

# New Mechanism of Action: elevation of obligations to progress SAICM Issues of Concerns (IoCs) in the post 2020 multilateral regime for chemicals and waste: the case of the current Issue of Concern – Highly Hazardous Pesticides (HHPs)

by PAN International, September 2019, slightly modified April 2020<sup>1</sup>

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## Background

In 2006, The founding texts of SAICM stated that it is “critical” that action should be taken to “phase out highly toxic pesticides”.

### Dubai Declaration:

6. “The need to take concerted action is accentuated by a wide range of chemical safety concerns at the international level, including [...] dependency on pesticides in agriculture[...].”<sup>2</sup>

### Global Plan of Action:

8. [...] “It is therefore critical for all stakeholders to take appropriate action on global priorities. These include, among others: [...]

h. Promoting alternatives in order to reduce and phase out highly toxic pesticides “

In the same year, 2006, the FAO Council – **recognizing that certain pesticides cannot be used without harm in developing countries** - proposed a progressive ban of highly hazardous pesticides (HHPs)<sup>3</sup>; and in 2007 the WHO/FAO Joint Meeting on Pesticide Management (JMPPM) developed criteria for identifying HHPs and recommended that a global list be developed and regularly be reviewed and updated<sup>4</sup>.

But no further action was taken through SAICM.

Then in 2012, at ICCM3, a conference room paper was submitted<sup>5</sup> and supported<sup>6</sup> by at least 65 countries and organizations, with a resolution proposing “a progressive ban on HHPs and their

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<sup>1</sup> This information document is based on the 2020 updated [information document](#) submitted at IP3 in Bangkok in 2019. The present case paper is an update of the [information document](#) likewise submitted at IP3 in 2019.

<sup>2</sup> The Dubai Declaration was adopted at the first meeting of the International Conference on Chemicals Management in Dubai, United Arab Emirates, 2006.

<sup>3</sup> FAO (2006): Report of the Council of FAO, 131st Session, Rome, 20-25 November 2006 (CL 131/REP).

<sup>4</sup> FAO/WHO (2007): Report 1st FAO/WHO Joint meeting on pesticides management and 3rd session of the FAO pane of experts on pesticide management 22 – 26 October 2007, Rome  
[http://www.fao.org/fileadmin/templates/agphome/documents/Pests\\_Pesticides/Code/JMPPM\\_2007\\_Report.pdf](http://www.fao.org/fileadmin/templates/agphome/documents/Pests_Pesticides/Code/JMPPM_2007_Report.pdf)

<sup>5</sup> Draft resolution on Highly Hazardous Pesticides: submission by Antigua & Barbuda, Armenia, Bhutan, Dominican Republic, Egypt, Guyana, International Trade Union Congress, IPEN, Iraq, Kenya, Kiribati, Kyrgyzstan, Libya, Mongolia, Nepal, Nigeria, Peru, Pesticide Action Network, Republic of Moldova, St Lucia, Tanzania, Tunisia and Zambia. SAICM/ ICCM.3/CRP.16.

substitution with safer alternatives”. The resolution was not adopted because some countries said they needed more time to consider it.

In December 2014, at SAICM’s Open-Ended Working Group, the entire African region called for a Global Alliance to Phase-out HHPs. This call was widely supported, and resulted in an agreement to develop a proposal for such an approach for ICCM4.

However, at ICCM4, instead of supporting the Global Alliance, FAO, UNEP, and WHO proposed a different strategy, including “to develop modalities for international coordination”. ICCM4 welcomed this strategy, supported concerted action to address HHP, “with emphasis on promoting agroecologically based alternatives and strengthening national regulatory capacity,” and welcomed the offer of FAO, UNEP and WHO to develop the modalities.

## Current situation

However, the FAO/UNE/WHO “modalities for international coordination” did not eventuate, and there is still no HHP-platform for multi stakeholder “international cooperation” through SAICM. JMPM remains the only international body that addresses issues related to all HHPs,<sup>7</sup> and that only through the voluntary International Code of Conduct on Pesticide Management. But the JMPM it is not multi-stakeholder, it does not represent countries, civil society and industry are only observers, and it can take no action on flagrant breaches of the Code. Mainly, the JMPM develops Guidelines on various aspects of pesticide management. The JMPM has to date no direct relationship with or involvement in SAICM.

