

**Evidence from Pesticide Action Network UK (PAN UK)  
House of Commons International Trade Committee Inquiry into UK trade negotiations**

**December 2020**

Introduction

1. PAN UK is the only UK charity focused on tackling the problems caused by pesticides and promoting safe and sustainable alternatives in agriculture, urban areas, homes and gardens. We apply pressure to governments, regulators, policy makers, industry and retailers to reduce the impacts of harmful pesticides to both human health and the environment.
2. PAN UK has been looking at the potential impact of Free Trade Agreements on UK pesticide standards, in a joint project with the NGO Sustain and trade expert Dr Emily Lydgate from Sussex University. Our work has been motivated by the fact that weakening UK pesticide protections is a key priority for a number of the UK's potential trade partners, particularly those which export large amounts of agricultural produce. However, the debate in the UK around trade and food standards has focussed almost entirely on issue related to meat and animal welfare so we felt it was important to raise the issues associated to pesticide standards, both with the public and UK decision-makers.
3. This unique document has been prepared as evidence for the House of Commons International Trade Committee Inquiry into UK trade negotiations. It answers the following question in the Inquiry's Terms of Reference – 'What are the potential opportunities and risks of each proposed FTA?'
4. Our evidence outlines the key risks posed to UK pesticide standards by Free Trade Agreements with non-EU countries. In order to both illustrate the points made and highlight specific threats emanating from FTA's with particular countries, we have also provided examples comparing UK pesticide standards with those of the US, Australia and international standards which derive from the UN FAO's and WHO's Codex Alimentarius.
5. The information included in this document is based on a report published in June 2020. "*Toxic Trade: How trade deals threaten to weaken UK pesticide standards*" is available at: <https://www.pan-uk.org/toxic-trade/>
6. PAN UK is making this submission due to a range of serious concerns which are summarised in the list below and described in more detail in the remainder of this document. Our concerns are that FTAs with non-EU countries could result in the following:
  - a. Food imported into the UK could contain significantly higher levels of pesticide residues.
  - b. Food imported into the UK could contain pesticide residues that are not currently allowed to appear in UK food because they pose a risk to human health.
  - c. Negative impacts on UK agriculture as UK farmers are no longer able to export food to the EU which doesn't meet EU pesticide standards.
  - d. Negative impacts on UK agriculture as UK farmers are undercut by food imports which have been grown more cheaply, on a larger-scale using more toxic pesticides.

- e. The UK could be pressured into reauthorising active substances which have been banned due to concern over their negative impact on human health or the natural environment.
- f. The UK could be pressured into reverting to weaker international standards for the amount of pesticides allowed to appear in food imports.
- g. Introduction of measures which create a regulatory ceiling, restricting the UK from being able to introduce future regulations designed to protect human health or the environment from hazardous pesticides.

### Risks posed by FTA's to UK pesticide standards

7. UK pesticide standards are some of the strongest in the world in terms of protecting human health and the environment. UK safety limits for the levels of pesticides allowed to appear in food tend to be more stringent than in the majority of other countries outside the EU and, along with its European counterparts, the UK is more likely to ban a pesticide due to concerns over the harms it causes. As a result of these relatively high standards, future trade deals with non-EU countries with weaker pesticide protections present a considerable risk to the health of UK citizens and the environment. Trade partners attempting to secure access to the UK market for their food exports have listed UK pesticide standards as a key sticking point and made it clear that weakening them is a priority.
8. The UK's Maximum Residue Levels (MRLs) tend to be lower, and therefore more precautionary, than both international Codex standards and those set by non-EU countries. For example:

- Apples and malathion (insecticide)
  - a. US apples are allowed to contain 400 times the amount of malathion than UK apples.
  - b. Australian apples are allowed to contain 100 times the amount of malathion than UK apples.
  - c. The international MRL for malathion in apples (which derives from the Codex Alimentarius) is 25 times that of the UK.

Malathion is classified as a:

- d. Human carcinogen: capable of causing different types of cancer.
- e. Cholinesterase inhibitor: reduces the ability of nerve cells to pass information to each other and can impair the respiratory system and cause confusion, headaches and weakness.
- f. Suspected endocrine disruptor: interferes with hormone systems and can cause birth defects, developmental disorders and reproductive problems such as infertility.

- Grapes and propargite (insecticide)
  - g. US grapes are allowed to contain 1,000 times the amount of propargite than UK grapes.
  - h. The international MRL for propargite in grapes (which derives from the Codex Alimentarius) is 700 times that of the UK.

Propargite is classified as a:

- i. Human carcinogen: capable of causing different types of cancer.
- j. Developmental or reproductive toxin: has adverse effects on sexual function and fertility in both adults and children, and can reduce the number and functionality of sperm and cause miscarriages.

- Wheat and imazalil (fungicide)
  - k. US wheat is allowed to contain ten times the amount of imazalil than UK wheat.
  - l. Australian wheat is allowed to contain five times the amount of imazalil than UK wheat.

