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DG SANTE, E.4 - Pesticides and Biocides
European Commission
1049 Brussels

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Protection of bees from dangerous pesticides

Dear member of the Standing Committee on Plants, Animals, Food and Feed,

At the upcoming meeting of 24-25 January, you will discuss once again about the EU's bee safety standards for pesticides. The relevant documents are the "stepwise implementation" of EFSA's 2013 Guidance Document on EFSA Guidance Document on the Risk Assessment of Plant Protection Products on Bees (*Apis mellifera*, *Bombus spp*. and solitary bees), and the draft Commission Regulation amending Commission Regulation (EU) No 546/2011 (points A.08 and C.01 of the agenda).

The background to this discussion is the European Commission's commitment to adopt an implementation plan for the EFSA Guidance Document by the end of 2018.[1] The Commission explained:

> "*The EU Pollinators Initiative will strengthen the current risk assessment of pesticides on pollinators with an aim to ensure that authorized substances do not pose threat to pollinators. Where harmful impacts on pollinators are demonstrated, legal measures will be taken to restrict or prohibit the use of such substances*."

However, the latest proposals, presented to the SCoPAFF meeting of 12-13 December, would fail to achieve the Commission's objective to "ensure that authorized substances do not pose threat to pollinators". They would effectively block the introduction of higher bee safety standards for years to come.

According to DG SANTE's proposals, only a small fraction of the EFSA Guidance Document would be applied from mid-2019. For spraying applications, the acute toxicity assessment would be less protective than it is today, according to EFSA.[2][3] Potential effects of chronic exposure as well as effects on bee larvae would not be assessed. Possible

[1] EU Pollinators Initiative, COM(2018) 395 final
[2] Commission MEMO/18/3990 of 1 June 2018
[3] An EFSA comparison of the two approaches has shown that the old "HQ approach", whilst weakly discerning between different exposure scenarios, was in most cases "more conservative than the acute schemes in EFSA (2013)". The comparison was limited to spraying applications. (EFSA, Outcome of Pesticide Peer Review Meeting 133, 2015, Appendix C)

impacts on wild bees would be ignored altogether. Absurdly, the EU would choose not to use data that pesticide manufacturers are already obliged to submit.[4]

In 2018, EFSA presented a full evaluation of the risks posed to bees by three neonicotinoid pesticides (clothianidin, imidacloprid and thiamethoxam), in accordance with EFSA's 2013 Guidance Document. These assessments have allowed the EU to act on these dangerous chemicals.

Should DG SANTE's latest proposals be adopted, no other pesticide would be tested to the same high standard. As a result, the EU could allow the use of pesticides that are potentially just as dangerous.

The pesticide manufacturing industry would be pleased. It has long tried to derail stringent bee safety standards for pesticides. The industry has opposed the application of EFSA's 2013 Guidance Document in any pesticide assessment, including in the assessment of the three neonicotinoids. Unfortunately, its scaremongering that "almost all insecticides and the majority of herbicides and fungicides"[5] would fail these higher safety standards appears to have been successful with many EU governments.

The EU mustn't allow the pesticide manufacturing industry to derail the application of rigorous bee safety standards to all pesticides. At a time when wild bee populations are in decline, and flying insects disappearing from our landscapes, it must work to protect bees, not corporate profits.

We therefore ask you to reject DG SANTE's latest proposals, and to support the application of EFSA's 2013 Bee Guidance Document.

Best regards,

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Enclosure: Greenpeace policy briefing to go with an upcoming Greenpeace report on "Pesticides and bee health. An evaluation of the application of the 2013 European Food Safety Authority Bee Guidance document as a mechanism to protect bees from agricultural pesticides"

[4] Commission Regulations (EU) No 283/2013 and No 284/2013 require that applicants submit not only acute toxicity tests but also studies on chronic and larvae toxicity, as a minimum.
[5] Bayer, 2017, Why the Bee Guidance Document Needs To Be Reviewed

GREENPEACE Briefing

22 January 2019

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The need for a comprehensive, state-of-the art evaluation of potential risks

In 2013, the European Food Safety Authority (EFSA) updated its scheme for assessing risks posed by pesticides to bees. The new scheme, set out in the 2013 EFSA Bee Guidance Document (EFSA, 2013), requires a more comprehensive evaluation, and raised the bar for what could be considered "safe for bees". It also covered, for the first time, potential risks to bumble bees and solitary bees, in addition to honeybees.

