

POLÍTICA INTERNACIONAL

## More food less risk: Brazil and the multilateral dimension of agricultural pesticides regulation, by Tiago Tasca & Roberta Freitas

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Pesticide use, management, and regulation have been a tough topic in international and domestic politics. Brazil, for instance, has one of the world highest annual pesticide consumption (76 millions of kg) (World Atlas, 2017). In contrast with this high consumption, pesticide regulation has been undermined in the country each year because of the diversity and plurality of interests among civil society and the Legislative and Executive branches of the government. This imbalance can be seen through the significant number of 262 agricultural pesticides that were authorized for use since January 2019. This number raised a concern of public opinion, especially regarding the adverse health and environmental impacts these pesticides would have in the long term. This movement led multilateral organizations – such as the Food and Agriculture Organization of the United Nations and the World Health Organization – to adopt resolutions towards the mitigation of these detrimental effects. However, two questions must be addressed to move beyond international organization rhetoric towards effective enforcement. First, what are the role played by international organizations (mainly those in the UN system) in the pesticides regulation, control, and health? Second, what is the main content of international regulations on pesticides? Although these questions are primarily about regulatory

competences and recommendations to states, they encompass power constraints, namely those related to transnational corporations and their influence of political outcome. Finally, we point out some thoughts about the potential impact of the weakening of pesticides regulation on Brazil's foreign trade.

Pesticides are chemicals used to kill insects and other pests to prevent them from damaging crops. Though the strictness and enforcement of pesticides regulation, its use varies among countries. Nevertheless, low levels of residues can end up in food with harmful health effects to humans (e.g., cancer, effects on reproduction, immune or nervous systems). Thus, a pertinent topic discussed by FAO and WHO are the set of maximum limits for pesticide residues in food and, more importantly, measures to promote harmonization among countries.

Hopefully, the increasing worldwide concern on pesticides approvals spurs some international awareness about a convoluted topic of international politics intertwined with private and public interests, especially in the realm of global health (e.g., European movements against pesticides use that are deluging the continent these years). Notwithstanding this awareness, it is mandatory to enact effective regulatory mechanisms to avoid an inexorable wave of pesticides authorizations because, according to the WHO (2018), "pesticides are among the leading causes of death by self-poisoning, in particular in low- and middle-income countries."

Regarding the multilateral domain, the role played by international organizations has been characterized by mechanisms of soft-law (non-binding) – such as guides, best practices, and recommendations within resolutions adopted by their assemblies, statutory bodies, and secretariat. International regulation on pesticides reached a milestone in 1985 when an International Code of Conduct on Pesticide Management was jointly developed by WHO and FAO. This document guides government regulators and other actors (e.g., civil society, the private sector, and other stakeholders) on best practices in managing pesticides throughout their lifecycle. In addition – according to the data gathered from 2005 to 2018 by the International Observatory on International Regulation of Risk Factors Associated with Non Communicable Chronic Diseases (Nethis, online) – FAO, WHO, UN Environmental Programme and the UN Economic and Social Council enacted and updated six resolutions and two conventions (the Rotterdam Convention and the Stockholm Convention on Persistent Organic Pollutants) about pesticides regulation.

Recommendations towards an international food standard-setting regarding pesticides' regulation worldwide are set by FAO/WHO, based on the works on the scientific advice provided by the joint FAO/WHO expert bodies and consultations. Indeed, this international mechanism has been under consideration by the Codex

Committee on Pesticide Residues (CCPR) – a branch of FAO and WHO –, which is responsible for adopting maximum residue limits (MRLs). MRLs is the maximum amount of pesticide residue permitted to remain in or on food products to ensure that there is no risk to human health (WTO, 2017). In its last meeting, held in China in April 2019, CCPR has adopted MRLs for more than 30 different pesticides in foods, including fruits (melons, citrus fruits and tomatoes), crops (barley, rye, and rice), vegetables (carrot, cucumber and peas), and animal products (milk, eggs and poultry).