Imazalil is classified as a:

- m. Human carcinogen: capable of causing different types of cancer.
  - n. Developmental or reproductive toxin: has adverse effects on sexual function and fertility in both adults and children, and can reduce the number and functionality of sperm and cause miscarriages.
9. Under the current UK system, imported produce should not contain detectable residue levels of any pesticide active substance that is not approved for use within the EU. Here are a few examples of pesticides that are currently prohibited from appearing in UK food imports but permitted by potential future trade partners:
- a. Chlorpyrifos (insecticide) is banned in the UK due to evidence that it negatively affects the cognitive development of foetuses and young children. It is allowed to appear in food in both the US and Australia.
  - b. In the US and Australia, food is allowed to contain residues of dimethoate. Dimethoate (insecticide) was banned by the EU for reasons which include the potential risk posed to consumer health through long-term exposure via diet.
  - c. Propiconazole (fungicide) is banned in the UK food but permitted to appear in US and Australian food. It is classified as a possible human carcinogen, developmental or reproductive toxin and suspected endocrine disruptor.
  - d. Simazine (herbicide) is not allowed to appear in UK food but is permitted in US and Australian food. It is classified as a possible human carcinogen, developmental or reproductive toxin and suspected endocrine disruptor. It also negatively affects the environment where the food is grown because it is both persistent in water and harmful to aquatic life.
10. Weakening the UK's relatively precautionary approach to which pesticides are authorised for use appears to be a key priority of some future trade partners, particularly the US. The UK currently follows what is commonly called the 'hazard-based' approach which is based on the view that some pesticides are intrinsically hazardous and therefore simply too dangerous to be in use. In contrast, non-EU countries follow an approach based on the belief that almost every risk can be mitigated (referred to as the 'risk-based' approach). A closer look at authorisation figures clearly highlights the outcomes of these different approaches as well as the potential dangers of moving away from the UK's current approach:

	UK	Australia	US
Number of approved active substances	468	486	692
Number of approved pesticide products	2900	8000	9000

11. There is also a significant discrepancy between the UK and many future trade partners in terms of the number of Highly Hazardous Pesticides (HHPs) which are authorised for use. The concept of HHPs originated from the UN's Food and Agriculture Organization (FAO) and World Health Organization (WHO) which were

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motivated by continuing problems of poisoning incidents and pesticide-related ill-health and environmental harm. For example:

	UK	Australia	US
Number of approved Highly Hazardous Pesticides	73	144	102

12. A group of pesticides known as 'organophosphates' (OPs) are known to be particularly toxic to humans. The dangers of being exposed to high levels of OPs are well-established. Acute toxic reactions can include blurred vision, dizziness, headaches, tremors, respiratory and cardiac problems and death. Evidence of the harm caused by exposure to low levels of these insecticides over time is also mounting, particularly in terms of negative impacts on children's cognitive development. As a result, the UK has removed the majority of OPs from use, in stark contrast to other countries. For example:

	UK	Australia	US
Number of approved organophosphates	4	33	26

13. Any weakening of UK pesticide standards via trade deals poses risks not just to human health but also to the environment. The majority of potential future trade partners allow the use of pesticides which the UK prohibits because they are highly toxic to bees and pollinators, including neonicotinoids which are notorious for driving massive declines in bee populations. They also authorise pesticides known to contaminate groundwater and harm aquatic ecosystems, such as the herbicides atrazine, diuron and simazine which are all banned for use in the UK.
14. Risks associated to a UK/US trade deal also pose an economic threat to the future of UK agriculture. If UK food starts to contain higher levels of more toxic pesticides then British farmers will struggle to meet EU standards, thereby losing their primary export destination which currently accounts for 60% of UK agricultural exports. Equally concerning, British farmers could be undercut by a flood of imported crops grown more cheaply on a larger scale and to lower standards.

### Language to look out for in FTAs

15. Potential trade partners often use seemingly innocuous language to attack UK pesticide standards. A few specific terms for UK trade negotiators to watch out for:
- The term 'science-based' has long been used in opposition to the use of the precautionary principle which currently underpins UK decision-making on pesticides.
  - Trade partners call for the inclusion of obligations for the UK to accept the 'equivalence' of regulatory measures. In trade policy, 'equivalence' refers to achieving the same regulatory objective, sometimes described as a 'level of protection', by different means. Countries such as Australia argue that EU/UK bans and restrictions on Australian products, including those that result from its stricter approach to pesticides, are not safer for consumers but are in fact non-scientific and designed to keep out imported products rather than protect consumer health.

- c. Pushing the UK to adopt 'international standards' hides the reality that corporate lobbying at the international level ensures that Codex standards remain weak. This term can also conceal obligations which make it harder for the UK to introduce future regulations by including conditions which require Parties to explain their rationale if they want to bring in protective measures which go beyond Codex standards.

