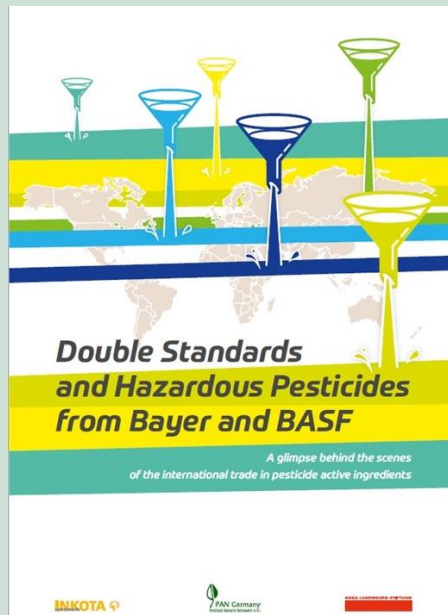




## **Pesticide newsletter** N°5 - September 2021

### **Civil Society Activities**



### **Double standards and hazardous pesticides from Bayer and BASF, report available in 4 languages!**

The report by [PAN Germany](#) (Pesticide Action Network), a member of our partner PAN Europe, the [INKOTA network](#) and the [Rosa Luxemburg Foundation](#), on the shameful practice of exporting pesticides banned in Europe (double standards), published in [German](#) in April 2021, is now available in [English](#), [Spanish](#), and [Portuguese](#).

The report explores the global trade in pesticide active substances banned in the European Union (EU), focusing on products marketed by the two German agrochemical giants, Bayer and BASF. It shows that these two companies continue to market pesticides and active ingredients in the South that are not approved, or are even banned in the EU, because of the risks they pose to the environment or human health. These unethical business practices are legal in the EU, but are increasingly being criticized as double standards.

The report explains how marketing these active substances manufactured by Bayer and BASF is made possible in the countries of the South, and lists Bayer and BASF products containing active substances that are banned in the European Union and yet are sold in other regions of the world. The case study focuses on three countries: South Africa, Brazil and Mexico.

The list of active ingredients that are highly hazardous to human health that have spread around the world through Bayer and BASF is long. These two companies are responsible for marketing and, in some cases, developing at least 33 pesticide active ingredients that pose a significant threat to our health.

According to the report, Bayer has developed and/or marketed 22 highly toxic pesticide active ingredients. Seven of these ingredients fall under World Health Organization (WHO) class 1A and fifteen under class 1B. BASF has developed and/or placed on the market three active ingredients that are considered highly hazardous (WHO Class 1B). In addition, Bayer and BASF produce four active ingredients each that can cause long-term damage and are therefore banned in the European Union.

The opacity of commercial practices in this area makes it difficult to identify the company that produced and supplied the active ingredient found on the pesticide label. Indeed, the transformation of active ingredients into pesticides by other agrochemical companies, or the acquisition by Bayer and BASF of active ingredients through mergers and acquisitions of other companies, makes it difficult to identify with certainty the manufacturer of these ingredients. For example, in one case in Brazil, it was proven that Bayer manufactures the banned active ingredient, but does not sell the finished product formulated with the ingredient. Some countries, such as South Africa, do not produce the active ingredients of pesticides, meaning that they import all the needed active ingredients.

#### *An attractive market for agrochemical companies*

The report notes that in 2018, five of the largest agrochemical companies (Bayer, BASF, Corteva, FMC, Syngenta) made 35% of their sales with pesticides that include substances that are extremely toxic to health or the environment. According to an [investigation](#) by [Public Eye](#) and Greenpeace UK's investigative unit, [Unearthed](#), around 60% of sales of these dangerous products were destined for so-called developing and emerging countries.

#### *Profits made at the expense of human health and environmental protection*

The authors of the report did not obtain answers from the main factories manufacturing pesticides in Mexico and South Africa on the origin of the active ingredients of the pesticides sold on their market. The companies only claim that their products are safe if used correctly. However, this claim is far from the

reality in the South. In many cases, the necessary protective equipment is either unavailable, too expensive, or impractical due to climatic conditions. In addition, some farmers cannot read or understand the information on the packaging regarding the application of the products. Pesticide manufacturers are well aware of this, but they take advantage of weak regulations in the South to make profits with highly hazardous pesticides, at the expense of humans and the environment.

*What does the regulation say about the active ingredients marketed by Bayer and BASF?*

To date, there are no binding regulations to prevent the export of these banned active ingredients within the European Union. [Regulation 649/2012](#) of July 4, 2012 allows the export of certain pesticide active ingredients if the importing countries are informed and agree to import them. On October 14, 2020, the European Commission adopted the [EU Chemicals Sustainability Strategy](#), which calls for a ban on the export of chemicals banned in the EU, but without specifying the kind of chemicals or a timeline. On November 5, 2020, more than [70 European and international NGOs](#), including Justice Pesticides, [wrote](#) to the European Commission to end the practice of exporting pesticides banned within the EU to countries in the South. In its December 9, 2021 [response](#), the EU Commission reaffirmed its intention to end the practice of double standards, but was not very specific. In the EU, only France has a [national law](#) that provides for a ban on the export of pesticides banned in France from 2022. When [petitioned by the agrochemicals lobby](#), which considered that the ban on the export of some pesticides containing active substances not approved by the EU would be contrary to the freedom of enterprise, the Constitutional Council ruled that the law was in conformity with the Constitution and that the legislator had ensured a balanced reconciliation between the freedom of enterprise and the constitutional objectives of environmental and health protection. Other European countries, including Germany, ought to adopt similar provisions.

*The need for greater transparency and regulation*

The report's conclusions are clear: the global pesticide market is lacking in transparency. In the absence of clear regulations, companies too often hide behind commercial secrecy. A ban on the export of active ingredients classified as hazardous is necessary and international regulation of the pesticide trade must be strengthened. The establishment of a list of pesticide active ingredients classified as hazardous by WHO and FAO (Food and Agriculture Organization of the United Nations) could form the basis for binding regulations at the international level.

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