

**PAN UK submission to the House of Commons International Trade Committee Inquiry – UK Trade Negotiations: Agreement with India** (<https://committees.parliament.uk/work/6411/uk-trade-negotiations-agreement-with-india/> )

7<sup>th</sup> February 2022

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.

The following submission is based on the series of *Toxic Trade* reports authored by PAN UK, Sustain and international trade law expert Dr Emily Lydgate from Sussex University. For more detail visit: <https://www.pan-uk.org/toxic-trade/>

**What do we want the UK Government to achieve?**

1. PAN UK is calling on the UK Government to resist all attempts by Indian trade negotiators to weaken existing UK pesticide standards. This includes; defending the UK's existing regime of Maximum Residue Levels which tend to be lower (and therefore more precautionary) than Indian MRLs; resisting attempts to undermine the UK's current hazard-based approach to which pesticides are approved for use and any calls to reauthorise pesticide active substances which have been banned due to concerns over their impact on health or environment; and making sure not to agree to provisions which undermine the UK Government and devolved nations' rights to take regulatory action in the future designed to protect human health and environment from pesticides.

**Why?**

2. Strong Maximum Residue Levels and restricting the import of produce that contains residues of banned pesticides is not only good for the end consumer in the UK but also has the potential to drive positive action in India. As just one of many examples, by adopting stringent Maximum Residue Levels, the EU market has encouraged the Vietnamese Government and other domestic stakeholders to implement pesticide reduction strategies which, while aimed at facilitating trade, have had the knock-on effect of benefitting the health of both people and the environment within Vietnam itself. This sits in stark contrast to claims that high UK food standards negatively impact developing countries.
3. Such an approach would work well in India where pesticide poisoning among farmers remains extremely high. It's crucial that the UK maintains existing pesticide standards thereby pushing India to meet those standards, at the very least within the crops they grow for export to the UK.

**What are PAN UK's key concerns regarding a UK/India trade deal?**

4. While far from perfect, UK pesticide standards are some of the strongest in the world in terms of protecting human health and the environment. As a result of these relatively high standards, future trade deals with countries such as India that have weaker pesticide protections present a considerable risk to the health of UK citizens and the environment.

Why does a trade deal with India pose a particular threat to UK pesticide standards?

5. A trade deal with India poses a particular threat to UK pesticide standards. India is the world's second highest user of pesticides after China. In contrast to the UK, India follows a 'risk-based approach' which emphasises managing the risks associated with pesticide use. This is despite the country suffering from weak governance and enforcement, high poverty levels and low literacy rates which mean that many Indian farmers are unable to read the label on a pesticide product to ensure they are using it properly, let alone implement the required risk management approaches such as accessing PPE.
6. Failures in pesticide management mean that Indian agricultural produce often suffers from problems of high residues which can disqualify it from being imported. While these problems initially began with European countries rejecting shipments of Indian rice due to residues which did not meet EU standards, recently countries such as Egypt, Lebanon, Yemen and Jordan have rejected Indian shipments of rice. It has been reported that around eight to ten 20 tonne containers of Indian grown basmati rice are being returned every month due to high pesticide residue levels which don't meet the domestic standard of the importing country.
7. The Indian Government would therefore have much to gain by negotiating to weaken UK standards on pesticide residues so that Indian growers are able to access the UK market and export produce that wouldn't currently be permitted. The Indian Government has a history of pressuring other countries (particularly the EU) to weaken their domestic pesticide standards and has repeatedly challenged EU MRLs, declaring them to be 'non-tariff trade barriers'.
8. The UK is likely to come under similar pressure as the EU during trade negotiations with India. In fact, while India hasn't developed formal negotiating objectives for the UK, or vice-versa, a leaked report from India-UK trade talks reveals that increasing Maximum Residue Levels for pesticides and removing potential restrictions on pesticides with endocrine disrupting properties (known as EDCs) are among the Indian Government's priorities (see article: <https://unearthed.greenpeace.org/2018/07/12/brexit-uk-india-trade-review-out-of-reach/>)

What are the key risks for UK pesticide standards from a UK/India trade deal?

9. PAN UK has identified a number of significant risks that a UK/India trade deal could pose to UK domestic pesticide standards. The risks are summarised below:

*RISK1: The amount of pesticides in food imported into the UK could increase*

10. The UK's Maximum Residue Levels (MRLs) tend to be significantly lower, and therefore more precautionary, than those set by India. By comparing UK and Indian MRLs we are able to see where potential threats to consumer protection and human health are likely to emerge in the UK. For example:
  - a. Indian grapes are allowed to contain 200 times the amount of the insecticide malathion than UK grapes. Malathion is classified as a known carcinogen, cholinesterase inhibitor and a suspected endocrine disruptor (EDC).
  - b. The MRL for carbaryl (insecticide) in Indian wheat is four times that of UK wheat. For okra the Indian MRL is one thousand times its UK equivalent. Carbaryl is classified as a known carcinogen, cholinesterase inhibitor and a suspected endocrine disruptor. It is also a 'developmental or reproductive toxin', meaning that it can negatively affect sexual function and fertility and can cause miscarriages.

- c. India's MRL for chlorpyrifos in tea is 200 times more than the UK's current MRL. Chlorpyrifos has been banned in the UK since 2019 due to evidence that it can harm the cognitive development of foetuses and young children.
- d. Indian carrots are permitted to contain 500 times the amount of the fungicide captan than UK carrots. Captan is a known human carcinogen.