Overall, an international food standard seeks to protect the health of consumers by ensuring fair practices in the food trade. In this regard, the World Trade Organization (WTO) coordinated, in 2016, a thematic Sanitary and Phytosanitary Measures (SPS) workshop to establish MRLs, including information on domestic regulatory and legal infrastructures (WTO, 2016). One year later, pesticides residues topped the agenda of WTO food safety body (WTO, 2017). Despite such efforts, it seems to have a mismatch between international food trade and consumers' protection, because no consensus on pesticide ministerial decision was achieved at the 11th WTO Ministerial Conference in December 2017 about SPS. This lack of support to an international harmonized system for MRLs finds its roots in three main elements. First, a shallow and myopic global discussion on MRLs, which fails to align development, food production, trade, health, and population growth. Second, the increasing influence of private companies in the political outcome of international organizations which weakens the establishment of a robust international regulatory mechanism. Third, pesticides used around the world is unevenly distributed: while the average use of pesticide per area of cropland remains the 0.3 in Africa since 1990, this number increased from 2.12 to 3.62 in Asia; from 1.59 to 3.39 in Americas; from 1.34 to 1.67 in Europe (FAO, 2018).

Moving beyond the normative enactment of these international recommendations and the lack of international consensus on MLRs, we highlight the usefulness of the content of international regulations to understand the multilateral dimension of agricultural pesticides regulation. From eight resolutions enacted by multilateral organizations through 2005–2018, we identify 55 recommendations. Then, we classify them into nine regulatory themes (cooperation, lawmaking, pesticide management, license emissions, commerce, capacity building, surveillance, policymaking, labeling/content). From these 55 recommendations, it is noteworthy that 20% (11 of the total) were about license emissions, 18% (10 of the total) are about lawmaking, and 12% (7 of the total) are about pesticide management (Nethis, online). These numbers highlight the importance of the enactment of regulatory mechanisms embedded into lawmaking, license emissions (authorizations), and pesticide management.

The importance of balancing international food trade and consumers' health protection lies in the fact that bilateral trade agreements will be strongly affected by those countries that do not fulfill international recommendations. Brazil's foreign trade with the European Union, for instance, could face huge setbacks if Brazil's high rate on pesticide authorizations does not restrain. First, Brazil's exports to Europe consists primarily on basic products which are regularly targeted by pesticide use: 43% of total Brazilian exports to this continent in 2018 (e.g., soybeans, coffee grains, and corn). Second, a movement against pesticides has been taken place in Europe (within young people and the green activists), which means that a boycott does not seem far from the current horizon. Third, this mismatch also reflects an unevenness on development models adopted by countries and their consumption patterns. While Brazil increases its pesticide usage through more pesticides authorizations, Europe increases its awareness of the harms caused by pesticides in the long term. Fourth, the rise of the Green Party in 2019 European elections (which conquered 70 seats out of 751), mainly in Germany, France, Finland, Denmark, and Ireland, also unveil a refreshed concern in Europe about the environmental and health agendas.

Finally, international recommendations must take into account the whole of pesticide's lifecycle. In this regard, despite Brazil's current effort to implement the Global Harmonized System (GHS), which classifies pesticides in accordance to their hazards, the country's new regulation has not taken into consideration the entire pesticide lifecycle. Brazil's measure regulates pesticide management (its use) and does not provide specific regulation for MRLs, pesticide disposal, and pesticide effects on the environment and people's health in the long term. More important than taking into consideration these recommendations, one should be aware of how they will be incorporated (internalized) by states and how this process, its main actors and preferences, will take place.

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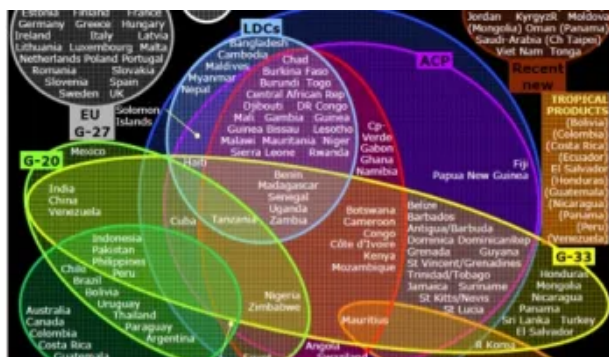


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