

Dear all,

At the United Nations Climate Change Conference (COP28), held from November 30 to December 13 in Dubai, United Arab Emirates, over 130 states signed the United Arab Emirates **Declaration on Sustainable Agriculture, Resilient Food Systems and Climate Action**. The vulnerability of agricultural systems to climate change and their responsibility for these changes are both recognized by the signatory states. However, no mention is made of the dominance of the conventional agricultural system and its dependence on pesticides. And yet, in the name of sustainability, this dependence must be cured. The Kunming-Montreal Global Biodiversity Framework (2022), in which states committed to "to reduce the overall risk from pesticides by at least half", is nevertheless cited. Moreover, the Declaration is not legally binding. We will have to wait until the end of 2024, when the first review will take place, to assess the implementation by signatory states of the objectives set out in the declaration.

Wishing you a very happy 2024 (and, of course, a successful application of Kunming-Montreal and the UAE Declaration to all States)!

The Justice Pesticides team,

Paris, January 2, 2024.



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Justice Pesticides aims to facilitate access to information on the law and pesticides. To this end, we maintain an **open-access litigation database on pesticides**. It is available on our website, translated into French and English. So, if you like our work, you can support us:

- By making a [donation](#)
- By sending us information about pesticide-related court rulings: contact@justicepesticides.org
- By sharing this newsletter (available in [french](#) and in english)

Thank you!

European News

France: Precision on the mutual recognition procedure

On November 30, an administrative tribunal rejected UPL Europe LTD's request for the annulment of ANSES's decision refusing to authorize the marketing of Mastana SC, based on mutual recognition of the authorization issued by the UK

authorities. This decision provides useful clarification on the conditions for recognition in France of a plant protection product authorization issued in another part of the European Union.

[Click here to find out more](#)



Two new requests for internal review by NGOs under Regulation (EU) 2021/1767 (transposing the Aarhus Convention):



Action against glyphosate authorization renewal

In a letter sent on November 30, CRIIGEN, Agir pour l'environnement and the Collectif des maires anti-pesticides called on the European Commission to reverse its decision to renew the authorization of glyphosate for a further 10 years. Meanwhile, in the United States, a petition against glyphosate has been submitted to the EPA (see "Administrative news").

[To find out more](#)

Action against abusive extensions of authorizations for 5 active substances

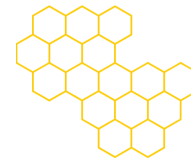
On December 11, Générations Futures announced its intention to submit applications to the European Commission for the extension of the authorizations of 5 active substances of particular concern used in plant protection products (S-metolachlor, tebuconazole, prosulfocarb, chlortoluron and flufenacet).

[To find out more](#)



New complaints to the General Court of the European Union:

In a press release of December 20, PAN Europe announced its intention to lodge two new complaints with the General Court of the European Union. The first is an action for annulment of Regulation (EU) 2023/574 adopted on March 13, 2023 by the European Commission establishing detailed rules for the identification of unacceptable co-formulants in plant protection products.



The second is an action for annulment of the decision to renew the use of abamectin, an insecticide that is highly toxic to human health and the environment, particularly pollinators.

[To find out more](#)

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Civil law news

USA & Ghana: Three chocolate companies accused of inhumane working conditions for children

On November 28, International Rights Advocates, child cocoa plantation workers and their parents filed a complaint in the Superior Court of the District of Columbia against three of the world's largest chocolate companies (Mars, Cargill and Mondelez) for serious violations of children's rights. The class action alleges, among other things, that children are forced to apply toxic pesticides on cocoa plantations without protective equipment.

[Click here to find out more.](#)



USA: Victory and defeat for Monsanto's Roundup victims



On December 5, the Philadelphia Court of Common Pleas ordered Monsanto and Nouryon Chemicals to pay Kelly Martel nearly \$3.5 million for producing and marketing Roundup, the glyphosate-based herbicide that caused her non-Hodgkin's lymphoma (NHL).

[To find out more](#)

On December 23, however, a jury in the Superior Court of California for the County of San Benito rejected the complaint filed by Bruce Jones, a former Roundup user suffering from NHL. He was unable to establish a sufficiently certain causal link between his exposure and the development of his pathology.

[To find out more](#)



Canada: Class action against Monsanto certified

On December 8, the Ontario Supreme Court of Justice agreed to certify a class action filed by people with "significant" exposure to Roundup. By "significant exposure", the complaint means application of the product on more than two occasions in a 12-month period, and on more than 10 occasions in a lifetime.