*RISK 2: The type of pesticides in food imported into the UK could become more toxic*

- 11. Under the current UK system, imported produce should not contain detectable residue levels of any pesticide that is not approved for use domestically. Here are a few examples of pesticides that are currently prohibited from appearing in UK food but permitted in food produced in India:
  - a. Acephate (*insecticide*) – a suspected endocrine disruptor, cholinesterase inhibitor and possible human carcinogen.
  - b. Triadimefon (*fungicide*) – a suspected endocrine disruptor and 'developmental or reproductive toxin' with links to cancer.
  - c. Iprodione (*fungicide*) – a known human carcinogen and suspected endocrine disruptor.

*RISK 3: More toxic pesticides could be approved for use in UK and existing bans could be reversed*

- 12. Under the guise of pushing for 'regulatory cooperation', Indian trade negotiators are likely to pressure the UK to weaken its relatively precautionary approach to which pesticides are approved for use (as they have done the EU).
- 13. 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, India follows the 'risk-based approach' based on the belief that almost every risk can be mitigated. A closer look at approval figures clearly highlights the outcomes of these different approaches:

	<b>UK</b>	<b>India</b>
<b>Number of approved Highly Hazardous Pesticides (HHPs)</b> <i>(HHPs are a UN concept used to identify the most harmful pesticides)</i>	74	91
<b>Number of approved organophosphates (OPs)</b> <i>(OPs are a group of pesticides known to be particularly harmful to human health)</i>	4	16

- 14. Approval status of pesticide active substances that are highly toxic to bees and other pollinators:

	<b>UK</b>	<b>India</b>
Clothianidin (neonicotinoid)	✗	✓
Dinotefuran (neonicotinoid)	✗	✓
Imidacloprid (neonicotinoid)	✗	✓
Nitenpyram	✗	✗

(neonicotinoid)		
Thiacloprid (neonicotinoid)	✘	✓
Thiamethoxam (neonicotinoid)	✘	✓
Fipronil	✘	✓

KEY: ✘ = not approved; ✓ = approved

15. Approval status of active substances that contaminate water and/or impact on aquatic life:

	UK	India	Impacts
Alachlor (Herbicide)	✘	✓	<ul style="list-style-type: none"> <li>Groundwater contaminant</li> </ul>
Atrazine (Herbicide)	✘	✓	<ul style="list-style-type: none"> <li>Persistent in water</li> <li>Harmful to aquatic ecosystems</li> </ul>
Diuron (Herbicide)	✘	✓	<ul style="list-style-type: none"> <li>Persistent in water</li> <li>Acute toxicity to aquatic species</li> </ul>
Isoproturon (Herbicide)	✘	✓	<ul style="list-style-type: none"> <li>Persistent in water</li> <li>Harmful to aquatic ecosystems</li> </ul>

KEY: ✘ = not approved; ✓ = approved

16. The divergence in the approaches to pesticide approvals taken by the UK and India go beyond just numbers to also relate to numerous procedural aspects of the pesticide regime. For example, in contrast to the UK, India has no mechanism for post-approval review of pesticides meaning that some pesticides authorised in the 1970s are still in use, regardless of new information relating to negative health or environmental impacts. The use of counterfeit or illegal pesticides is also a major issue in India, accounting for approximately 30% of all pesticides. Their use can often pose an even greater risk to human and environmental health than the use of legal pesticides.

RISK 4: UK agriculture could be undermined

17. A UK/India FTA could also pose an economic threat to the future of UK agriculture. If the UK Government decides to weaken domestic standards in order to facilitate imports from India thereby encouraging British farmers to start using currently banned pesticides, then UK exports will struggle to meet EU standards. Given that the EU remains the UK's primary agricultural export destination, accounting for roughly 60%, this could have a devastating impact on the UK farming sector. Equally concerning, British farmers could be undercut by a flood of imported crops grown in India more cheaply on a larger scale and to lower standards.

**18. What are PAN UK's recommendations to the UK Government for a UK/India trade deal?**

- a. Do not allow any weakening of UK pesticide standards via a UK/India trade deal. 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 strengthened.
- 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 India.
- d. Ensure the new statutory TAC provides a detailed impact assessment of the effect of a UK/India trade deal on UK pesticide standards to highlight areas of concern.
- e. Make the UK's intention to maintain pesticide protections clear to Indian trade negotiators and reject any provisions in a UK/India trade deal that reduce the UK's regulatory autonomy over food and environmental standards, including pesticide regulation.
- f. Ensure that the development of a UK/India FTA takes place in the open with the opportunity for full parliamentary and public scrutiny. This should include a meaningful role for MPs, Peers and the devolved administrations.
- g. Ensure that a UK/India trade deal does not hamper the ability of the devolved nations to introduce stricter measures to protect human health and the environment from pesticides.
- h. Resist all attempts by Indian trade negotiators to push the UK to revert to weak Codex Alimentarius standards on pesticide residues.
- i. Reject clauses in a UK/India FTA which create additional obligations to justify taking a more stringent approach to protecting human health and environment from pesticides.
- j. Take a leading role on pesticide issues within the World Trade Organization SPS Committee and push for it to prioritise protecting human health and the environment from pesticide-related harms.
- k. 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.
- l. 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.
- m. Take a global lead by strengthening the UK's new standalone pesticide regime to be more effective than the EU system in terms of protecting human health and the environment.
- n. 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.
- o. Pass primary legislation on pesticides that gives Parliament greater oversight and reduces the scope for Ministers to change Maximum Residue Levels and approve new active substances.
- p. Fill the regulatory and governance gaps created by EU exit to ensure the UK pesticide regime is fit-for-purpose in terms of protecting human health and the environment and better able to resist efforts from trade partners to drive down UK standards.