

UK-US 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-US 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/US trade deal could result in food imported into the UK containing significantly higher levels of pesticide residues.
 - The US is also pushing for the UK to allow imports of food 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 US trade deal could be catastrophic for UK agriculture.
 - A UK/US 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/US 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.
 - The threats posed by a US trade deal to UK pesticide standards remain under a Biden administration. They do not disappear with the Trump administration.
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 with weaker pesticide protections present a considerable risk to the health of UK citizens and the environment. While attempting to secure access to the UK market for their food exports, the US has listed UK pesticide standards as a key sticking point and made it clear that weakening them is a priority.

6. If the UK Government agrees to drop its pesticide standards in order to meet the demands of US trade negotiators, then the increased risk to human health could be significant. American grapes, for example, are allowed to contain 1,000 times the amount of the insecticide propargite than their UK equivalents. Propargite is classified as a known human carcinogen and a 'developmental or reproductive toxin', meaning that it can negatively affect sexual function and fertility and can cause miscarriages. American apples are allowed to contain 400 times the level of the insecticide malathion than UK apples. Malathion is also classified as a known human carcinogen, 'cholinesterase inhibitor' and a 'suspected endocrine disruptor'.
7. 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. The US authorises 692 different active substances and 9,000 pesticide products, compared the UK's 468 active substances and 2900 products. The US also allows the use of almost 1.5 times the number of 'Highly Hazardous Pesticides' (HHPs) - a concept which originates from the United Nations - as the UK. 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. In another of many examples, and in contrast to the UK, the US continues to allow food to contain residues of the insecticide chlorpyrifos which has been shown to negatively affect the cognitive development of fetuses and young children.
8. 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.
9. Any weakening of UK pesticide standards via trade deals poses risks not just to human health but also to the environment. The US has a long 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. The US 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 known to contaminate groundwater and harm aquatic ecosystems, such as the herbicides atrazine and diuron.
10. Risks associated to a UK/US 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 the US.
11. 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.

12. The US has been clear that weakening UK pesticide standards is a priority and its published negotiating objectives reveal a wide range of different tactics, all aimed at achieving this goal in order to facilitate US food exports. These include efforts to persuade the UK to adopt weaker standards and abandon the Precautionary Principle – which states that action should be taken to prevent harms to health or environment as long as there are reasonable grounds for concern – as the basis for decision-making on pesticides. In contrast to the UK's relatively precautionary approach, the US follows what it misleadingly terms 'the science-based approach'. Under this approach, instead of a pesticide manufacturer having to demonstrate that their product is safe, regulators must offer a very high level of scientific proof that a product is dangerous. However, evidence of harms may not emerge for many years and, in the meantime, some of the negative impacts caused – such as the development of malignant tumours or the extinction of particular species – may be irreversible. The US Government has a history of using the term 'science-based' as a veiled and publicly palatable way through which to attack the Precautionary Principle.
13. The US is also calling for the UK to adopt weaker international standards which derive from the UN's Codex Alimentarius (CA). Maximum Residue Levels set by Codex tend to be lower than the UK currently enjoys, and the US has, in TTIP negotiations, attempted to build in Codex standards as a way of weakening EU standards. US objectives for the UK include rules to '*further encourage the adoption of international standards*'. The US-Mexico-Canada FTA (USMCA), for example, cites the CA as a source of international standards that Parties are required to use; it requires them to explain their rationale if they depart from them.
14. US trade negotiators are also pushing for conditions which require the UK to consult with the US Government and private sector (including the powerful US agrochemical industry) before introducing any new regulations or bans, including those designed to better protect health or environment. Another of the US' stated objectives, if accepted, would prevent the UK from requiring other trade partners to raise their own pesticide standards in case this has a knock-on effect on US exports. If accepted, these provisions would undermine the UK's aim to take back control of its trade policy following EU exit.
15. The US is also calling for the UK to accept the 'equivalence' of UK and US regulatory measures. The US argument is that many EU bans and restrictions on US products, including those that result from its stricter approach to pesticides, 'disregard the fact that the US actually achieves an equivalent level of protection'. In this view, 'the UK approach is not safer to consumers; it's non-scientific and designed to keep out imported products'. The US-Mexico-Canada FTA (USMCA), for example, includes obligations for trade partners to recognise the equivalence of each other's regulation, which would apply to pesticide regulation.

16. Looking to the UK Government's negotiating objectives on pesticide standards reveals a confusing picture. The UK objectives for a deal with the US 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 the US Government 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 the US. 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, the US follows an approach based on the belief that almost every risk can be mitigated. There are many examples of the US attempting to use the guise of 'regulatory cooperation' in trade negotiations to attack what is commonly known as the EU's 'hazard-based approach' (e.g. TTIP - the draft EU-US trade deal). Whether the UK will be able to continue to withstand these attacks as it did previously as an EU member remains to be seen.
19. The divergence in the approaches to governing pesticides of the UK and US also relate to numerous procedural aspects of the pesticide regime. For example, the US allows 'conditional registration' which means that pesticides which haven't been through a full risk assessment are allowed to be used. At one point in 2012, more than 65% of pesticides authorised for use were conditionally registered. Lobbying on TTTIP revealed how the US pesticide industry were pushing for the EU to adopt a similar system. In another example, In February 2020, a study revealed that the US Environmental Protection Agency had failed to increase Maximum Residue Levels to account for the extra margin of safety required to protect children's health for almost 90% of the most common pesticides.
20. The US is considered a highly supportive and friendly business environment for the pesticide industry, an approach that has accelerated under the current Trump administration. The close relationship between government regulators and the pesticide industry was starkly highlighted in 2019 by the appointment of a former employee of the pesticide company Monsanto to head the US Fish and Wildlife Service (FWS). The FWS had previously called for bans on neonicotinoids and restricted their use in areas under its control, but those restrictions were soon overturned under the new leadership.
21. There has been much public uproar about the UK lowering its food standards via a trade deal with the US 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 UK/US trade deal. 71% of respondents were 'concerned' that a trade deal with the US will increase the amount of pesticides in the food they consume, with 43% of people 'very concerned'. The same figure (71%) agree that the UK Government must resist pressure in trade negotiations with the US to overturn bans on pesticides, even if this means the "best" trade deal cannot be reached. Meanwhile, 79% are concerned about impacts to health resulting from a lowering of UK pesticide standards with 77% worried about negative impacts on the environment. The full polling results can be viewed here: <https://www.pan-uk.org/site/wp-content/uploads/YouGov-Results-on-Trade-May-2020.pdf>

22. It is important to note that the threats posed to UK pesticide standards by a UK/US trade deal do not disappear with the Trump administration. To see that the threat persists, we only have to look at US lobbying on TTIP during which the Obama Administration pushed to weaken EU pesticide standards in order to increase access for US food producers to the EU market. The danger is that without President Trump the UK media and public will lose interest in the issue of trade and food standards, leaving the Government free to trade away the UK's hard-won pesticide protections.

23. 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.

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