

## Europe

### EU sets revised pesticide residue limits

New EU legislation on pesticide residues, which became effective in September 2008, will harmonise the regulations of the 27 member states. The new maximum residue levels (MRLs) for pesticides supersede previous MRLs established by individual countries. Previous legislation, a combination of national and EU-wide rules, had caused confusion for farmers, sellers, and importers. Whereas groups like the European Crop Protection Association view the new MRLs as ensuring food safety in the EU, some environmental groups assert that the allowable levels for pesticide residues remain unacceptably high. **CBNB**

### Industry hits back at pesticide-in-food claims

Pesticide makers, through the European Crop Protection Association (ECPA), have reacted to the claims by the Pesticide Action Network (PAN) Europe that 4.7% of fruit, vegetables and cereals contain pesticides above maximum residue levels (MRLs), and close to 50% of all these products in Europe contain traces of pesticides. ECPA maintained that the figures released by PAN Europe from a leaked EU food monitoring report are just in line with figures contained in the 2007 report. ECPA also requested a full impact assessment of the effects of shifting to a hazard-based system of authorizing pesticides, which will take out a huge number of pesticides from the market, irrespective of their risk. **CBNB**

### EU pesticide residues legislation: the cocoa industry response

The European Commission enforced Regulation EC/396/2005 and its annexes on 1 September 2008, setting the residue limits for pesticides used on all food commodities meant for human and animal consumption in the European Union. Europe's cocoa industry is aware that the new rule could affect its cocoa supply, but is taking the measure positively by stressing the need for proper pesticides application so as to ensure that cocoa consignments intended for the market do not exceed the maximum residue levels. Two recent initiatives have been targeted at assisting cocoa producers prepare for the adoption of the new EC regulation. **CBNB**

### Commission Decision of 3 November 2008 concerning the non-inclusion of bromuconazole in Annex I to Council Directive 91/414/EEC

Adopted on 3 November 2008. The Commission of the European Communities has reviewed the data regarding the inclusion of bromuconazole in Annex I. For bromuconazole the effects on human health and the environment have been assessed for a range of uses proposed by the notifier. For bromuconazole the rapporteur Member State was Belgium and all relevant information was submitted on 14 November 2005. During the evaluation of this active substance, a number of concerns have been identified. In particular, based on the available information, it was not possible to assess the potential contamination of surface water and groundwater. Moreover, with regard to ecotoxicology, there are concerns due to the high risk to aquatic organisms. Consequently, it was not possible to conclude on the basis of the information available that bromuconazole met the criteria for inclusion in Annex I to Directive 91/414/EEC. Bromuconazole should therefore not be included in Annex I to Directive 91/414/EEC. Member States shall ensure that: Authorisations for plant protection products containing bromuconazole are withdrawn by 3 May 2009; no authorisations for plant protection products containing bromuconazole are granted or renewed from the date of publication of this Decision. Any period of grace granted by Member States shall be as short as possible and shall expire on 3 May 2010 at the latest. (For more information: Website: <http://europa.eu.int/eur-lex/lex/en/index.htm>) **CBNB**

### Commission Decision of 20 October 2008 concerning the non-inclusion of butralin in Annex I to Council Directive 91/414/EEC

Adopted on 20 October 2008. The Commission of the European Communities has adopted the decision that butralin shall not be included as an active substance in Annex I to Directive 91/414/EEC. Member States shall ensure that: authorisations for plant protection products containing butralin are withdrawn by 20 April 2009; and no authorisations for plant protection products containing butralin are granted

or renewed from the date of publication of this Decision. (For more information: Website: <http://europa.eu.int/eur-lex/lex/en/index.htm>) **CBNB**

### Commission Directive 2008/91/EC of 29 September 2008 amending Council Directive 91/414/EEC to include diuron as active substance

The Commission of the European Communities evaluated the additional report following the rapporteur Member State's completion of the assessment of the additional information submitted by the notifier for diuron and has amended Annex I to Directive 91/414/EEC as set out in the Annex to this Directive to include diuron. (For more information: Website: <http://europa.eu.int/eur-lex/lex/en/index.htm>) **CBNB**