The EU also updated its pesticide data requirements to ensure that pesticide manufacturers submit relevant tests, both for active substances (the basic chemical ingredients of pesticides which are assessed at EU level) and formulated products (the commercial products containing these chemicals which are assessed at national level) (EC, 2013).

Patchy application of new safety standards

The European Commission recognises that the new risk assessment scheme is not consistently applied across all pesticide assessments. It has stated that "further action" was needed "to ensure its implementation" (EC, 2018).

A new report by Greenpeace reviews the risk assessments of seven insecticides (i.e. pesticides designed to fight insect pests) (Miller et al, 2019). These include the EFSA assessments of four insecticides of the neonicotinoid family, including acetamiprid, clothianidin, imidacloprid and thiamethoxam. In addition, the report examines the EFSA assessments of fourth-generation neonicotinoids sulfoxaflor and flupyradifurone, as well as cyantraniliprole (which belongs to a different category).

Only three neonicotinoids – clothianidin, imidacloprid and thiamethoxam – were fully tested under the new standards. In 2018, EFSA issued updated bee risk assessments of these three neonicotinoids, based on both published literature studies and unpublished studies submitted by manufacturers (EFSA 2018a, EFSA 2018b, EFSA 2018c). The assessments concluded that the different uses of these insecticides presented a high risk to bees, or that a high risk could not be excluded. As a result, the EU banned the three insecticides for all outdoor uses. Only uses in permanent greenhouses are still permitted.

None of the other insecticides assessed in the Greenpeace report were fully evaluated in accordance with the new standards. This is unsurprising in the cases of sulfoxaflor, flupyradifurone and cyantraniliprole given that the assessments were prepared around the time that the scheme was developed. When the manufacturers submitted the application dossiers, the new EU data requirements were not yet in force. In particular, none of the assessments covers any wild bee species.

Had EFSA applied the new safety standards, it may have found more evidence of harm, resulting in more bans. In the case of sulfoxaflor, EFSA found that a high risk to honey bees could not be excluded, and that further studies were needed to complete the assessment (EFSA, 2014a). EFSA is currently carrying out a new assessment, but meanwhile, the EU has granted sulfoxaflor a ten-year licence.

In the case of cyantraniliprole, EFSA judged the data insufficient to conclude a high or low risk to honey bees for all proposed uses. However, it did not indicate any need for further evaluation (EFSA, 2014b). In the case of flupyradifurone, EFSA considered that the risk to honey bees was low for the proposed uses (which only included use on hops and lettuce). It did not indicate any data gaps (EFSA, 2015). Both insecticides were approved in 2015-16 without any EU-wide restrictions to protect bees.

In the case of acetamiprid, EFSA completed a risk assessment for honeybees according to its 2013 Guidance Document. It concluded that acetamiprid posed a low risk to honey bees, although it judged the data insufficient "to draw any firm conclusion on the risk to honey bees, particularly to exclude any potential chronic effect or effect on brood development" (EFSA, 2016). However, as for other insecticides, it did not perform any assessment of the potential risks to bumble bees and solitary bees. The EU approval for acetamiprid was renewed in March 2018, without any EU-wide restrictions to protect bees. France and Germany had opposed the decision.

Only sulfoxaflor is being assessed in accordance with the new standards. In the case of sulfoxaflor, the EU requested additional data from the manufacturer so that EFSA can investigate the risk to honey bees from exposure to contaminated nectar, pollen, guttation fluid and dust, and the risk to pollinators other than honey bees, among other issues (EC, 2015). The Commission has requested that EFSA present its updated conclusions at the end of February (for publication in March, most likely).