Some countries are phasing out some HHPs.

Some countries and companies are continuing to produce HHPs, and export them to developing countries even though they may be banned in their country of origin for health and environmental reasons. These double standards in pesticide trade endanger human and environmental health, especially in low and middle income countries.<sup>8 9 10</sup>

### Meanwhile:

1. *Acute poisoning continues*: Each week brings news of more farmers poisoned, or wildlife, domestic animals and bees killed. A number of surveys in Asia from FAO,<sup>11</sup> PAN<sup>12</sup> and Hanoi

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<sup>6</sup> Other countries that spoke in support of the resolution included Zambia on behalf of the whole African region, Burundi, Colombia, Iran, Nepal, Palestine, and Russia. Mongolia proposed replacing pesticides with biological means and bio-pesticides.

<sup>7</sup> Stockholm and Rotterdam cover only about 3.3% of the approximately 310 current use HHPs (Calculated from Annex III (Rotterdam) and PAN List of HHPs – see PAN Germany, 2019, Toxic Exports: the export of Highly Hazardous Pesticides from Germany into the world).

<sup>8</sup> Report of the Special Rapporteur on the right to food. 2017.

<https://reliefweb.int/sites/reliefweb.int/files/resources/1701059.pdf>

<sup>9</sup> PAN Germany (2019): Toxic Exports. Executive Summary.

[http://www.panna.org/sites/default/files/Toxic%20Exports%20Executive%20Summary\\_EN\\_24%20Sept%202019\\_FINAL.pdf](http://www.panna.org/sites/default/files/Toxic%20Exports%20Executive%20Summary_EN_24%20Sept%202019_FINAL.pdf)

<sup>10</sup> Gaberell L, Hoinkes C. 2019. Highly hazardous profits. How Syngenta makes billions by selling toxic pesticides.

A Public Eye Report. Public Eye, Lausanne. [https://www.publiceye.ch/fileadmin/doc/Pesticide/2019\\_PublicEye\\_Highly-hazardous-profits\\_Report.pdf](https://www.publiceye.ch/fileadmin/doc/Pesticide/2019_PublicEye_Highly-hazardous-profits_Report.pdf)

<sup>11</sup> FAO. 2013. Empowering Farmers to Reduce Pesticide Risks.

National University<sup>13</sup> identify an acute poisoning rate in the region of about 60-70% of farmers and agricultural workers. Brazil's health ministry reported 15,018 cases of agricultural pesticide poisoning in 2018, but acknowledged that this is likely an underestimate.<sup>14</sup> In the first week of September another 31 cotton farmers in the district of Yavatmal, in India were poisoned while spraying their cotton – the same district that suffered more than 20 deaths from the exact same activity in 2017.<sup>15 16</sup>

2. *Chronic effects* continue: Exposure to organophosphate insecticides is estimated to cost the EU 9.59 billion Euros through 13 million lost IQ points and 59,300 cases of intellectual disability.<sup>17</sup> Chlorpyrifos is one of the main culprits and yet it is still registered in many countries although some of them (e.g. Sri Lanka, Vietnam, Thailand, Malta, Germany, Canada, Palestine, Saudi Arabia, and some US states (e.g. Hawaii, California) haven't approved or authorised it, or have banned it or are in the process of doing so.
3. *Suicide*: 1 person dies by suicide every 40 secs<sup>18</sup> – and pesticides are responsible for 15-20% of those deaths.<sup>19</sup> Phasing out HHPs would prevent tens of thousands of such deaths every year.<sup>20</sup> An estimated 15 million people have died from pesticides used for suicide since 1960.<sup>21</sup>
4. *Widespread violation of human rights*: The UN Human Rights Committee has recently judged that Paraguay has violated rights to life through its permitting widespread spraying of soy fields. The UN Committee noted that hundreds of similar cases could be submitted for their consideration.<sup>22</sup>
5. *Soil contamination*: 83% of European soil samples contain pesticide residues (2018).<sup>23</sup>
6. *Water contamination*: Every stream sampled in 10 European countries contained pesticides residues. One sample had 70 pesticides in it (2019)<sup>24</sup>

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<sup>12</sup> PANAP. 2018. Of Rights and Poisons: Accountability of the Agrochemical Industry.

