**UK-Australia trade negotiations**
**Evidence from Pesticide Action Network UK (PAN UK)**
**House of Commons International Trade Committee**

**December 2020**

1. PAN UK is the only UK charity focused on tackling the problems caused by pesticides and promoting safe and sustainable alternatives in agriculture, urban areas, homes and gardens. We apply pressure to governments, regulators, policy makers, industry and retailers to reduce the impacts of harmful pesticides to both human health and the environment.

2. This document sets out PAN UK's written evidence to the House of Commons International Trade Committee Inquiry on UK trade negotiations. Our response outlines the impact of a potential UK-Australia trade deal on UK pesticide standards, with a particular focus on agriculture and protections to human health and environment. It answers the following question in the Inquiry's Terms of Reference – What are the potential opportunities and risks of each proposed FTA?

3. The information in this document is taken from a June 2020 report co-authored by PAN UK, Sustain and trade expert Dr Emily Lydgate from Sussex University. *"Toxic Trade: How trade deals threaten to weaken UK pesticide standards"* includes detailed recommendations for the UK Government aimed at maintaining UK pesticide standards. The full report is available at: https://www.pan-uk.org/toxic-trade/

4. PAN UK is making this submission due to a range of serious concerns which are summarised in the list below and described in more detail in the remainder of this document:
   - A UK/Australia trade deal could result in food imported into the UK containing significantly higher levels of pesticide residues.
   - A UK/Australia trade deal could result in food imported into the UK containing pesticide residues that are not currently allowed to appear in UK food because they pose a risk to human health.
   - A drop in UK pesticide standards via a UK/Australia trade deal is likely to have negative impacts on UK agriculture.
   - A UK/Australia trade deal could lead to the UK reauthorising active substances which have been banned due to concern over their negative impact on human health or the natural environment.
   - A UK/Australia trade deal could put in place measures which restrict the UK from being able to introduce future regulations designed to protect human health or the environment from hazardous pesticides.

5. While far from perfect, UK pesticide standards are some of the strongest in the world in terms of protecting human health and the environment. As a result of these relatively high standards, future trade deals with non-EU countries such as Australia with weaker pesticide protections present a considerable risk to the health of UK citizens and the environment.

6. Australia has previously attempted to use trade negotiations as a way to weaken EU pesticide standards in order to secure access to the EU market for their food exports. For example, in 2017, Australia joined forces with the US to submit a complaint to the WTO against the EU for attempting to regulate endocrine-disrupting chemicals.

7. The Australian Government's stated negotiating objectives imply that weakening UK pesticide standards may be a priority. For example, the website of the Australian Department of Foreign Affairs and Trade lists as one of its negotiating objectives "…to reduce technical barriers to trade" under the heading "Technical barriers to trade and sanitary and phytosanitary measures".

8. Australia is Party to another FTA that takes an extremely concerning approach to food safety: the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). CPTPP reduces the ability of Parties to rely on the Precautionary Principle and ties them to international standards (Codex standards) which are often far weaker than the UK's current standards. CPTPP also emphasises the requirement that Parties must consider whether their regulations are 'equivalent' to those of other Parties. In trade policy, 'equivalence' refers to achieving the same regulatory objective, sometimes described as a 'level of protection', by different means. Countries such as Australia argue that EU bans and restrictions on Australian products, including those that result from its stricter approach to pesticides, are not safer for consumers but are in fact non-scientific and designed to keep out imported products.

9. If the UK Government agrees to drop its pesticide standards in order to meet the demands of Australian trade negotiators, then the increased risk to human health could be significant. Australian apples, for example, are allowed to contain 300 times the amount of the insect growth regulator buprofezin than their UK equivalents. Buprofezin is classified by the WHO as a 'possible human carcinogen'. Australian apples are also allowed to contain 100 times the level of the insecticide malathion than UK apples. Malathion is classified as a known human carcinogen, 'cholinesterase inhibitor' and a 'suspected endocrine disruptor'. In another of many examples, Australian wheat is allowed to contain ten times the level of the insecticide carbaryl than UK wheat. Carbaryl is classified as a known human carcinogen, 'cholinesterase inhibitor' and a 'suspected endocrine disruptor'. It is also a 'developmental or reproductive toxin', meaning that it can negatively affect sexual function and fertility and can cause miscarriages.

10. As well as finding themselves exposed to higher levels of pesticides in their diets, UK citizens could soon have no choice but to consume food containing pesticides that are currently banned from appearing in UK food. Australia authorises 8,000 different pesticide products, compared to the UK's 2900. Australia also allows the use of almost double the number of 'Highly Hazardous Pesticides' (HHPs) - a concept which originates from the United Nations - as the UK (Australia authorises 144 HPPs compared to UK's 73). The insecticide dimethoate is just one example. This Highly Hazardous Pesticide is banned in the UK due to potential human health risks and therefore not allowed to appear in UK food.

11. While the UK authorises just four organophosphate pesticides due to human health concerns, Australia authorises 33 (seven more than the US). Exposure to organophosphate pesticides is linked to negative impacts on children's cognitive, behavioural and motor performance.

12. Pesticide residues are not detailed on food labels so it is impossible for UK consumers to find out what residues are contained within their food. Therefore,

arguments around labelling granting UK consumers a choice as to whether to buy food produced to poorer standards do not apply to pesticides.

