

CropLife Africa Middle East Position Paper on Maximum Residue Levels (MRLs)

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CropLife AME (CL AME) calls on the EU to base its MRLs setting system on evidence and science, which has proven to be very effective in ensuring consumers' safety. MRLs setting should be done according to the EU "*Better Regulation*" principle, which ensures evidence-based and transparent EU law-making based on the views of those who may be affected. More precisely:

1. CL AME calls for the sustainability agenda to be tailored to national specificities. CL AME advocates for an **Africa localized green transition** while always maintaining a safe and secure supply of foods, which should be non-negotiable. Every country is best placed to assess the environmental impact of pesticide use that they choose to authorize for their farmers, based on their unique sustainability objectives and challenges, requiring the use of diverse methods, tools and technologies to sustainably meet the world's growing demand for food and feed in the face of climate change. CL AME believes that a safe and secure supply of food can be ensured with the help of plant science tools including crop protection products that are recognized for their long-term and essential role in sustainable agriculture, food safety and food security.
2. CL AME supports MRLs based on Codex MRLs, or Import Tolerances, established via **independent scientific risk-assessment**, and encourages all governments to adopt Codex MRLs for global alignment and trade purposes. These should be science-based food safety standards that protect consumers' health and fair-trade practices.
3. CL AME calls for '**mirror clauses**' to be **compatible with WTO rules** and based on solid internationally recognized science.
4. CL AME calls for **adequate transition periods** when decreasing MRLs. Any policy or change of national standards should be communicated with sufficient notice with information on transitional measures, for example via public websites. Transparency and predictability are of the utmost importance for the whole food industry, in exporting as well as importing countries.
5. CL AME calls for **MRLs setting system that focuses on ensuring consumers' safety**, as the environmental safety of pesticides is thoroughly assessed during the authorization processes; therefore, there is no necessity to expand the scope of existing MRLs regulations beyond consumer protection to environmental considerations. In addition, we strongly believe that global challenges, such as environmental concerns, should be addressed at an international level, through fora that have been set up to facilitate multilateral discussions and decision-making, such as at Codex Alimentarius.

The trend of decreasing maximum residue levels is a major threat to the achievement of the Sustainable Development Goals in the Africa Middle East region. CL AME believes that getting the sustainable growth agenda right in agriculture is essential and therefore welcomes the ambitions of improved and more effective MRLs. Using MRLs, however, as a tool to unilaterally drive environmental sustainability is not something we support. We believe that there is no 'one size fits all' approach when it comes to sustainability, and the means should therefore be tailored to a country's agricultural specificities and trade needs. Therefore, considering the increasing tendency of the European Union (EU) to decrease MRLs and import tolerances, CL AME would like to recall the following:

1. While there is a need for a sustainability agenda to be rolled out in all countries, each transition must be tailored to a country's agricultural and trading specificities; that is why **CL AME supports an Africa localized green transition in order to achieve the Sustainable Development Goals (SDGs)**. As CL AME, we promote sustainable agricultural practices and food systems, utilizing the best mix of tools and techniques to achieve more sustainable production as well as to meet countries' individual needs based on their geographic location, agronomic conditions, and environment.
2. **MRLs should be science and evidence-based in order to ensure that food products are safe for consumers, as per the 'Better Regulation' principle.** Data shows that when the decision-making process follows a science-based risk assessment, consumer foods are safe. The setting of MRLs should therefore remain independent from political agendas.
3. In addition to ensuring consumers' safety, **MRLs should be science-based for predictability and smooth trading practices.** Lowering MRLs without adequate transition periods based on political agendas, can lead to administrative burden, trade disruption and a loss of confidence between trading partners.

1. The Africa localized green transition: the need for sustainability agendas that should take into consideration countries' agricultural and trade specificities

The challenges that agriculture faces in Africa range from climate change, food security, water scarcity, inflation of fuel prices, trading and export uncertainties and restrictions (and many more). These challenges are currently only being exacerbated by the impact, and likely future impact, of EU regulations. By adopting a 'one size fits all' approach for sustainability the EU is not considering the climatic and agronomic conditions of the Africa Middle East region and the impacts that their changes will have. There exist many examples where it is necessary to use certain types of plant protection products (and in various quantities) to combat local pests and needs. The blanket approach discriminates against agricultural exports of products from many African and Middle Eastern countries.