### Commission decision of 18 September 2008 concerning the non-inclusion of methyl bromide, dichlobenil, triflumizole, diniconazole-M, dicloran, cyanamide and propachlor in Annex I to Council Directive 91/414/EEC

Adopted on 18 September 2008. The Commission of the European Communities has adopted the decision that methyl bromide shall not be included as an active substance in Annex I to Directive 91/414/EEC. During the examination of this active substance, it was concluded that there are clear indications that it may be expected that it has harmful effects on human health and in particular on bystanders, because the exposure is greater than 100% of the AOEL and consumers, because the exposure is greater than 100% of the ADI and the ARfD. Moreover, other concerns which were identified by the rapporteur Member State (UK) in its assessment report are included in the review report for the substance. Member States shall ensure that: Authorisations for plant protection products containing methyl bromide are withdrawn by 18 March 2009; no authorisations for plant protection products containing methyl bromide are granted or renewed from the date of publication of this Decision. For dichlobenil the rapporteur Member State was the Netherlands and all relevant information was submitted on 7 May 2007. During the examination of this

active substance, it was concluded that there are clear indications that it may be expected that it has harmful effects on human health and in particular consumer exposure from drinking water, because the exposure is greater than 100% of the ADI of a relevant metabolite and the leaching to groundwater is above 0.1 µg/l in all modelled scenarios for this relevant metabolite. The Commission has adopted this decision: Dichlobenil shall not be included as an active substance in Annex I to Directive 91/414/EEC. Member States shall ensure that: Authorisations for plant protection products containing dichlobenil are withdrawn by 18 March 2009; no authorisations for plant protection products containing dichlobenil are granted or renewed from the date of publication of this Decision. For triflumizole, the effects on human health and the environment have been assessed and the Commission examined triflumizole. During the examination of this active substance by the Committee, taking into account comments from Member States, it was concluded that there are clear indications that it may be expected that it has harmful effects on human health and in particular the exposure of operator and worker is greater than 100% of the AOEL. Member States shall ensure that: authorisations for plant protection products containing triflumizole are withdrawn by 18 March 2009; and no authorisations for plant protection products containing triflumizole are granted or renewed from the date of publication of this Decision. Diniconazole-M shall not be included as an active substance in Annex I to Directive 91/414/EEC. Member States shall ensure that: authorisations for plant protection products containing diniconazole-M are withdrawn by 18 March 2009; no authorisations for plant protection products containing diniconazole-M are granted or renewed from the date of publication of this Decision. Dicloran shall not be included as an active substance in Annex I to Directive 91/414/EEC. Member States shall ensure that: authorisations for plant protection products containing dicloran are withdrawn by 18 March 2009; no authorisations for plant protection products containing dicloran are granted or renewed from the date of publication of this Decision. Cyanamide shall not be included as an active substance in Annex I to Directive 91/414/EEC. Member States shall ensure that: authorisations for plant protection products containing cyanamide are withdrawn by 18 March 2009; no authorisations for plant protection

products containing cyanamide are granted or renewed from the date of publication of this Decision. For propachlor the effects on human health and the environment have been assessed by the rapporteur Member State (the Netherlands) and all relevant information was submitted on 23 May 2007. During the examination of this active substance by the Committee, it was concluded that there are clear indications that it may be expected that it has harmful effects on groundwater and in particular the leaching to groundwater is above 0.1 µg/l in all modelled scenarios for three relevant metabolites. However, despite the arguments put forwards by the notifier, the concerns identified could not be eliminated, and assessments made on the basis of the information submitted have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing propachlor satisfy in general the requirements laid down. Propachlor shall not be included as an active substance in Annex I to Directive 91/414/EEC. Member States shall ensure that: Authorisations for plant protection products containing propachlor are withdrawn by 18 March 2009; no authorisations for plant protection products containing propachlor are granted or renewed from the date of publication of this Decision. (For more information: <http://europa.eu.int/eur-lex/lex/en/index.htm>) **CBNB**

#### **Judgment of the Court of First Instance of 9 September 2008 Bayer CropScience and others vs Commission (Case T-75/06)**

