or biological pest control methods.

**3 -The Directive on the Sustainable Use of Pesticides (SUD), from 2009, has not been properly implemented by Member States. The RUP should take the form of a Regulation to ensure better implementation at national level and be ambitious enough to be able to catch up with the delay.**

To ensure a better implementation at national level the legislation should take the form of a Regulation. Should the SUD have been properly implemented, much progress would have been made by now in terms of protecting human health, biodiversity, and the environment. In this context, the RUP should not incentivise any techniques that still rely on the use of pesticides, like precision farming. Highly damaging practices, such as aerial spraying (including use of drones), seed coating, calendar spraying (i.e. spraying during the flowering season) and spraying with winds higher than 3m/s, should be banned. Essential use derogations should be kept to a very minimum or be totally removed as for neonicotinoids. The current liberal approach to exemptions hinders achieving the objectives of the legislation.

Given that the aim of the legislation is to promote IPM, any technological approach considered should be in line with the implementation of the agroecological principles.

**4. National Action Plans (NAPs) should be adequately reviewed before approval. The Commission should be ready to launch infringement procedures should Member States not comply with the legislation.**

NAPs drafted by Member States should be reviewed and approved by the Commission and a group of experts, consisting of environmental scientists and civil society, to ensure transparency and independent scientific advice. The Commission should be ready to launch infringement procedures should Member States not comply with the legislation. Given the number of active substances currently being used, the number of active substances to monitor should not be lower than 10. The number of crops to be monitored should not be lower than 5 and should be representative.

**5- To be coherent with the Green Deal's objectives, the legislation should be a strong pillar for the agroecological transition of the EU agri-food system. IPM principles should be strengthened, and chemical pesticides should only be applied as the last resort.**

The benefits of agroecology are clear, having been shown to be able to feed Europeans a healthy diet, reduce greenhouse gas emissions by 40%, and help restore biodiversity and protect natural resources<sup>13</sup>, all in line with the Commission's Green Deal objectives.

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<sup>13</sup> Poux et al.(2018), An agroecological Europe in 2050: multifunctional agriculture for healthy eating. Findings from the Ten Years For Agroecology (TYFA). Iddri-AScA: <https://www.iddri.org/en/publications-and-events/study/agroecological-europe-2050-multifunctional-agriculture-healthy-eating>

The definition of IPM should be in line with the principles of agroecology. IPM means applying chemical pesticides as the very last option. While it is good that current legislation refers to the need to have the least possible disruption to agro-ecosystems, the way IPM is currently defined leaves too much room for destructive practices such as seed coating and calendar spraying. Instead, the Regulation must upgrade the definition of IPM and, as part of it, make the application of agroecological practices mandatory. It should also set a hierarchy of practices at farm level, from least disruptive to agro-ecosystems including natural pest control, to most disruptive, with synthetic pesticides as a very last resort, as in the pyramid used by PAN Europe<sup>14</sup>. If specific IPM rules were to be developed to take into account crop specificities and /or pedoclimatic conditions in MS, these should comply with the above-mentioned general principles and their hierarchy as defined at EU level. Otherwise, it will not be possible to measure progress and obtain harmonized data at EU level.

MS crop specific rules need to be binding for all land users and approved by the Commission and a group of independent experts to ensure the necessary ambition and coherence. Should MS fail to set up those rules within a fixed short period of time (i.e., one year after the adoption of the Regulation), the general principles in the annex of the Regulation should immediately apply to the MS and an infringement procedure should be launched.

**6. The SUP must include legally binding use reduction targets by 2030 at both EU and national level and include a robust set of indicators, including environmental indicators. To increase the accountability for Member States (MS), intermediary MS reduction targets until 2030 should be defined.**

The SUP must include legally binding reduction targets of at least 50% real reduction in the use of chemical pesticides at EU level by 2030. The way the reduction is currently measured, using the HRI, implies that the actual use reduction will be lower than 50%.

To increase the accountability for Member States (MS), intermediary MS targets until 2030 should be defined, thus giving the Commission the possibility to closely monitor their progress and infringement procedures if they fail to comply with their obligations. MS reduction targets should not never be lower than 40%, regardless of historical progress. This will allow for a certain flexibility while not transforming the objectives of the Green Deal into an empty promise.

Given the negative impact pesticides have on biodiversity (i.e. pollinators), the RUP should include a legally binding objective of at least 10% of agricultural land being dedicated to high-biodiversity landscape features at farm level, in line with the Biodiversity Strategy for 2030.

Harmonised Risk Indicators (HRI) much be radically improved, in particular regarding the weighting of the different categories, and indicators based on the use of pesticides should be put in place<sup>15</sup>. For that to be possible, public statistics on the use of pesticides and other chemicals used in agriculture should be made available yearly and with a meaningful level of detail (per active substance, per plant protection product –

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<sup>14</sup> <https://www.low-impact-farming.info/sites/default/files/2017-02/ipm-pyramid.pdf>

<sup>15</sup> [https://www.pan-europe.info/sites/pan-europe.info/files/20211202\\_PAN%20Europe%20position%20on%20pesticide%20indicator%20final.pdf](https://www.pan-europe.info/sites/pan-europe.info/files/20211202_PAN%20Europe%20position%20on%20pesticide%20indicator%20final.pdf)

not per group of pesticides - and at a meaningful spatial resolution, i.e. regional level at least<sup>16</sup>). This information should be made to the public, in line with the right to environmental information in the Aarhus Directive.