2. Science-based MRLs ensure a safe, consistent, and vital supply of food as part of healthy and balanced diets

A maximum residue level is the highest level of a pesticide residue that is legally tolerated in, or on, food or feed when pesticides are applied correctly (cf. Good Agricultural Practice). With MRLs based on robust scientific assessment, authorities ensure that the amounts of residues found in foods are safe for consumers and are as low as possible. For example, according to the European Food Safety Authority (EFSA) monitoring report on residues that is published every year, about half of all samples in the EU are free of detectable residue traces. In the remaining half (45%), residues found were within the legal limits (maximum residue levels or MRLs)¹; such data shows that pesticides are applied according to Good Agricultural Practice and therefore that foods are safe because they are always below, or within, the MRLs set by EFSA.

Considering this lack of science-based evidence showing that such limits are not safe, it is unclear why there is a need to further decrease MRLs. More worryingly this is done with little regard for how farmers should protect their crops going forward. It takes considerable time, work, research and resources to place new products on the market. Additionally, as farmers are the first line of defense in minimizing residues through good agricultural practices, the industry is taking responsibility by implementing and rolling out programs to train farmers in how to safely use pesticides. When used properly, pesticides are safe, and ensure that consumers have access to a safe supply of foods which are part of a healthy and balanced diet.

3. MRLs are key to many African country's economic growth objectives and to the achievement of their Sustainable Development Goals targets

In addition to ensuring consumer safety, MRLs are in essence trading standards and the cornerstone of agricultural trade, as crops cannot be legally traded if they exceed MRLs. The lack of globally harmonized MRLs is already a challenge for farmers, as they must comply with MRLs in both exporting and importing countries. It is key that MRLs are based on evidence and science and remain independent from political agendas.

CL AME is particularly concerned by the trend of ever-decreasing MRLs in the EU as part of the EU Green Deal. This is notably due to the possible deletion of existing MRLs for non-approved active substances in the EU (so called 'mirror clauses') as well as the possible setting of MRLs with new data points such as environmental factors, especially when the latter is based on the use of the precautionary principle and not science or evidence-based². CL AME notes that the environmental safety of pesticides is thoroughly assessed during the authorization processes; therefore, there is no necessity to do so in the setting of MRLs. Such practices by the EU raise serious questions about the consistency of their measures. EU regulations are already more trade restrictive than necessary to fulfil a legitimate objective, as

¹ <https://croplife.org/case-study/maintaining-high-standards-on-pesticide-residues/>

² The European Food Safety Authority (EFSA)'s Q&A on its neonicotinoid review findings of 2018 in which « *The information on this phenomenon is somewhat limited, but EFSA concluded that, in some cases, bees might still be exposed to harmful level of neonicotinoids pesticides through this route* », show an excessive use of the precautionary principle, non-science based - <https://www.efsa.europa.eu/sites/default/files/news/180228-QA-Neonics.pdf>

being based in essence on the precautionary principle. They also fail to consider Good Agricultural Practices (GAP) for legal uses in non-EU countries. The continued decrease of MRLs will cause further trade disruptions (contrary to WTO principles), a deterioration of relations with trading partners and additional administrative burden.

Finally, the decreasing trend of MRLs not only affects the agri-food exports to the EU, it also has a detrimental effect on the agricultural production of African and Middle East countries, and consequently their food security and the region's stability.

CropLife Africa Middle East A.I.S.B.L is a non-for-profit industry association representing the leading global manufacturers of pesticides, seeds and biotechnology products in its territory. The regional association was registered in Brussels in November 2002 and represents today more than 20 national associations across its region. The association is legally fully independent but maintains a strong link with the global CropLife network (www.croplife.org).