The Court of First Instance issued its judgment on 9 September 2008 in the case Bayer CropScience AG; Makhteshim-Agan Holding BV; Alfa Georgika Efodia AVEVE; and Aragonesas Agro, SA vs Commission of the European Communities. The Intervener in support of the applicants (Bayer CropScience and others) was European Crop Protection Association (ECPA). The Intervener in support of the European Commission was Kingdom of Spain. The APPLICATION for the annulment of Commission Decision 2005/864/EC of 2 December 2005 concerning the non-inclusion of endosulfan in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that active substance. The Court decided to dismiss the action; ordered Bayer CropScience AG, Makhteshim-Agan

Holding BV, Alfa Georgika Efodia AVEVE and Aragonesas Agro, SA to bear their own costs and to pay those incurred by the Commission; and also ordered the Kingdom of Spain and the European Crop Protection Association (ECPA) to bear their own costs. (For more information: <http://europa.eu.int/eur-lex/lex/en/index.htm>) **CBNB**

#### **Pesticide use grows in Denmark in 2007**

The sale of pesticides in Denmark grew by 100 tonnes to over 3300 tonnes in 2007 despite a 5-year plan to reduce pesticide use. The Danish firm Cheminova is still selling pesticides in Brazil which are banned in Denmark and the EU. The company has been strongly criticised by the UN and the Danish pensions fund ATP for hampering research by the Brazilian government into the use of methyl parathion. **CBNB**

#### **France turns its attention to pesticide regulation**

France has launched a new initiative in a bid to cut pesticide usage by 50% by 2018. The project is estimated to require 206 M in its first 3 years. The government will focus not only on a reduction in volume but also on cutting the concentration of products. France is the leading consumer of pesticides in Europe. **CBNB**

#### *Herbicides*

#### **Thiencarbazone-methyl registered in first market**

On 27 September 2008, Bayer CropScience (BCS) announced that it has reached a further milestone in the expansion of its successful product portfolio with the grant of the first regulatory approval for its new corn herbicide thiencarbazone-methyl in Romania. Thiencarbazone-methyl and the newly developed cyprosulfamide will be marketed in Romania in combination with the established active ingredient isoxaflutole as a ready-to-use-formulation under the brand name Adengo. The market launch is scheduled for 2009. Further registrations for products based on thiencarbazone-methyl are expected in major European corn-growing countries, in the US and in Argentina in the course of 2009. BCS is confident of achieving a global peak sales potential of more than 100 M/y with this active ingredient. After tembotrione and pyrasulfotole, this is the third new

herbicidal active ingredient from the company's successful research and development pipeline to reach market readiness since 2007. Thiencarbazone-methyl controls monocotyledonous and dicotyledonous weeds in corn and displays a good balance between leaf action and soil action. The safener cyprosulfamide accelerates the decomposition of the herbicide in the corn plant, thus increasing its crop selectivity. The spectrum of activity of thiencarbazone-methyl, a new sulfonyl-amino-carbonyl-triazolinine, covers a wide range of weeds. Several years of trials carried out worldwide with Adengo have shown that it reliably controls even difficult weeds such as velvetleaf (*Abutilon*). The product can be applied from pre-emergence to early post-emergence. BCS recommends corn growers to use Adengo as the new product combines good long-term action with outstanding biological performance. (For more information: Bayer AG, 51368 Leverkusen, Germany; Tel: +49 214301; Fax: +49 214 305 8923; Website: <http://www.bayer.com>)

CBNB

### **Monsanto required to pay 15,000 fine**

A court of appeal has upheld a 15,000 fine against Monsanto which was accused of making misleading claims in its publicity for the herbicide Round Up (glyphosate).

CBNB

### *Insecticides*

#### **Italy drops neonicotinoids**

Italy has banned the use of neonicotinoid pesticides, following similar moves in Germany, Slovenia and France. It has been suggested that the pesticides clothianidin, imidacloprid and thiamethoxam are linked to bee deaths.

CBNB

### *North America*

#### **US investigates Bayer plant blast**

Federal investigators from the Chemical Safety & Hazard Investigation Board (CSB) have commenced its inquiry into the cause of the 28 August 2008 explosion and fire at the Bayer CropScience plant in Institute, WV, USA. The blast, which occurred in a section of the complex where the company produces the pesticide methomyl, is believed to have involved a 4000-gallon tank of waste products that included methyl isobutyl ketone, hexane and dimethyl disulfide. The incident killed

one worker and seriously burned another. The findings of the probe will be evaluated by the OSHA to determine whether Bayer had violated any federal safety standards.

