

**Europe****Annex I under 91/414/EEC**

A decision has not yet been possible as to whether the data submitted relating to eight listed active ingredients are sufficient to satisfy the requirement of Directive 91/414/EEC. A decision has been postponed and rapporteur Member States have been informed of the additional information required. The last date for submission of the studies is 25 May 2002. The substances concerned are carbendazim, desmedipham, mancozeb, maneb, metiram, phenmedipham, procymidone and thiophanate-methyl.

A review of the dossier submitted by Cyanamid supporting the inclusion of chlorfenapyr in Annex I has led to additional questions, particularly relating to the behaviour of the chemical within the environment, and its fate when released. As support for further work on chlorfenapyr was not forthcoming from Cyanamid, it will not be included in Annex I.

**Bayer defends Gaucho**

Bayer France is claiming damages and interest at the county courts after public criticism of its insecticide seed treatment imidacloprid (Gaucho). French bee keepers have repeatedly linked falling bee numbers with the use of Gaucho. Bayer is responding to the European Commission's report of December 2000 which found that although residues of Gaucho's active ingredient were found in soil samples, there was no direct link between the product and the problems experienced by bee keepers.

**Switzerland ratifies Rotterdam treaty**

The 1998 Rotterdam treaty on the prior informed consent procedure for certain pesticides and hazardous chemicals in international trade has been ratified by Switzerland. 145 countries have now signed the treaty.

**France to ban atrazine**

France will ban the herbicide atrazine on 30 September 2002. In addition to this, all atrazine containing pesticides will be withdrawn from the market.

**North America****Benlate fungicide lawsuits**

A Miami court dismissed a number of benomyl (Benlate)-related lawsuits against DuPont because the company's actions did

not meet the legal standards for racketeering. The decision sets aside claims from 34 plant growers who allege DuPont withheld evidence showing that the fungicide damaged plants. Growers' lawyers are expected to appeal against the ruling. In August, a Florida jury found DuPont guilty of state racketeering, fraud and negligence charges and ordered it to pay \$78 M to plant growers for hiding test evidence.

**California court allows pesticide lawsuit to proceed**

An appeal court in California has ruled that pesticide producers and distributors can be sued if a pesticide product allegedly causes injury even though the product has been approved by the Environmental Protection Agency.

**Metolachlor registration battle**

Syngenta and Cedar Chemical have gone to court over efforts by Cedar Chemical's to register the herbicide metolachlor with the EPA. Syngenta started a phasing out of the product in 1997 to promote the more environmentally harmless S-metolachlor, which allows application rates to be reduced by 35%.

**Falling pesticide use in California**

The California Department of Pesticide Regulation has reported a statewide drop in pesticide use for the second successive year in 2000, to the lowest point since 1992.

**Micro Flo charged**

The EPA has issued a complaint against BASF subsidiary MicroFlo for violations of the Federal Insecticide, Fungicide & Rodenticide Act (FIFRA). EPA has also levied a \$3.7 M fine – its largest FIFRA fine ever. The EPA says MicroFlo distributed or sold pesticides that differed from its registration and falsified producer information on shipment documents. Specifically, the EPA says the company used compositions and sources of two active insecticidal ingredients – acephate and permethrin – that were not approved at the time of its inspections in May 2000.

**UK****NFU wins case on parallel imports**

In early November the National Farmers Union (NFU) won its case in the Court of

Appeal challenging the UK's current interpretation of the European law currently hindering UK farmers from importing cheaper products. The landmark decision by the Court should bring to an end an on-going legal battle over the restrictions and limitations on parallel imports spanning more than 5 years. The NFU worked alongside DEFRA to win the case against the Crop Protection Association by providing additional arguments and legal representation in court. The Court of Appeal ruled that "to require literally the same formulation for the parallel import would be wholly disproportionate to the needs of safety and thus an unjustified restraint on trade..." The UK's Pesticides Safety Directorate will now have greater flexibility to issue licences for parallel products from Europe meeting its standards.

**OP dip reprieve**

DEFRA has permitted the use of old-style organophosphorus sheep dip containers on farms to continue in the UK, although the marketing of these OP dip containers was banned on 1 September 2001. DEFRA says that merchants with existing supplies can also continue to sell products. Manufacturers are continuing to work on the development of closed system containers which ensure OP dip moves directly into baths.

**New couch herbicide approved**

Bayer has received UK approval for the use of its new grass herbicide in winter wheat. Attribut (previously coded MKH6561) containing the new active ingredient propoxycarbazone-sodium has the unique ability to control couchgrass (*Elytrigia repens*) in the growing cereal crop. Applied at the four leaf-stage it destroys both the foliage and underground organs. The German Biologischen Bundesanstalt in Braunschweig (BBA) has also approved the herbicide for application in winter wheat.