Considering the negative health and environmental effects of chemical pesticides (see points 1 and 7) current limited availability of data and opacity around the use of chemical pesticides and other chemical products in agriculture is extremely worrying.

The RUP should also include environmental indicators (i.e., pesticide pollution on water, soil, organic farming, ecotoxicological effects using bioindicators, etc). HRIs were only adopted in 2019. To avoid the problems of lengthy discussions, the RUP should start by including already existing, or at an advanced level of development, like the Farmland birds index, LUCAS, Insignia-EU and the Pollinator Index. The legislation should also include indicators on the application of IPM principles.

**7-The most hazardous pesticides should be banned. The European Union should set a concrete date and an action plan for the phasing out of chemical pesticides and, in the meantime, the use of chemical pesticides should be duly justified. The EU must set a clear date for the phasing out of chemical pesticides.**

The most hazardous pesticides (i.e. candidates for substitution) should be forbidden without exemptions in line with the EU's chemicals strategy aim for a toxic-free environment.

There is a strong presumed link between occupational exposure to pesticides and non-Hodgkin lymphomas, multiple myeloma, prostate cancer, and Parkinson's disease. There is also a strong presumed link between occupational or environmental exposure of mothers during pregnancy and neuropsychological and motor developmental disorders in children<sup>17</sup>. These are just some examples of scientific knowledge about the negative health effects of pesticides. Taking these considerations into account and considering the negative impact of chemical pesticides and chemical cocktails on the environment and biodiversity, as mentioned in point 1, the use of chemical pesticides should be forbidden by the EU and in the meantime, the use of chemical pesticides should be justified.

The use of chemical pesticides should be also justified in order to comply with the general principles of integrated pest management, where chemical pesticides are only used as a very last resort. To ensure monitor and compliance with IPM requirements, users should, in their electronic records, explain the reasons for using them. The EU must set a clear date for the phasing out of chemical pesticides.

**8 - The use of chemical pesticides should be banned within closed settlements, like cities and municipalities, and around them within appropriately-sized buffer zones. Chemical pesticides for non-professional use should be banned without delay. The use of chemical pesticides should be banned in and around (appropriately-sized buffer zones) superficial and groundwater and ecologically sensitive areas.**

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<sup>16</sup> <https://eeb.org/wp-content/uploads/2022/03/Open-letter-re-pesticides-use-statistics-25.02.2022.pdf>

<sup>17</sup> Inserm Collective Expert Report. The effects of pesticides on health: new data (Inserm, 2021). Available at: <https://www.inserm.fr/wp-content/uploads/inserm-collective-expert-report-pesticides2021-executive-summary.pdf>

Given the strong presumed links between exposure to chemical pesticides and serious illnesses (see point 7), the use of chemical pesticides should be banned within closed settlements, like cities and municipalities. This ban is needed to protect vulnerable groups, whose use of the living space is not reduced to specific areas within towns, cities and villages, and to protect the general population as a whole. Chemical pesticides free appropriately-sized buffer zones should be put in place around those areas. Priority should be given to physical, mechanical, and biological pest control methods in those areas, and to organic farming in the agricultural areas around. Similar provisions, including appropriately-sized buffer zones, should apply to areas frequently used by agricultural workers, to protect their health<sup>18 19</sup>, and greenhouses.

The use of chemical pesticides should be banned in and around (appropriately-sized buffer zones) Ecologically sensitive areas (including protected areas like the Natura 2000 network) and around water bodies including drinking water catchment areas. Appropriately sized buffer zones should also be set around organic farming areas, to prevent contamination with pesticides. Given that it might be difficult to set a harmonized size for mandatory buffer zones around all of the mentioned areas, the SUP should at least include an adequate minimum size for such zones. Buffer zones of between 3 and 5 meters around superficial water bodies and groundwater for the abstraction of drinking are not appropriately-sized buffer zones.

Chemical pesticides for non-professional use should be banned without delay.

The application of chemical pesticides should be forbidden, except for cases of serious risk to the health of the operators, on or along roads (of any type and location), railway lines (of any type and location), very permeable surfaces or other infrastructures close to surface or groundwater or sealed surfaces with a high risk of run-off into water or sewage systems.

While all society, including different actors in the food-chain, should contribute to the agroecological transition, and to the protection of citizens' health and the environment (water, soil, biodiversity....), their actions and engagements should not replace those of MS. The ultimate responsibility of the implementation of the RUP should lie in the hands of the MS and its enforceability in the hands of the European Commission.

**9 - The implementation of the RU regulation should be linked to the one of the Common Agricultural policy (i.e. availability of farm advisory systems on IPM). The budget of the Common Agricultural Policy must be used to drive the transition towards agroecology.**

CAP subsidies should be conditional to the respect of IPM principles (defined in line with agroecological principles). Additional measures on voluntary basis should provide incentives to land users to further reduce the use of chemical pesticide use even further before the date when they will be phased out.

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<sup>18</sup> [https://www.lemonde.fr/le-monde-in-english/article/2022/02/16/pesticide-victims-left-to-fend-for-themselves\\_6113877\\_5026681.html](https://www.lemonde.fr/le-monde-in-english/article/2022/02/16/pesticide-victims-left-to-fend-for-themselves_6113877_5026681.html)

<sup>19</sup> [https://www.lemonde.fr/le-monde-in-english/article/2022/02/16/poisoned-farmers-exposing-the-myth-of-pesticide-protection\\_6113871\\_5026681.html](https://www.lemonde.fr/le-monde-in-english/article/2022/02/16/poisoned-farmers-exposing-the-myth-of-pesticide-protection_6113871_5026681.html)