CBNB

### *Fungicides*

#### **Appeals court revives Florida Benlate lawsuit**

The 14-year-old lawsuit involving DuPont's fungicide Benlate (benomyl) has been revived by the Florida Court of Appeals for the Fifth District in Daytona Beach, FL, USA. The lawsuit, Fuzzell versus DuPont, asks for compensation for residual contamination from Benlate on the Fuzzell property, where plants have continued to fail due allegedly to the fungicide. The appeals court dismissed a lower court's ruling that threw out the case for 'lack of prosecution,' which means the plaintiff waited too long to pursue the case.

CBNB

### *Herbicides*

#### **Dow sues Canada over pesticide ban**

Dow AgroSciences is challenging Quebec's province wide ban on the residential use of weed-killing chemicals as a violation of the North American Free Trade Agreement (NAFTA) and is seeking at least C\$2 million in compensation plus costs from the Canadian government. The company, whose 2,4-dichlorophenoxyacetic acid (2,4-D) herbicide is widely used to control broadleaf weeds, contends that the prohibition on lawn and garden chemicals is inconsistent with the investor-protection provisions of the trade agreement among Canada, the US and Mexico. Quebec instituted its pesticide ban two years ago. Dow maintains that Canada has breached its obligations under Chapter 11 of NAFTA, which allows corporations to sue the federal government of any of the three countries for enacting laws or regulations that they believe harm their investments and that Quebec began a campaign against 2,4-D in 2002 without any scientific basis for a ban. The company notes that a unit of the governmental agency Health Canada concluded earlier this year that 2,4-D can be used safely according to label directions for a variety of lawn, turf, and agricultural applications. Pesticide bans are spreading in Canada. In June, Ontario passed

legislation that will prohibit the sale and use of pesticides for cosmetic use on lawns and gardens throughout Canada's most populous province when it takes effect next spring.

### *Insecticides*

#### **US carbofuran battle intensifies**

The US Environmental Protection Agency proposed in late July 2008 a new rule that would cancel the existing tolerance criteria for carbofuran on foods imported to, or cultivated in the USA, citing risks that fail to meet its food safety requirements. FMC Corp, a key supplier of the pesticide, said it will contest the agency's proposal, maintaining that the substance does not present human health risks in normal use. The company is already challenging the EPA's 2006 cancellation of carbofuran as a registered pesticide for limited application in US agriculture. Carbofuran is used worldwide on various crops including soybeans, rice, coffee, bananas and alfalfa.

CBNB

### *Soil fumigants*

#### **Methyl iodide saga continues: gains EPA approval**

The use of methyl iodide as a soil fumigant, mainly in strawberry and tomato fields, has been approved by the Environmental Protection Agency (EPA) starting in October 2008. The decision comes on the heels of the impending expiration of the one-year temporary approval given to the chemical in October 2007. In 2006, the EPA considered approving methyl iodide as a substitute over methyl bromide, which was banned under the Montreal Protocol on Substances that Deplete the Ozone Layer, but was only approved for critical uses where no alternatives exists. Meanwhile, Florida has approved methyl iodide use as a soil fumigant to high-value crops including tomatoes, strawberries and ornamentals, but with additional safety measures beyond the federal ones. California, on the other hand, is due to conclude its risk assessment of the chemical by late-2009. Health concerns associated with methyl iodide use include thyroid hormone suppression and carcinogenic effects.

CBNB

#### **New EPA rules for soil fumigants**

The US Environmental Protection Agency has introduced new safety measures for soil fumigant pesticides, particularly

chloropicrin, dazomet, metam potassium, metam sodium and methyl bromide. Written, site-specific management plans are now required to help ensure safe fumigation practices. Buffer zones around treated areas are also mandated to limit the immediate effects of fumigant concentrations in the air. Those authorised to use the identified fumigants are impelled to adopt more stringent protection processes, as well as provide fumigant-specific training and safety information to those handling the substances. **CBNB**