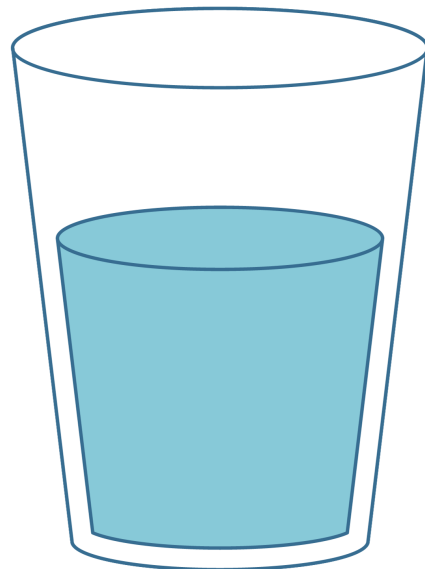
[To find out more](#)

Administrative law news

France: Protection of a drinking water source from pesticides

On November 30, an administrative court of appeal rejected the request made by a group of individuals and companies for the annulment of a prefectoral decree declaring the public utility of a groundwater diversion project and the protection perimeters of the communal catchment "La source de Bougis". The Court's decision was based on a hydrogeologist's report noting that the Bougis catchment was polluted by agricultural activities and frequently exceeded the maximum authorized concentrations for turbidity, pesticides and nitrates.

[To find out more](#)





USA : Approval of antibiotic used as pesticide on lemon trees overturned

On December 13, the U.S. Court of Appeals for the 9th Circuit partially granted the petition filed by several NGOs and farmers' unions to overturn the EPA's approval of the antibiotic streptomycin sulfate for use on lemon trees. In its decision, the Court found that the EPA's assessment was incomplete, failing to take into account the risks to pollinators.

[To find out more](#)

USA: Petition filed against glyphosate

On December 13, several NGOs submitted a petition to the Environmental Protection Agency (EPA) calling for the immediate suspension and cancellation of all registrations for glyphosate-based crop protection products. The petition follows a decision by the Court of Appeals for the Ninth District recognizing shortcomings in the EPA's risk assessment. It echoes the action taken by NGOs against the authorization of glyphosate in the European Union (see "European news").

[To find out more](#)



USA: EPA considers partial reauthorization of chlorpyrifos

On December 19, the EPA published its intention to reauthorize certain uses of chlorpyrifos. This follows a decision by the 8th Circuit Court of Appeals on November 2, 2023, in which the EPA's 2021 decision banning all uses of the insecticide on food and feed crops was overturned. The court had referred back to the agency the opportunity to ban some or all uses of chlorpyrifos.

[To find out more](#)





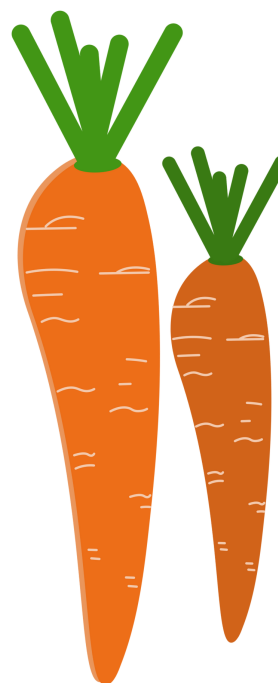
USA: Company director sentenced for falsifying pesticide spraying licenses

On December 14, the U.S. District Court for Lackawanna County sentenced J. Gallagher, head of a fumigation and pest control company, to a two-year suspended prison sentence for falsifying several pesticide spraying licenses and certificates of insurance.

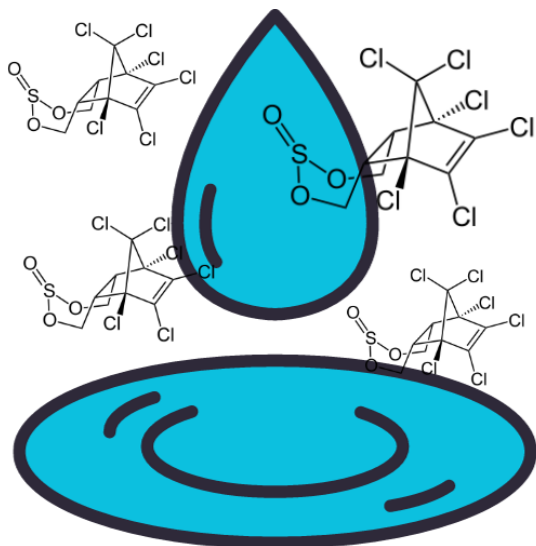
To find out more

France: The Cour of cassation refuses to refer a priority constitutionality question on sentencing for illegal pesticide use

On December 12, the Court of Cassation decided not to refer to the Constitutional Council the priority question of constitutionality submitted by the carrot growers, condemned on February 10 by the Caen Court of Appeal for having used dichloropropene, a banned pesticide. In short, the farmers were asking whether the conviction for using a recently banned pesticide, without the introduction of an alternative to its use, was contrary to the principles of legitimate expectations, legal certainty and entrepreneurial freedom.



To find out more



India: Analysis underway into illegal endosulfan spill in water well

On December 20, the Green Tribunal (South Zone) enjoined the Union of India and the states of Karnataka and Kerala to analyze, by January 2, 2024, soil and water samples in villages on the border between the two states, allegedly polluted by the illegal dumping of endosulfan in an abandoned well. At the end of December, a committee of experts intervened.

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