



Newsletter about Pesticides

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Jurisdictional News



France: Responsibility of the State in the extension of the approval of chlordecone in the West Indies

For having extended the approval of chlordecone insecticide in the West Indies, even though it was banned in metropolitan France, the French government was found [guilty](#) of negligence by the Administrative Court of Paris on June 27, 2022. However, although the responsibility of the State was recognized, the judge refused to compensate the 2330 plaintiffs, who claimed in a class action a moral prejudice of anxiety linked to the massive use of chlordecone.

Chlordecone is a pesticide that has been classified as a probable carcinogen by the World Health Organization (WHO) since 1979. It is an endocrine disruptor and is recognized as neurotoxic and reprotoxic. However, it was not until 1990 that it was banned in France.

In Martinique and Guadeloupe, chlordecone has been massively used for decades in banana plantations to control the banana weevil, contaminating a large part of the population. After its prohibition in France, several ministerial exemptions allowed its approval to be prolonged in the West Indies until 1993.

The chlordecone plans conducted by [Santé publique France](#) have revealed the extent of the damage to local populations. According to *Santé publique France*, more than 90% of the adult population in Guadeloupe and Martinique is contaminated by chlordecone. Traces of chlordecone are still present in the West Indian environment as well as in the bodies of the inhabitants, and the disastrous consequences on the health of agricultural workers and inhabitants are still being felt today. Notably, the French West Indies hold the sad world record for the rate of prostate cancer in the population. The prostate cancers declared after the use of chlordecone in crops were recognized as an occupational disease by decree in 2021, which facilitates the compensation of occupational victims of agriculture. Nevertheless, nothing is planned as compensation for non-professional chlordecone victims, while the whole environment is contaminated for hundreds of years and food is a major source of contamination.

The Administrative Court of Paris was asked to judge the responsibility of the State services in the chlordecone scandal. On June 24, 2022, the court condemned the Stateservices for wrongful negligence. According to the [judgment](#), the State services committed wrongful negligence by allowing the sale of the same antiparasitic speciality containing 5% chlordecone and by approving the continuation of sales beyond the time limits legally provided for in the event of withdrawal of the registration. The responsibility of the State services is thus recognized in the extension of the approval of chlordecone in the West Indies.

However, the court rejected the plaintiffs' claim for compensation for anxiety, considering that they had not provided "any personal and detailed evidence to justify the loss". The plaintiffs have indicated their intention to appeal.

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