<sup>13</sup> Thuy Nguyen, Thinh Hoang, Luong Pham. 2018. Pesticide Use and Farmers' Health: Case Study in Nam Dinh Province. Proc. The 5th ICOEH (International Conference on Occupational and Environmental Health) Hanoi, Vietnam September 10–12, 2018.

<sup>14</sup> <https://www.bloomberg.com/news/articles/2019-08-19/bees-are-dropping-dead-in-brazil-and-sending-a-message-to-humans>

<sup>15</sup> Over 30 People Land in Hospital After Pesticide Poisoning ... News 18. <https://www.news18.com/news/india/over-30-people-land-in-hospital-after-pesticide-poisoning-in-yavatmal-district-1-critical-2294603.html>

<sup>16</sup> Reddy N, Kumar D. 2018. Pesticide Poisonings in yavatmal District Maharashtra: Untold Realities. PAN India.

<sup>17</sup> Bellanger M1, Demeneix B, Grandjean P, Zoeller RT, Trasande L. 2015. Neurobehavioral deficits, diseases, and associated costs of exposure to endocrine-disrupting chemicals in the European Union. *J Clin Endocrinol Metab.* 2015 Apr;100(4):1256-66. doi: 10.1210/jc.2014-4323. Epub 2015 Mar 5.

<sup>18</sup> WHO, 9<sup>th</sup> September 2019. [https://www.who.int/mental\\_health/en/](https://www.who.int/mental_health/en/)

<sup>19</sup> Gunell D et al. 2017. Prevention of suicide with regulations aimed at restricting access to highly hazardous pesticides: a systematic review of the international evidence. [http://dx.doi.org/10.1016/S2214-109X\(17\)30320-0](http://dx.doi.org/10.1016/S2214-109X(17)30320-0)

<sup>20</sup> "We found no evidence that means reduction through improved household pesticide storage reduces pesticide self-poisoning. Other approaches, particularly removal of highly hazardous pesticides from agricultural practice, are likely to be more effective for suicide prevention in rural Asia. (Pearson M et al (2017): Effectiveness of household lockable pesticide storage to reduce pesticide self-poisoning in rural Asia: a community-based, cluster-randomised controlled trial. [http://dx.doi.org/10.1016/S0140-6736\(17\)31961-X](http://dx.doi.org/10.1016/S0140-6736(17)31961-X))

<sup>21</sup> Ayanthi Karunaratne, David Gunnell, Flemming Konradsen & Michael Eddleston. 2019. How many premature deaths from pesticide suicide have occurred since the agricultural Green Revolution? *Clinical Toxicology*, DOI: 10.1080/15563650.2019.1662433.

<sup>22</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24890&LangID=E>

<sup>23</sup> Silva et al 2018. Pesticide residues in European agricultural soils – A hidden reality unfolded. *Sci total Environ Vol*

<sup>24</sup> Screening of pesticides and veterinary drugs in small streams in the European Union by liquid chromatography high resolution mass spectrometry. Casado et al. 2019. *Science of The Total Environment* Volume 670 Pages 1204-1225

7. *Food contamination*: In 2019, 70% of food in a US survey was found to contain pesticide residues even after washing.<sup>25</sup>
8. *Loss of bees*: Around half a billion bees died in four of Brazil's southern states in the first months of this year; most showed evidence of fipronil poisoning/contamination<sup>26</sup>
9. *Loss of biodiversity*: Germany recorded 75% loss of insect biomass in protected areas (2017).<sup>27</sup>
10. *Widespread failure to wear Personal Protective Equipment (PPE)*: Millions of farmers spray pesticides without using PPE because it is unsuitable in humid and hot climates, they cannot afford to buy it, and/or it is not available. A recent survey in Asia found that in 5 out of 7 countries, the majority of farmers and agricultural workers did not use PPE when handling pesticides.<sup>28</sup>
11. *Widespread reuse of containers or disposal in streams or fields*: Research in developing countries shows that pesticide containers are frequently improperly discarded in the environment (thrown in rivers or fields or burned), or reused, for example in toys or to store food or water with the risk of contaminating drinking water and foodstuff.<sup>29 30</sup>

The SDGs cannot be met without drastically improved management of pesticides across the globe, including the phasing out of HHPs, as recommended by the FAO Council 13 years ago and their replacement by agroecological practices as recommended by ICCM4.

