



Newsletter about Pesticides

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Jurisdictional News



Mexico: Presidential decree to eliminate glyphosate ruled unconstitutional

On July 12, 2022, Mexico's 6th Administrative District Judge, **Francisco Javier Rebolledo**, [overturned](#) the 2020 presidential decree banning the planting of genetically engineered corn in the country and aiming for a glyphosate ban by 2024.

On December 31, 2020, Mexico passed a [presidential decree](#) that aimed to gradually ban the use of glyphosate in the country until reaching a total ban by 2024, as well as revoke and refrain from granting permits for the release of genetically modified corn seeds into the environment, prohibiting their planting in Mexico.

Multinational and domestic agrochemical companies, including Bayer-Monsanto and Dow Agrosiences, have gone to court to seek to overturn the executive order in as many as [43 lawsuits](#).

Already in April 2021, the same Judge **Rebolledo** had granted a temporary suspension to Bayer-Monsanto to exempt it from the application of the presidential decree. This suspension was [revoked](#) by the 9th Circuit's Administrative Panel on May 3, 2021.

On July 12, 2022, the Sixth District Administrative Court of Mexico City ruled that the presidential decree was unconstitutional, [finding](#) that it lacked legal basis and reasoning and that it did not explain the health effects caused by the use of glyphosate and transgenic corn. Although the judge was provided with scientific resources showing that the use of glyphosate posed a real risk to the environment and people's health, he still concluded that these documents did not support a solid legal argument.

The national campaign *Sin Maíz No hay País* (Without Maize, There is No Country), composed of more than 300 peasant, environmental and human rights organizations, strongly [condemned](#) Judge **Rebolledo's** decision in favor of Bayer-Monsanto, which seems to have been granted in a special way and protects the interests of the multinational Bayer-Monsanto to the detriment of the environment, the health of Mexicans and the food security of the country.

Our partner RAPAM (*Red de Acción sobre Plaguicidas y sus Alternativas en México*) views this as a violation of human rights and environmental standards. RAPAM notes that the judge repeatedly relied on the constitutional principle of precaution to justify his decision, but misinterpreted it, and thus failed in his constitutional duty to protect the human rights of the Mexican population, such as the right to health and to a healthy environment.

The government of Mexico, through the Ministry of Environment and Natural Resources (Semarnat), expressed its [disagreement](#) with the judicial decision, granting an order in favor of Monsanto against the decree issued by President **Andrés Manuel López Obrador** on December 31, 2020 to phase out the herbicide glyphosate. It considers that this decision, which is not final, only benefits a private transnational corporation and does not take into account the damage caused to the health of Mexicans by the use of this herbicide, which has been demonstrated by medical and scientific research. Therefore, Semarnat will challenge the decision through a fully reasoned appeal for review, which must be resolved by a collegiate court. It has 10 days to do so.

In Mexico, as everywhere else in the world, private agrochemical companies are fighting state protections against their products. Last July, Bayer [challenged](#)

Luxembourg's ban on glyphosate, and the Administrative Court ruled in favor of the company, finding that the government had no basis for going against the European authorization of the substance. Similarly, Thailand banned the use of glyphosate, chlorpyrifos and paraquat on its territory. Economic stakeholders and farmers have asked for the [revocation](#) of the ban on these three pesticides, without success. But pressure from the agrochemical industry and the U.S. government led the Thai government to reverse its decision to ban glyphosate.

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