Opposition by pesticide producers and many EU governments

Under EU law, a majority of EU governments need to sign off on EFSA's risk assessment standards. This is usually done by national experts gathered in the Standing Committee on Plants, Animals, Food and Feed. However, it has been impossible so far to get agreement on the application of EFSA's 2013 guidance for bee risk assessment. Opposition from pesticide producers has been fierce. A number of governments consider the standards to be too onerous and too strict.

The European Commission has tried several times to break the deadlock by proposing a gradual implementation of the new regime, starting with risks to honeybees and moving to a full assessment of risks to honeybees, bumble bees and solitary bees at a later stage. It has also attempted to update the EU's so-called "uniform principles" for the evaluation and authorisation of formulated pesticides (EC, 2011) to ensure that all countries apply the same standards. So far, its efforts have been unsuccessful.

In mid-2018, the Commission announced that it would finally "adopt an implementation plan for the EFSA Guidance Document on the risk assessment of plant protection products on bees" by the end of the year (EC, 2018). In December, it proposed to apply only a very small part of the scheme as of mid-2019, and to ask EFSA to again review its testing standards as set out in the Bee Guidance Document.

According to the latest plan, EFSA would only assess the acute toxicity to honey bees (i.e. the effects resulting from a single contact with a chemical by ingestion or by physical contact). It would ignore all other studies that manufacturers have to submit, such as tests on chronic toxicity (i.e. effects resulting from continuous or repeated exposure). Potential risks to wild bees would not be considered until EFSA has completed the review of the guidance, including the definition of what constitutes "unacceptable effects" on bees.

The promised "implementation plan" has effectively turned into a plan for non-implementation of the 2013 EFSA Bee Guidance document, and a free pass for the approval of bee-harming pesticides in the EU.

The EU must apply the same high safety standards to all pesticides. Otherwise, farmers and gardeners will simply replace the banned pesticides with other chemicals that may be equally harmful to bees. In this case, the EU's stated goal to protect bees, other pollinators and biodiversity will not be achieved.

Greenpeace demands to protect bees:

- The Commission and EU governments should agree to the widest-possible application of the 2013 Bee Guidance Document, pending the development of the last OECD test guidelines for wild bees. They should ensure that EU decisions on pesticides are based on the latest science and on the precautionary principle. Substances that can cause unacceptable harm to bees must not be allowed for use, in line with EU pesticides law.

- Independently of the EU decision, individual governments should apply the EFSA guidance for the evaluation and authorisation of commercial products. At least one country, Belgium, has already decided to go further than the latest EU plan. Belgian authorities have said that, "from a scientific point of view, it is not acceptable to ignore available robust toxicity data on vulnerable non-target species simply because there is no generally accepted risk assessment guideline" (FPS Health, Food Chain Safety and Environment, 2018).

- The Commission should request updated EFSA assessments of all pesticides that are suspected to cause harm to bees, including insecticides such as flupyradifurone, cyantraniliprole and acetamiprid. These reviews should take into account all published scientific literature. Should the available data be insufficient to complete a full risk assessment, the EU should require manufacturers to provide additional studies.

- All studies used in pesticide risk assessments should be made public. Public authorities, not pesticide manufactures, should be charged with commissioning the studies, while manufacturers continue to pay the cost.

- Whilst a rigorous application of legislative standards for pesticides will help to eliminate the most dangerous chemicals, EU governments and the Commission should also work to reduce overall pesticide use, with a view to phasing-out synthetic chemical pesticides altogether. A full implementation of EU Directive 2009/128/EC, including ambitious pesticide reduction targets, would go a long way to achieve this.

- Support to farmers and publish research spending should be redirected from input-heavy industrial agriculture towards modern ecological farming practices, which work with nature rather than against it. This will help farmers to shift from the current reliance on synthetic-chemicals towards biodiversity-based tools controlling pests and enhancing farmlands' and ecosystems' health

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