**Consequently, the successor to SAICM must secure and support substantial improvements in the work with HHPs, or provide a pathway to recommend that HHPs and international pesticide management in general requires increased obligations from all stakeholders at the international level.**

## **New Mechanism: Triggers for a mechanism leading to elevated obligations**

A number of stakeholders have co-jointly developed and submitted an information document<sup>31</sup> with a proposal for triggers (former called "criteria") for the elevation of obligations to progress SAICM Issues of Concerns (IoCs) in the post 2020 multilateral regime for chemicals and waste to the third Intersessional Meeting of the SAICM post 2020 process. The understanding is that the need for elevated action is justified if one of the triggers listed below is met for an IoC, and if the IoC in question at the same time contributes to key strategies for the fulfilment of at least one SDG target in one UN region.

<sup>25</sup>Environmental Working Group. <https://www.theguardian.com/environment/2019/mar/20/pesticide-residues-produce-even-after-washing-us>. March 2019.

<sup>26</sup><https://www.bloomberg.com/news/articles/2019-08-19/bees-are-dropping-dead-in-brazil-and-sending-a-message-to-humans>

<sup>27</sup>Hallmann et al. 2017. More than 75 percent decline over 27 years in total flying insect biomass in protected areas. PLoS One. <https://doi.org/10.1371/journal.pone.0185809>

<sup>28</sup>PANAP. 2019. <http://www.saicm.org/Portals/12/Documents/meetings/OEWG3/inf/OEWG3-INF-39-Pan-Asia-Pacific.pdf>

<sup>29</sup>United Nations Environment Programme. 2019. Global Chemicals Outlook II, page 299

<sup>30</sup>PANAP. 2019. <http://www.saicm.org/Portals/12/Documents/meetings/OEWG3/inf/OEWG3-INF-39-Pan-Asia-Pacific.pdf>

<sup>31</sup>New Mechanism of Action: criteria for elevation of obligations to progress SAICM Issues of Concerns (IoCs) in the post 2020 multilateral regime for chemicals and waste. <http://www.saicm.org/Portals/12/documents/meetings/IP3/stakeholders/NGO-Information-doc-on-IoC-criteria.pdf>

The triggers are:

- 1 *Failure to reduce acute poisoning and/or chronic effects by chemicals that are loCs<sup>32</sup>*
- 2 *Failure to reduce the levels of chemicals that are loCs in human and environmental samples*
- 3 *Failure to reduce the volume of the production, use and disposal of substances of very high concern relevant to an loC<sup>33</sup>*
- 4 *Insufficient monitoring of human and environmental impacts by an loC*
- 5 *Significant costs for society in the absence of action to address an loC, including healthcare costs for individuals and the state; loss of IQ and productivity; loss of pollinators, natural biological control of pests, and other ecosystem services; loss of biodiversity; and costs of chemical contamination of natural resources, such as air, soil and water including but not limited to large-scale environmental clean-up and remediation costs.*
- 6 *National regulations have failed to achieve sufficient improvement in the loC<sup>34</sup>*
- 7 *Regional regulations for addressing an loC are in place, or under development<sup>35</sup>*
- 8 *Failure to establish an effective, transparent multi-stakeholder working platform on an loC*
- 9 *Failure to make available the information necessary for addressing an loC<sup>36</sup>*
- 10 *Failure to reduce the level of disposal and contamination of waste of relevance to an loC*

The section below illustrates the application of these triggers to HHPs.

## **Triggers for moving loCs to a level with increased obligations: the case of HHPs**

***Trigger 1 in relation to HHPs: Failure to reduce acute poisoning and/or chronic effects by chemicals that are loCs***

As above, each week brings news of farmers poisoned, or wildlife, domestic animals and bees killed. Each survey brings further evidence of the unacceptable level of chronic health impacts and poisoning, not only of farmers and workers, but also of children. Every few weeks brings another

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<sup>32</sup> Data sources include primary data from academic research and national and international monitoring programmes, as well as peer reviewed review articles, and UN documents, such as the Global Chemicals Outlook.

<sup>33</sup> Statistics from the OECD, national governmental statistics agencies, and industry trade organizations, etc.

<sup>34</sup> loC is not part of the national implementation plans; loC is not included in national budgets; no national regulations developed to address particular loC; no control measures are applied to monitor results on addressing loC; the loC has global dimensions and cannot be addressed efficiently by regulative measures in a single country, e.g. due to globalized trade.

