

From Red de Acción en Plaguicidas y sus Alternativas para América Latina (PAN Latin America, or RAPAM in Spanish) presented in September 2003 to the global movement of farmers, peasants and non government organizations protesting the World Trade Organization talks in Cancun.

## **Free Trade Agreements Encourage Pesticide Use – At the Expense of the People**

### **Transnationals Push for Weaker Regulations**

The Free Trade of the Americas Agreement with the United States will increase export-oriented agricultural production in Latin American nations. The higher economic value of export crops facilitates increases both the use of pesticides and pressure for their deregulation. Existing free trade agreements have permitted corporations to circumvent or weaken governmental regulations that protect workers, public health and the environment.

Multinational agricultural corporations have used free trade agreements to explicitly target the Precautionary Principle, which is designed to protect the rights of present and future generations to a healthy environment. The Precautionary Principle maintains, when risk of serious harm is evident, (from use of a chemical, for example) all available alternatives should be analyzed. The United Nations Universal Declaration of Human Rights has called for adoption of the Precautionary Principle to prevent harm to ecosystems and public health.

The impact of increased deregulation of agrochemicals in the region threatens to increase incidence of pesticide poisoning, which has already been termed a serious public health problem throughout Latin America by the World Health Organization (WHO). Because of the social, economic and cultural conditions under which they are used, pesticides acutely poison hundreds of thousands each year, including many children. In Central America, it is estimated that 400,000 people suffer acute pesticide poisoning each year; in Brazil alone 300,000 cases are reported annually. In the majority of Latin American countries poisoning registries are so inadequate that most acute poisoning cases never get recorded. Meanwhile health effects of chronic or long-term pesticide exposures such as cancer or birth defects are not available—omissions that serve to hide the epidemic proportion of pesticide-related illness in the region.

### **Corporate Weapons in Free Trade Agreements**

Transnational corporations are pressing for concepts of “concurrence” and “equivalence” (harmonization) within free trade agreements that will allow them to dismantle any national regulations opposed to their interests. Maria Elena Rozas, Regional Coordinator for RAPAL, terms these concepts “perfect weapons for multinational agrochemical companies to annul any national regulation for the control of pesticides and genetically engineered crops.”

“Concurrence” compels countries to replace local guidelines with uniform global guidelines that have been standardized “downward,” meaning that minimum international standards are adopted. Rozas explains “These uniform guidelines are devised behind closed doors, without the participation of civil society, and with active participation of transnationals.” Not only do these agreements undermine national laws for health and environmental protections, they also exert a regulatory “freeze,” inhibiting the ability of civil society and governments to implement stricter regulations in the future. One example is the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures which prevents countries from maintaining or creating stricter rules without scientific justification. This would inhibit application of the Precautionary Principle, which maintains that lack of scientific certainty must not prevent a precautionary approach.

The WTO has ruled against precautionary approaches by reversing regulations that pose trade barriers, for example, the requirement that an importing country must prove the danger of a potentially harmful product coming into the country. In Central America this ruling has already led to reduction of toxicity ratings for several pesticides under the guise of “harmonization.” For example, pesticides that are classified WHO Class (I) “extremely or very dangerous” are now labeled “dangerous” and no longer bear a red label. In Guatemala under the Central America Common Market, labels for some formulations of paraquat, a highly toxic pesticide responsible for many acute poisonings worldwide, have been downgraded from a red “extremely toxic” label to a blue “slightly toxic” label. In El Salvador, several pesticides have been reduced from “extreme” or “highly” to “moderately” or “slightly” toxic for purposes of “harmonization.”

“Equivalence” is another constraint imposed by free trade agreements on the ability of nations to regulate public health and environmental protections. Countries are obligated to adopt as “equivalent” the norms of other nations, even if they are fundamentally different. The agrochemical companies seek to declare dissimilar pesticide rules “equivalent” within regional economic blocs, thereby simplifying and/or minimizing controls over agrochemicals and enabling chemical companies to register their products in an entire region. This system of “Unified Registry” then forces countries to allow the import and sale of any pesticide registered in another country in the region.

The power of “equivalence” over national regulations is illustrated by claims brought by Argentina against Brazil in 2002,<sup>1</sup> instituted by companies producing generic agrochemicals in both Argentina and Brazil. A Brazilian regulation<sup>2</sup> limited importation of agrochemicals produced in Argentina until they were in compliance with all Brazilian standards, even if these pesticides were already listed in MERCOSUR (South American regional common market). Argentina sued, and brought the suit before a MERCOSUR arbitration tribunal. Argentina claimed that under MERCOSUR, Argentina could register pesticides similar to those registered in Brazil, and those chemicals should be allowed to circulate freely. The arbitration tribunal ruled in favor of Argentina, demonstrating the successful use of free trade rules to dismantle democratically adopted national pesticide regulations.

The corporate tools for free trade confer rights to corporations and limit the rights of citizens to a healthy environment free from contamination. RAPAL's Rozas warns that "Commercial agreements, enacted for economic development, should improve the quality of life within the region, and not damage the environment or public health. As of today, the free trade agreements, unfortunately, have not helped to overcome or even to minimize the economic, social and environmental problems of the region."

**RAPAL asks Latin American nations to:**

- Adopt the Precautionary Principle in their regulatory policies; promote ecological and organic farming; and strengthen systems of traditional agricultural production, in order to confront the problems of hunger and preserve traditional knowledge while developing socially just and environmentally sustainable systems of production.
- Assure that free trade agreements will not undermine food security by replacing crops for domestic consumption with export-oriented agriculture.
- Guarantee each country's sovereignty, preserving the right to adopt stricter laws for the protection of health and the environment.
- Provide assurances that free trade agreements will not undermine the constitutional duty of each country to guard the health of its citizens and the environment.

For more information:

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<sup>1</sup> Magazine ENLACE No. 56/57 April/July 2002, edited by PAN-LA.

<sup>2</sup> Law No. 4,074 Brazil.