



Pesticide newsletter

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Jurisdictional news



France: The rules on pesticide application not protective enough

The French government will have to reconsider its texts on the distances for spraying pesticides in agriculture. The Council of State, in a [decision](#) dated July 26, 2021, partially annulled the provisions of the decree and the order of December 27, 2019, which deal respectively with the conditions of use of pesticides and the authorization of the experimentation of drones for pesticide spraying.

The provisions of these texts about no-treatment zones around homes were challenged before the Council of State by many groups, municipalities and organic farmers who consider them insufficient. They were also challenged by the Vienne departmental chamber of agriculture and the farmers' union *Coordination rurale* who found them excessive.

The Council of State found that "the minimum distances for spraying products which toxicity is only suspected (...) are insufficient" and ordered the Government to strengthen the rules for the use of pesticides (distances, information for residents and people living near the sprayed areas, protective

measures for people working near areas where pesticides are used) within six months. It emphasized that the reinforcement of these rules is perfectly justified since people working near pesticide users do not benefit from protection, as the texts relating to safety distances only protect homes. The minimum spraying distances must also be increased for products classified as "suspected" of being carcinogenic, mutagenic or toxic, because the texts in question do not take these criteria into account. The Council of State relies in particular on the [recommendations](#) of the National Health Security Agency (Anses), which recommends a minimum distance of 10 meters between homes and areas of application of any product classified as carcinogenic, mutagenic or toxic, or suspected of being so.

This decision [follows](#) that of the Constitutional Council of March 19, 2021, which had ruled the procedure for developing departmental charters of commitments on pesticides contrary to the Constitution. It cancels the conditions of elaboration of a device at the heart of the controversy on the protection of populations from pesticide spraying and gives six months to the Government to propose new and more protective measures.

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