

Glyphosate: organized blindness on pesticide risks

30 November 2015

*Ever since I began writing this blog, I planned to feature contributions from colleagues to whom I owe much inspiration and motivation. Today's blog was written by **Christian Schliemann**, who works in the Business and Human Rights program at ECCHR with a focus on corporate responsibility for harm caused by pesticides.*

Over the past weeks we looked on in alarm as the European Food Safety Agency classified as harmless a pesticide that is highly controversial around the world. The European functionaries were acting on the basis of an assessment by their German counterparts which stated that the pesticide agent glyphosate is probably not carcinogenic and saw no reason why approval for the pesticide should not be extended – a reckless assertion given that the World Health Organization's Cancer Research Agency concluded in March 2015 that glyphosate is “probably carcinogenic”. Indeed, the health risks of glyphosate have long been making headlines all over the world. Argentina reports high cancer rates in agricultural regions where glyphosate is sprayed aerially; Sri Lanka has banned glyphosate due to its links with chronic kidney disease, as have El Salvador and others.

The latest approval application in Europe was instigated by the Glyphosate Task Force, which is made up of big names in the pesticide industry from Syngenta to Dow and Monsanto. All of these companies sell products which contain glyphosate and which are bestsellers in the truest sense of the word. The contentious pesticide's renewed approval is thus underpinned by billion dollar profits and extensive lobbying by the industry. So far so bad. The companies operate globally, the European authorities act provincially. This is all by desire and design, and built in to the approval process. The companies choose an EU state where the authorities will evaluate their request. The authorities' assessment relies substantially on studies by the producer itself and on the producer's own evaluations of other independent studies, in a kind of service provided to the authorities. Furthermore, only the active ingredient itself is tested, not the final product which contains a mixture with other substances. The process reveals an organized blindness to all aspects other than the marketing of industrial agriculture.

And what has all this got to do with human rights? A lot, since the scientific squabbling concerns the rights to health, to life, and to a healthy environment. The precautionary principle under human rights law offers one solution. Under this principle, where there is a risk of irreversible harm to people or to the environment, a lack of comprehensive scientific certainty cannot be used to excuse a failure to take precautionary measures. On this basis a court in Kerala in India set out a temporary ban on the pesticide endosulfan in a noteworthy [decision](#) from 2002. It held that where there are two choices, the consequences of each decision must be weighed and the lesser of the evils must ultimately be chosen. In the decision the judges explained that the supply of pesticides would not disappear just because this one product was banned. Further, they argued that the company's economic losses are acceptable in comparison with the potential harm to people and nature. The decision speaks for itself.

The proceedings in India were the result of joint efforts between environmental and health activists and lawyers. And the work went beyond the decision in Kerala. The activists and lawyers fought for and won similar findings from the Indian Supreme Court and internationally within the framework of the Stockholm Convention on Persistent Organic Pollutants. A successful instance of globalization from below! Here in Europe, the European

Commission still has to decide on the renewal of glyphosate's approval. The precautionary principle provides the answer. European environmental, health and legal activists could also take the Indian approach as an example and follow a similar legal path here in Europe. There are good chances of success. In [July 2007](#), the European Court of Justice – an institution not generally known for its criticism of the dangers of industrial agriculture – blocked the approval of the agent paraquat, despite endorsement from the authorities, citing the precautionary principle.