#### Negotiating objectives and existing FTAs

16. Both the US and Australia have previously attempted to use trade negotiations as a way to weaken EU pesticide standards in order to secure access to the EU market for their food exports. In 2017, the two countries joined forces to submit a complaint to the WTO against the EU for attempting to regulate endocrine-disrupting chemicals.
17. The US has been clear that weakening UK pesticide standards is a priority and its published negotiating objectives reveal a wide range of different tactics, all aimed at achieving this goal in order to facilitate US food exports. This includes a call for the UK to adopt weaker international standards which is a condition it has put into existing FTAs. For example, the US-Mexico-Canada FTA (USMCA) cites the Codex Alimentarius as a source of international standards that Parties are required to use; it requires them to explain their rationale if they depart from them.
18. US objectives also reveal trade negotiators pushing for conditions which require the UK to consult with the US Government and private sector before introducing any new regulations or bans, including those designed to better protect health or environment. Another of the US' stated objectives, if accepted, would prevent the UK from requiring other trade partners to raise their own pesticide standards in case this has a knock-on effect on US exports. If accepted, these provisions would undermine the UK's aim to take back control of its trade policy following EU exit.
19. Meanwhile, the EU has been clear that it will not allow imports of agricultural produce from the UK unless they meet its standards, including on pesticides.
20. The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) - which Australia is Party to and the UK is considering joining – takes an extremely concerning approach to pesticides and food safety. CPTPP reduces the ability of Parties to rely on the Precautionary Principle and ties them to international standards (Codex standards) which are often far weaker than the UK's current standards. CPTPP also emphasises the requirement that Parties must consider whether their regulations are 'equivalent' to those of other Parties.
21. It is important to note that the threats posed to UK pesticide standards by a UK/US trade deal do not disappear with the Trump administration. To see that the threat persists, we only have to look at US lobbying on TTIP during which the Obama Administration pushed to weaken EU pesticide standards in order to increase access for US food producers to the EU market. The danger is that without President Trump the UK media and public will lose interest in the issue of trade and food standards, making it more likely that the Government will bow to trade partners' demands to weaken pesticide protections.

### Differences in approaches to regulating pesticides

22. There are a range of differences between the way the UK has chosen to govern pesticides and that of potential trade partners such as the US and Australia. Arguably the most fundamental is that the UK currently takes an approach based on the view that some pesticides are intrinsically hazardous and therefore simply too dangerous to be in use. In contrast, non-EU countries follow an approach based on the belief that almost every risk can be mitigated.
23. The UK and potential trade partners also diverge when it comes to numerous procedural aspects of their pesticide regimes. For example:
- a. The Australian system has no set time period for reviewing the approval of either active substances or pesticide products, meaning that they can remain in use indefinitely once authorised. By comparison, under the current UK system, active substances are approved by the EU for a maximum of fifteen years, and substances of concern often receive less (as was seen in 2017 when glyphosate was reauthorised for just five years). Similarly, pesticide products authorised in the UK can only be granted a maximum of 15 year's license before having to go through a risk assessment process to be reapproved.
  - b. The US allows 'conditional registration' which means that pesticides which haven't been through a full risk assessment are allowed to be used. At one point in 2012, more than 65% of pesticides authorised for use were conditionally registered. No such system exists in the UK.

### What does the UK public want?

24. Recent YouGov polling revealed that the UK public is overwhelmingly opposed to any lowering of UK pesticide standards via a trade deal. 79% of respondents said that it would be unacceptable for vegetables grown with pesticide banned by the EU to be imported into the UK. Only 9% of respondents said this would be acceptable. The full polling results can be viewed here: <https://yougov.co.uk/topics/food/articles-reports/2020/06/16/britain-chlorinated-chicken-US-trade-deal>
25. Labelling has been put forward as a potential solution which would allow the UK Government to agree to lower food standards while still enabling consumer choice. However, pesticide residues are not detailed on food labels (and are unlikely to be in the future) so this 'solution' would not apply to pesticides.

### Recommendations

26. Key recommendations for the UK Government (*See page 41 of the Toxic Trade report for full recommendations: <https://www.pan-uk.org/toxic-trade>*)
- a. Do not allow any weakening of UK pesticide standards via post-Brexit trade agreements. This must include:
    - i. Ensuring that no currently banned pesticides are allowed for use in the UK
    - ii. Ensure that food containing detectable residues of currently banned substances cannot be imported into the UK
    - iii. Ensure that Maximum Residue Levels are maintained or reduced.
  - b. Ensure a level-playing field for UK farmers by maintaining existing UK pesticide standards, thereby enabling them to continue exporting to the EU.
  - c. Prevent UK farmers from being disadvantaged by cheap food imports produced to weaker pesticide standards in non-EU countries.

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- d. Maintain the Precautionary Principle as the basis upon which all pesticide-related decisions are made and strengthen its implementation. This includes maintaining the so called 'hazard-based' approach to pesticide authorisations.
- e. Preserve the power for the UK to exercise its right to go above and beyond the status quo and applicable international standards to continually strive for higher levels of consumer and environmental protection.
- f. Introduce additional legislative protections to ensure that any change to food safety standards or environmental protections subsumed in trade agreements can only be introduced via primary legislation.
- g. Ensure that trade agreements are developed in the open with the opportunity for full democratic scrutiny.

**For more information, please contact:**

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