13. Any weakening of UK pesticide standards via trade deals poses risks not just to human health but also to the environment. Australia has a history of challenging the EU's relatively precautionary approach to which pesticides are allowed for use, and the UK is already coming under similar pressure. Australia allows the use of pesticides which the UK prohibits because they are highly toxic to bees and pollinators, including neonicotinoids which are notorious for driving massive declines in bee populations. They also authorise pesticides banned in the UK because they contaminate groundwater and harm aquatic ecosystems, such as the herbicides atrazine and diuron.

14. Risks associated to a UK/Australia trade deal also pose an economic threat to the future of UK agriculture. If UK food starts to contain higher levels of more toxic pesticides then British farmers will struggle to meet EU standards, thereby losing their primary export destination which currently accounts for 60% of UK agricultural exports. Equally concerning, British farmers could be undercut by a flood of imported crops grown more cheaply on a larger scale and to lower standards. It's crucial that the Government protects British farming by defending pesticide standards, particularly in trade negotiations with agricultural powerhouses such as Australia.

15. The UK regulatory system is already in flux and subject to fewer checks and balances than the EU provided. Thus, rather than having a settled domestic regulatory framework as its starting point, the UK Government has had to rush to bring EU rules into the UK law books. In so doing, it has replaced a system of EU checks and balances with discretionary powers for UK Ministers to amend, revoke and make regulations on how active ingredients in pesticides are authorised, and amend the Maximum Residue Levels permitted in food *'as Ministers consider appropriate'*. This makes it much easier for the UK to change its pesticide regulations to accommodate trade partners. The fact that UK pesticide regulation can be changed by ministers also removes one of the main powers of Parliament in UK trade negotiations: its ability to block a trade deal by refusing to pass the primary legislation that's needed to bring that deal into law.

16. Looking to the UK Government's negotiating objectives on pesticide standards reveals a confusing picture. The UK objectives for a deal with Australia include vague, but welcome, statements committing to maintain *"…our high environmental protection, animal welfare and food standards"*. However, the objectives for the future relationship with the EU include some major red flags, suggesting that the UK Government is planning to diverge considerably from its current precautionary approach.

17. The EU has been clear that it will not allow imports of agricultural produce from the UK unless they meet its standards, including on pesticides. At some point, the UK Government is going to have to make a fundamental choice – does it want to maintain current levels of pesticide protections or weaken standards to meet the demands of trade partners such as Australia in trade negotiations? If the UK chooses the latter then conceding to similar demands in negotiations with other trade partners will be more likely, because the UK will have already set a precedent by watering down its domestic standards.

18. There are a range of differences between the way the UK has chosen to govern pesticides and that of Australia. Arguably the most fundamental is that the UK currently takes an approach based on the view that some pesticides are intrinsically hazardous and therefore simply too dangerous to be in use. In contrast, Australia follows an approach based on the belief that almost every risk can be mitigated.

19. The divergence in the approaches to governing pesticides of the UK and Australia also relate to numerous procedural aspects of the pesticide regime. For example, the Australian system has no set time period for reviewing the approval of either active substances or pesticide products, meaning that they can remain in use indefinitely once authorised. As a result, pesticides that have been shown to cause harm can continue to be used for many years. A review can be triggered if there is evidence to suggest that there is some environmental or human health cause for concern. However, by this point negative impacts might have already occurred and some (such as the development of malignant tumours or the extinction of a particular species) may have been irreversible. This system also puts the onus on civil society organisations and individuals to prove that a pesticides is harmful, rather than the manufacturer having to demonstrate that it is safe to use. Meanwhile, by comparison, under the current UK system, active substances are approved by the EU for a maximum of fifteen years, and substances of concern often receive less (as was seen in 2017 when glyphosate was reauthorised for just five years). Similarly, pesticide products authorised in the UK can only be granted a maximum of 15 year's license before having to go through a risk assessment process to be reapproved.

20. There has been much public uproar about the UK lowering its food standards via trade deals to accept 'chlorinated-chicken'. However, the risks related to pesticides are equally significant and concerning. Recent YouGov polling (conducted in June 2020) has revealed that the UK public is overwhelmingly opposed to any lowering of UK pesticide standards via a trade deal. 79% of respondents said that it would be unacceptable for vegetables grown with pesticide banned by the EU to be imported into the UK. Only 9% of respondents said this would be acceptable. The full polling results can be viewed here: https://yougov.co.uk/topics/food/articles-reports/2020/06/16/britain-chlorinated-chicken-US-trade-deal

21. Key recommendations for the UK Government *(See page 41 of the Toxic Trade report for full recommendations:* https://www.pan-uk.org/toxic-trade*)*
    - Do not allow any weakening of UK pesticide standards via post-Brexit trade agreements. This must include:
        - Ensuring that no currently banned pesticides are allowed for use in the UK
        - Ensure that food containing detectable residues of currently banned substances cannot be imported into the UK
        - Ensure that Maximum Residue Levels are maintained or reduced.
    - Ensure a level-playing field for UK farmers by maintaining existing UK pesticide standards, thereby enabling them to continue exporting to the EU.
    - Prevent UK farmers from being disadvantaged by cheap food imports produced to weaker pesticide standards in non-EU countries.

- Maintain the Precautionary Principle as the basis upon which all pesticide-related decisions are made and strengthen its implementation. This includes maintaining the so called ‘hazard-based’ approach to pesticide authorisations.
- Preserve the power for the UK to exercise its right to go above and beyond the status quo and applicable international standards to continually strive for higher levels of consumer and environmental protection.
- Introduce additional legislative protections to ensure that any change to food safety standards or environmental protections subsumed in trade agreements can only be introduced via primary legislation.
- Ensure that trade agreements are developed in the open with the opportunity for full democratic scrutiny.

**For more information, please contact:**

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