

# Revision of Pesticide Regulation in Mexico

Ray McAllister  
CropLife America  
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# Precautionary Principle

- Often cited without definition; open to broad interpretation
- Enshrined in European law, source of much conflict and difficulty in trade
- Often used as regulatory approach to prevent any potential hazard, without consideration of actual exposure to the hazard or analysis of risk
- Used to preempt risk assessment, prohibit product use based on hazard alone



# Pesticide Regulation in Mexico

- Mexico has typically followed the lead of the United States
- Registration decisions for pesticide products have taken a risk-based approach
- Dietary risk assessment is applied to decisions on standards for pesticide residues in food (MRLs)
- While authorities do not require an environmental risk assessment, it is accepted to support a product registration



# Pesticide Regulation in Mexico

- COFEPRIS and SENASICA are responsible for setting MRLs
- The Legal Framework to regulate MRL is the NOM-082-SAG/FITO-SSA1-2017 (in function since 2018)
- In vast majority of cases, Mexico accepts pesticide residue tolerances established by the United States and Codex, rather than establish separate MRLs



# Revision of Mexican Pesticide Regulation

- Strong and growing activist presence in Mexico is urging changes to pesticide regulation.
- July 2017: Bejarano, *Highly Hazardous Pesticides in Mexico*. Calls for HHP ban.
- December 12, 2018: National Human Rights Commission of Mexico, “*On the violation of human rights ...*”
- Mid 2019: OECD invited to evaluate Mexican legislation and regulation governing pesticide registration and use, recommend changes.
- 2019: Technical Work Group on Pesticides (Mexican Government), *Proposal: Elements to Develop an Integrated Strategy of the Responsible Management of Pesticides*
- March 10, 2020: SEMARNAT Workshop, *National Strategy to Avoid Environmental Risks from Pesticides in Mexico*



# Revision of ... (continued)

- November 2019; SEMARNAT denied import permits for herbicide glyphosate
  - Press release prominently cited “precautionary principle” rationale
  - Product registrations remain in force, field use is still legal
  - All glyphosate imports have been denied since that time
  - No domestic manufacturing capability
  - Shortages projected to lead to 30% yield loss in selected crops
- At least one other pesticide chemistry has been affected



# Mexico's Lists of Pesticides

- Bejarano report: identifies 183 “highly hazardous pesticides” used in Mexico, using very liberal criteria, going well beyond WHO and FAO
- Bejarano report; 140 active ingredients; “authorized in Mexico, prohibited or not allowed in other countries”; prohibition in a single country puts pesticide on this list
- These lists cited by Human Rights Commission as evidence of “violation of human rights to food, clean water, healthy environment, and health ...”
- Considerable overlap in the lists



# Implication of lists

- Lists include 136 active ingredients registered on food crops in the United States. Examples:
  - Glyphosate
  - Atrazine
  - 2,4-D
  - Neonic insecticides
  - Pyrethroid insecticides
  - Triaconazole fungicides





# Implication of lists

- All might be considered candidates for similar import bans.
- Extension of precautionary principle to MRLs, could lead to blocking agricultural imports with residues of pesticides on the lists.
- Virtually all US ag exports to Mexico would be vulnerable.
- Use of counterfeit substitution products in Mexico → unknown residues in exported food
- Mexico has 119 pesticide producing establishments registered by USEPA that manufacture products for the US market



# Recent activities

- Toledo editorial, 5/5/2020. La Jornada newspaper
  - “... immediate banning of dozens of pesticides ...”
- Toledo editorial, 5/19/2020. La Jornada newspaper
  - poetic “Ode to Glyphosate”
- SEMARNAT press release, 5/21/2020
  - “... urgency ... to progressively eliminate the import and use of glyphosate ...”
- SEMARNAT YouTube video, 5/21/2020 <https://youtu.be/UFXhiNPK7jA>
  - “Glyphosate, the most dangerous pesticide in the world”
- Pesticide registration renewals “on hold” at COFEPRIS
- US Government agencies are actively engaged (USMCA)



# OECD Review of Pesticide Regulation in Mexico

- Nov 2019: OECD and Consejo Nacional de Agricultura (CNA) sign agreement –
  - Context of pesticide regulation in Mexico – economic activity, government policies, institutions
  - Current situation – recent reforms
  - Case studies, selected OECD countries
  - Assessments & recommendations
- SENASICA, COFEPRIS, SEMARNAT participating
- CNA has contributed funding



# OECD Review ...

- Launched, Jan 2020
- Target completion – April 2021; delayed by COVID-19, at least 3 months
- Questionnaire to Government & Industry
- International peer reviewers – Canada, UK, Australia
- Fact-finding mission – July 2020, virtual if needed
- Issues paper, national policy dialogue, roundtables, international forum, final report
- MRLs are on the table



# Comparison of crop grouping schemes

- Crop groups have tremendous potential for making effective pesticide treatments available for more crops
- Field residue data for a few representative crops can support MRLs for similar crops within a defined group
- Time and expense to develop MRLs and product registrations can be significantly reduced
- Specialty crops, in particular, stand to benefit



# Comparing Crop Groups

- IR-4 has spearheaded efforts for both USEPA and Codex to develop, define, expand, & refine crop groups for use worldwide
- Several countries have established their own crop grouping schemes for MRL work
- Minor to significant variations among countries can lead to frustrations in product introduction and use
- CropLife America & CropLife International have partnered to compare international crop grouping schemes



# Crop Grouping Comparisons

- Codex, Australia, Brazil, China, European Union, India, Korea, Taiwan, Canada, United States
- Purpose:
  - Resource for registrants and grower organizations in planning strategy for international introductions of products
  - Encourage greater harmonization among country systems
- Interim results recently made available by contractor (Decernis)
- Additional review prior to general release:
  - CLA/CLI work group
  - CCPR & national regulatory authorities
- Mode of release & distribution?
- How to keep it up to date on a continual basis? Adding countries?