<sup>35</sup> Regulations in one or two regions proved the effectiveness of advancing the loC beyond SAICM and moving it to the next level with increased obligations at the regional level, for example, the EDCs regulation in the EU. Such regional regulation is an acknowledgement of the necessity of an obligatory approach. This trigger is necessary to create a level playing field for all countries, so that those that are proactive in protecting human health and the environment from chemical threats are not disadvantaged on the global market. It reflects the Rotterdam Convention where regulatory action in two UN regions stimulates the listing of a chemical or pesticide under the Convention.

<sup>36</sup> Confidential business information currently takes precedence over transparency, despite the clear message in SAICM that information on chemicals relating to the health and safety of humans and the environment should not be regarded as confidential.

story of an HHP being used for suicide<sup>37</sup> or murder. There is no evidence that after 14 years SAICM has resulted in any reduction of either acute poisoning or chronic impacts of pesticides.

***Trigger 2 in relation to HHPs: Failure to reduce the levels of chemicals that are IOCs in human and environmental samples***

Because of inadequate monitoring of residues of HHPs, data on trends in human and environmental contamination cannot easily be provided. But environmental data, e.g. from Europe, show that an increasing percentage of surface waters fail to achieve the “good chemical status”. Among those priority substances that have failed to improve over the last years are the HHPs anthracene, hexachlorocyclohexane, endosulfan, chlorpyrifos and hexachlorobenzene.<sup>38</sup>

The Human biomonitoring (HBM) which provides information on the human chemical burden is not in place in every region, but human biomonitoring parameters exist for most currently used synthetic pesticides and existing analytical procedures enable the determination of pesticide exposure in the occupational as well as environmental exposure range<sup>39</sup> and it would be possible to gain information on the trends in of body burdens with at least single HHPs. Additionally, single studies show a specific pesticide burden, as for example the body burden of the HHP chlorpyrifos in infants in China.<sup>40</sup>

***Trigger 3 in relation to HHPs: Failure to reduce the volume of the production, use and disposal of substances of very high concern relevant to an IOC***

The total amount of pesticides used has increased over recent years. In 1990 the worldwide use of pesticides was 2.3 million tonnes, and today it is approx. 4.1 million tons.<sup>41</sup> As HHPs are not addressed separately, any increase or decrease in their production, use and disposal remain unknown. The Global Chemicals Outlook 2 forecast increased production of pesticides but did not predict the market for HHPs. Without an official UN list of HHPs this would be hard to do. Production estimates for individual HHPs, such as glyphosate, paraquat and chlorpyrifos indicate no clear decreasing trends for some HHPs, although those few listed under the Stockholm Convention, such as endosulfan and dicofol could be assumed to eventually decrease. As the area where Roundup Ready soy beans are grown is still increasing, it must be expected that glyphosate use will increase accordingly.

***Trigger 4 in relation to HHPs: Insufficient monitoring of human and environmental impacts by an IOC***

Global monitoring of the acute and chronic impacts of HHPs on both people and the environment continues to be severely lacking. WHO has published alarming new data on pesticides and suicide in 2019 but has not updated their figures regarding worldwide unintended pesticide poisonings which were published in 1990. WHO does not provide any indication of the extent of chronic pesticide-related health impacts on people, neither does UNEP of the impacts on the environment, nor FAO on the impacts on the agro-ecosystem.

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<sup>37</sup> <https://www.who.int/news-room/detail/09-09-2019-suicide-one-person-dies-every-40-seconds>

<sup>38</sup> EEA. 2018. European water assessment 2018. EEB Report No 7/2018 [https://www.eea.europa.eu/publications/state-of-water/at\\_download/file](https://www.eea.europa.eu/publications/state-of-water/at_download/file)

<sup>39</sup> Göen T. 2016. Biomonitoring von beruflichen und außerberuflichen Pestizidbelastungen. Zbl Arbeitsmed 2016 · 66:276–285.

<sup>40</sup> Lui P et al. 2013. Assessment of chlorpyrifos exposure and absorbed daily doses among infants living in an agricultural area of the Province of Jiangsu, China. Int Arch Occup Environ Health. 2014;87(7):753-62. doi: 10.1007/s00420-013-0918-1.

