

DEFRA
RECEIVED

22 FEB 2013

CCU
POST ROOM



Rt Hon Owen Paterson MP
Secretary of State
Defra
Nobel House
17 Smith Square
London
SW1P 3JR

Your ref:

Our ref:

Email:

Direct line:

Date:

20 February 2013

Dear Owen

I know you are aware that the NFU is extremely concerned about the European Commission's poorly justified proposal to ban the use of the neonicotinoids clothianidin, imidacloprid and thiamethoxam on crops attractive to bees, due to be voted on at the Standing Committee on the Food Chain and Animal Health (SCoFAH) meeting on 25 February.

This issue is very important to our industry in terms of agricultural pollination and the availability of crop protection products, both of which are important elements of sustainable food production. I wanted to reiterate that the NFU fully supports the proportionate evidence and risk-based approach that has been taken by you and Government colleagues on this issue.

I have written to Commissioner Tonio Borg expressing our concerns that the Commission's approach on this issue is fundamentally flawed.

The Commission justifies its current proposal to restrict the use of neonicotinoids on the basis of the three risk assessments published by EFSA in January. Using these reports as the basis for its proposal is very concerning because

- While the assessments identified areas of risk and gaps in the data, this was expected as the assessments tested existing data against new proposed regulatory requirements,
- The EFSA assessments do not provide any new scientific evidence in themselves – they are a stage in the proper process of developing new risk assessments, and
- The EFSA reports use proposed assessments that have not yet been finalised or agreed with Member States.

Most worryingly, both EFSA and the Commission are making statements that are driving this issue that do not appear in the EFSA reports. When discussing risk, both EFSA and the Commission are using the strong regulatory terms 'acceptable' and 'unacceptable', when these terms do not appear in the reports. The reports identify areas of risk, but they do not state whether that risk is acceptable or unacceptable.

In the absence of any apparent justification, the judgement on whether or not the identified risks are acceptable must be considered as just the opinion of EFSA and the Commission. No cost-benefit analysis has been presented that would justify the interpretation that a particular risk was unacceptable.

EFSA's Scientific Opinion published last year made it clear that there is a trade-off between plant protection and the protection of bees – a balance between production and environmental protection that must be considered. The Commission, in putting forward its current proposal, does not appear to be considering this trade-off.

We are concerned that a poorly evidenced ban would result in the use of a much higher volume of alternative less effective active substances that could result in an increased risk to the environment, bees and other beneficial insects. The restriction to less effective PPPs would also impact on yields, seriously compromising the sustainable production of many EU crops.

There are gaps in the current risk assessment for pesticides and bees that need to be addressed. The NFU welcomes this - as the science moves on our understanding improves and this enables us to identify gaps in current regulatory processes and develop ways to improve them accordingly.

The NFU also fully supports an evidence and risk-based approach to regulation. But we believe the Commission's current proposal to restrict the use of neonicotinoids is poorly evidenced. Without apparent justification, it extrapolates the conclusions of the EFSA reports, which are based on assessments yet to be finalised, to propose an approach that we believe fails to satisfy the requirements of the precautionary principle. In particular, we think there are failings in the proportionality of the measures being proposed, the use and interpretation of the scientific data available, and the lack of any examination of the benefits and costs of action.

As you are aware, the use of neonicotinoids is a key and widespread control measure in UK agriculture and horticulture. Restrictions on their use would require a strategic rethink of production systems. If alternative crop protection products were available, these would also have a range of impacts on bees and the environment that must be considered. Before any decision is taken to restrict the use of neonicotinoids, the NFU believes that full strategic impact assessments should be conducted to understand the implications. Otherwise, changes could result in no benefits to bee health, while significantly undermining sustainable food production.

We are deeply concerned that the current Commission approach and proposal threatens to undermine the role of EFSA and the whole EU regulatory process, which is anchored in a science-based approach. Accordingly, I have urged the Commissioner to reconsider this proposal, to enable time for proper discussion with Member States and the industry, and the development of proportionate evidence-based regulation of neonicotinoids that offers genuine opportunities to benefit bee health.

We struggle to see how the Commission's approach could be considered 'good regulation' and we are very concerned about the precedents such action could set. As such we urge the UK Government to continue its current approach and reject the Commission's current proposals at Monday's SCoFCAH meeting.

I know you are aware of the above issues,
but I wanted you to have all our concerns at hand,
and see that I had written to Commissioner Borg.

Thank you for all you are doing in this
area.

Yours