### Rest of the World

#### UN may add to trade watch list

The United Nations is considering the inclusion of endosulfan, tributyl tin and chrysotile asbestos in the Prior Informed Consent (PIC) chemicals list. This trade watch list provides emerging countries the right to limit the importation of listed chemicals if they decide that these substances cannot be safely supervised. **CBNB**

#### Policies for pesticides get stricter

The world's largest pesticides producer, China, has withdrawn export rebates for over 30 pesticide products, from 1 August 2008. The aims of this policy include the encouragement of manufacturers to lower exports of low added value products and develop new products with a higher added value, lower toxicity and good environmental profiles. However, China Crop Protection Industry Association (CPIA) has asked for the rebates to remain in place for dicofol and carbofuran, because a rebate withdrawal could adversely affect production rates at a time when feedstock costs and production costs are high. Low operating rates could cause price rises in domestic markets. **CBNB**

#### China blamed for fake agrochemicals

The European Crop Protection Association (ECPA), in its report 'Counterfeit Pesticides Across Europe 2008', has attributed the increase in counterfeit pesticides in Europe to China.

ECPA reports that fake agrochemicals impact 5-7% of annual pesticides turnover or 360-510 M (£285-400 M) in value. In the eastern part of the region and certain other hotspots, counterfeit products take up as much as 25% of the market. Fake products infiltrate roughly 2% of the UK market. **CBNB**

#### Japanese agrochemicals under threat from Chinese imitations

Japanese agrochemical manufacturers are being hit by a surge of imitation crop protection chemicals from China. Aggravating the problem is China's preliminary registration system, which permits any chemical that had been field tested or undergone acute toxicity tests to be listed as a pesticide. The initial registration period is restricted to one year, but an additional three one-year enlistment periods are permitted, after which a formal application must be submitted, thus, allowing the imitation of products without regard to patent law within the pre-registration period. These pre-registered pesticides are also automatically approved by the Chinese government for exports, allowing these products to be legally manufactured and marked in the domestic markets and also exported to other countries. The Japan Crop Protection Association held a meeting with officials of China's Ministry of Agriculture in 2007 to discuss the issue of Chinese imitation pesticide products. Since that meeting, the preliminary registration system has not been changed, even after a measure calling for the revision of pesticide registration policies became effective in January 2008. The Chinese vowed that export and registration certificate would not be given to any pesticide that could be linked to any patent violation, but it seems that illegally produced pesticides that had been delisted from the initial registration list continue to be exported to other nations, resulting in a significant economic loss for Japanese pesticide providers. **CBNB**

#### New Zealand re-evaluates methyl bromide

New Zealand's Environmental Risk Management Authority (ERMA) has

announced that methyl bromide (MeBr), a fumigant commonly used for logs and other export goods, will be re-evaluated on its continued use. The ERMA determined that both the application and volumes of MeBr being imported had considerably changed. The move gained approval from the Soil & Health Association of New Zealand, which appealed to authorities to address the rash release of MeBr gas at the country's ports. Except for critical use and quarantine and pre-shipment fumigation, use of the chemical has been severely restricted under the Montreal Protocol. MeBr is a biosecurity requirement for certain of New Zealand's export markets, specifically logs. **CBNB**

#### Insecticide misuse killing Kenyan wildlife

A recent study from the National Museums of Kenya's (NMK) Ornithological Section bolsters anecdotal evidence of increasing incidences of carbofuran poisoning and killing in Kenya's wildlife. The study found that there is extensive misuse of the pesticide by both farmers and pastoralists which is seriously threatening the country's wildlife. Marketed as Furadan in Kenya, the pesticide is a highly regulated product and cannot be sold without proper prescription from a certified officer. Carbofuran is approved for application as an insecticide/nematicide on crops, but according to the NMK study, some people in Kenya use it against predators like raptors to protect livestock. In other cases of wildlife dying from carbofuran poisoning, users lack awareness on the effects of the substance. The list of targets is wide-ranging, including bees, crocodiles, lions, hyenas and eagles. The NMK study also showed that Furadan could be easily purchased over the counter without restriction in all of the agro-veterinary stores surveyed. This indicates that the law is not being implemented. FMC Corp, the key supplier of Furadan to Kenya, has offered to help Kenyan authorities address the issue. The company is also conducting a complete reassessment of its stewardship practices in the country. **CBNB**

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