<sup>41</sup> FAOStat. <https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/public/?event=activesubstance.selection&language=EN>

***Trigger 5 in relation to HHPs:*** Significant costs for society in the absence of action to address an IoC, including healthcare costs for individuals and the state; loss of IQ and productivity; loss of pollinators, natural biological control of pests, and other ecosystem services; loss of biodiversity; and costs of chemical contamination of natural resources, such as air, soil and water including but not limited to large-scale environmental clean-up and remediation costs.

Very few cost analyses with respect to health and environmental impacts are available for HHPs, but those that are indicate substantial costs. For example, exposure to organophosphate insecticides is estimated to cost the EU 146 billion Euros through 13 million lost IQ points and 59,300 cases of intellectual disability,<sup>42</sup> and yet the main culprit is still registered in many countries.

***Trigger 6 in relation to HHPs:*** National regulations have failed to achieve sufficient improvement in the IoC

Most countries have national regulations on pesticides but they have failed to stop the poisoning. For example, monocrotophos:

- Banned in 112 out of 150 countries
- Still killing farmers and children in countries where it is used
  - Midday meal kills 23 school children, India - 2013
  - Implicated in deaths of 60 cotton farmers, India - 2017

Brazil has extensive pesticide regulation but it has failed to stop the death of billions of bees and the 15,018 cases of agricultural pesticide poisoning in 2018.

The EU has some of the most stringent pesticide regulation in the world but it has failed to stop the contamination of soils and water bodies.

***Trigger 7 in relation to HHPs:*** Regional regulations for addressing an IOC are in place, or under development.

EU pesticide and biocide regulations exclude from approval specific hazardous substances that meet the so called “exclusion criteria” with more or less limited derogations (e.g. for pesticides if the exposure to a “cut-off” pesticide is negligible, such as when it is used in closed systems and entry into the environment is expected not to take place). The aim is to “act before risk is done” by not allowing pesticide and biocide substances of so-called high concern on the market. According to the EU pesticide<sup>43</sup> and biocide<sup>44</sup> regulations, exclusion criteria are: Substances that are carcinogenic or mutagenic or toxic for reproduction (CMR substances)<sup>45</sup>, substances that are persistent and bioaccumulative and toxic (PBT substances)<sup>46</sup> and substances that are at the same time very

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<sup>42</sup> Bellanger M, Demeneix B, Grandjean P, Zoeller RT, Trasande L. 2015. Neurobehavioral deficits, diseases, and associated costs of exposure to endocrine-disrupting chemicals in the European Union. *J Clin Endocrinol Metab.* 2015 Apr;100(4):1256-66. doi: 10.1210/jc.2014-4323.

<sup>43</sup> Regulation (EC) 1107/2009 <https://eur-lex.europa.eu/legal-content/DE/ALL/?uri=CELEX%3A32009R1107>

<sup>44</sup> Regulation (EC) 528/2012 <https://eur-lex.europa.eu/legal-content/de/TXT/?uri=CELEX%3A32012R0528>

<sup>45</sup> Category 1a and 1b (according to Regulation (EC) 1272/2008 or are equivalent to such classification)

<sup>46</sup> According to Regulation (EC) 1907/2006, annex XIII)

persistent and very bioaccumulative (vPvB substances)<sup>47</sup> and substances that are endocrine disruptors<sup>48</sup>

This regional regulation is an acknowledgment that there is a problem which needs to be resolved on a regulatory bases but also of the failure of existing global mechanisms to adequately manage the risks from, for example endocrine disrupting HHPs, or HHPs that are very persistent but do not travel to the Arctic, and the need for all regions to have a similar approach.

***Trigger8 in relation to HHPs: Failure to establish an effective, transparent multi-stakeholder working platform on an IOC***

Despite persistent attempts by many stakeholders, SAICM has failed to establish a working platform for HHPs. A Global Alliance on HHPs was proposed and well supported by many countries especially LMICs and other stakeholders, but not by the EU or IOMC, so no platform has been developed. As a consequence, SAICM has failed to progress work on HHPs. Some, but not enough work, has been undertaken by individual stakeholders, but there is no working together, no synergy of efforts, no springboard to advance the work and to advance resources to support it. Importantly, the major generic manufacturers of HHPs remain completely outside SAICM and outside any work on HHPs – they continue to poison with impunity. Unless SAICM can solve this problem, then for this reason alone a higher level of international obligation with respect to HHPs is now necessary.

***Trigger 9 in relation to HHPs: Failure to make available the information necessary for addressing an IoC***

Although there is generally more information available on pesticides than many other chemicals, there are still critical areas where information is not available. One obvious example is the lack of an official list of HHPs, necessitating each country and each organisation developing its own list, unless they accept the PAN List of HHPs.<sup>49</sup>

***Trigger 10 in relation to HHPs: Failure to reduce the level of disposal and contamination of waste of relevance to an IoC***

Environmental contamination through dumping of obsolete HHPs and improper disposal of pesticide packages and containers is an as yet unsolved issue. The Africa Stockpiles Program, co-designed by PAN-UK and the Food and Agriculture Organization (FAO), estimated in 2005 there were at least 50,000 tons of pesticides in such stockpiles scattered over the African continent, often stored haphazardly in rusting drums and torn, overflowing sacks, posing a serious threat to nearby communities and the environment. Similar problems have been documented in parts of Eastern Europe, Asia and Latin America. In the U.S., pesticides are found in many of the hundreds of Superfund hazardous waste sites across the country<sup>50</sup>. Thrown away pesticide packaging and uninformed re-use of old pesticide containers are another source of environmental contamination and health harm. Though stockpile programmes have contributed to dispose of some relevant stocks, like in Ethiopia, where the main components of obsolete stocks dumped at more than 1000 sites

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<sup>47</sup> According to Regulation (EC) 1907/2006, annex XIII

<sup>48</sup> According to COMMISSION REGULATION (EU) 2018/605 (pesticides) and COMMISSION DELEGATED REGULATION (EU) 2017/2100 (biocides)

<sup>49</sup> [http://pan-international.org/wp-content/uploads/PAN\\_HHP\\_List.pdf](http://pan-international.org/wp-content/uploads/PAN_HHP_List.pdf)

<sup>50</sup> PANNA ():Production & Dumping. <https://www.panna.org/resources/production-dumping>



contained highly hazardous pesticides such as DDT, aldrin, heptachlor, pyrimifos methyl, and fenitrothion<sup>51</sup>, the issue of dumped HHPs remains in other countries. Ongoing excessive use of new POPs and other Highly Hazardous Pesticides is only creating the potential for more obsolete pesticides stockpiles.<sup>52</sup>

## Recommendations

- The triggers proposed in the information document<sup>53</sup> for the mechanism leading to elevated obligation in case of insufficient progress, are to be included in the successor to SAICM as a new mechanism for action.
- The successor to SAICM must contain a process whereby HHPs are proposed for a global regulatory instrument when it is acknowledged to have made insufficient progress, by meeting the above triggers.
- The successor of SAICM must contain a requirement for a well-resourced multi-stakeholder working platform for HHPs to develop a strategy/action plan with concrete targets and obligations on stakeholders that will result in the phasing out of HHPs and priority for agroecological approaches for their replacement, in line with the recommendation of the FAO Council and ICCM4.
- HHPs that are banned in countries or regions due to health and environmental reasons but are still produced and exported to other countries represent a danger to human health and the environment and represents human rights violations. The successor to SAICM therefore must address the problem of double standards in pesticide trade and find a way to contribute to its elimination.

Propositions of what a higher level of international obligation have already been made by different stakeholders. Further options should be discussed and worked out. Options that are being discussed include making the voluntary International Code of Conduct on Pesticide Management mandatory (in parts or entirely); or a binding treaty for the life-cycle management of pesticides, including Highly Hazardous Pesticides (HHPs)<sup>54</sup>.

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<sup>51</sup> Haylamicheal ID, Dalvie MA (2009): Disposal of obsolete pesticides, the case of Ethiopia. *Environment international* 35(3):667-73, April 2009

<sup>52</sup> FAO (2019): Pesticide Risk Reduction in Bangladesh. <http://www.fao.org/gef/projects/detail/en/c/1107438/>

<sup>53</sup> <http://www.saicm.org/Portals/12/documents/meetings/IP3/stakeholders/NGO-Information-doc-on-loC-criteria.pdf>

<sup>54</sup> Pesticide Action Network International (PAN); 2018: Global Governance of Highly Hazardous Pesticides – A Proposal by PANSAICM/RM/2018/INF.2