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EXECUTIVE COMMITTEE

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PROGRESS REPORT

ACTION PROGRAMME ON PESTICIDE RESIDUES

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1. Pesticides can have an impact on people, wildlife and the environment. It is therefore essential that they are used safely and effectively. In most countries, pesticides must be approved for use on a particular crop following trials to establish Good Agricultural Practice (GAP). Maximum Residue Levels (MRLs) are then defined as the maximum concentration of the pesticide residue likely to occur in or on the food commodity after the use of pesticides according to GAP. Thus MRLs are not safety levels as such, but are intended primarily as a check that GAP is being followed and to act as a guide for international trade in produce treated with pesticides.
2. The European Union recently introduced new harmonized pesticide residue legislation which, for the first time, applies to imported foods including cocoa beans as well as to domestic produce. This regulation will come into force very soon and introduces levels which could severely affect cocoa imports unless the cocoa sector as a whole acts quickly to ensure that the appropriate MRLs are in place. Under the new EU regulation, import tolerances would be established for pesticides which have not been approved for use in the EU or where GAP in the exporting country differs from that established in the EU.
3. In compliance with the Action Programme on Pesticides approved by the Executive Committee at its 126th meeting in September 2005, the ICCO Secretariat undertook to build a comprehensive picture on the use of pesticides with cocoa in producing countries and to provide the necessary advice to avoid the establishment by the EU of unreasonable residue levels.
4. The ICCO Secretariat wrote to a number of cocoa producing countries requesting information on the type of pesticides used and their application in relation to cocoa. The information obtained was compiled in document EX/128/7/Rev.1 and presented to the Executive Committee at its 129th meeting in June 2006. The Committee took note of the document and requested the Secretariat to contact Members about the feasibility of a “follow-up action” in the Action Programme.
5. At its 131st meeting in December 2006, the Executive Committee reviewed the status of the Action Programme on Pesticides taking into account a report from the Executive Director on problems arising from the introduction of new legislation on MRLs in Japan in May 2006. To prevent future problems with the new EU regulation as well as to contribute to solving the problems arising from the Japanese regulations, the ICCO Secretariat carried out an exercise to compile a list of all pesticides used (both recommended and non-recommended) in relation to cocoa in cocoa producing countries. The results of this exercise were included in a report that was presented to the 132nd meeting of the Executive Committee in March 2007 in Malaysia.
6. At its March 2007 meeting, the Committee discussed the Action Programme with reference to documents EX/132/8 and EX/132/8/Add.1. The two documents contained updated information on the current state of pesticide use with cocoa as provided by Cameroon, Côte d’Ivoire, Ecuador, Gabon, Ghana, Malaysia, Papua New Guinea, Trinidad & Tobago and Venezuela. No new information had been received from Brazil and Nigeria and the Secretariat did not write to the Dominican Republic because the delegation had informed the Executive Committee in June 2006 that pesticides were not used on cocoa in their country.

7. The information received had subsequently been sent to an expert on pesticides matters, for comparison with the EU Positive List. The expert provided the ICCO with a report and advice to be passed on to the countries concerned.

8. The report presented by the ICCO Secretariat at the March 2007 meeting of the Executive Committee could be summarized as follows:

- First, the expert's report did not cover the Banned Pesticide List in use in Japan because of a lack of recent information. This issue was being pursued and would be reported upon at future meetings. Regarding the issue of measuring shelled versus non-shelled cocoa beans, the report indicated that it was impossible to have completely shell-free cocoa nibs and that the EU tests took into account a standard chocolate industry tolerance level.
- Secondly, the report noted with some concern that there were certain pesticides categorized as Class 1 pesticides, i.e., containing highly toxic chemical compounds that were still being used. Countries were invited to consider banning these chemicals with immediate effect.
- Thirdly, there was an active ingredient such as the fungicide Metalaxyl, classed as Strategic, i.e., for the control of Black Pod. This active ingredient did not appear on the List under EU evaluation, which did not mean that it should not be used. As could be expected, this chemical compound was strongly defended by its manufacturer Syngenta for use on cocoa. The status of this active ingredient was still being investigated by the expert.
- Finally, it was suggested that each country should carry out a pesticide audit, prioritizing the issues. As an example, it was thought that many residues originating from treatments of cocoa beans in stores constituted the highest risk group, followed by insecticides applied in the field, fungicides and then herbicides.

9. In comparing the List used by the EU with the information provided by the cocoa producing countries, it appeared that only one country among those that had provided information to the ICCO Secretariat would pass the test of the EU as 15 out of 16 active ingredients used in different combinations on cocoa in that country fell under the Approved List of the EU. The only active ingredient used in that country of which the position was uncertain was a product of which the status was still unresolved between the manufacturer Syngenta and the EU.

10. All other countries were currently using pesticides with at least one active ingredient not approved for use by the EU. In several cases, there were instances of Class 1 highly toxic pesticides being used.

11. On the basis of the information provided by the countries and the report received from the expert, the ICCO Secretariat produced a table of pesticides and their status for each country, indicating which pesticides were either approved for use, not approved or with approval pending. In order to respect the countries' confidentiality on the subject, the tables would only be made available directly to the respective countries. The producing countries were strongly advised to take immediate action on these lists and prioritise the compounds most likely to be used on cocoa.

12. At its March 2007 meeting, the Executive Committee urged Brazil and Nigeria to submit their updated lists as soon as possible so that all the data could be studied by the expert. The Committee also agreed on the need for a harmonized approach among consumer countries (mainly Japan and the EU) in relation to pesticide residues, as well as on the requirement for a reliable and transparent methodology to measure pesticide residues.

13. At the end of March 2007, the ICCO Secretariat again wrote to **Brazil** and **Nigeria**, requesting them to update the earlier information provided on pesticides. In early May, with no information coming forward from these two countries, the ICCO Secretariat decided to use the old information communicated earlier in the survey by Brazil and Nigeria and analyze them in the light of the report provided by the expert for the other producing countries. The result of this exercise will be communicated to the two countries.

14. In September 2006, the representatives of the European Cocoa Association (ECA) and CAOBISCO reported to the Executive Committee on their joint project co-ordinated by the Commonwealth Agricultural Bureau International (CABI), to gather relevant information on the use of pesticides in Cameroon, Côte d'Ivoire, Ghana and Nigeria and to provide that information to the EU through their Pesticides Working Group.

15. Since then, considerable progress has been made in the project. Recent consultations between the ICCO Secretariat and the offices of the European Cocoa Association (ECA) indicate that a number of Partner institutions have been identified by CABI in the countries participating in the project, namely, in Cameroon, the *Institut de Recherche Agronomique pour le Développement* (IRAD); in Côte d'Ivoire, the *Centre National de Recherche Agronomique* (CNRA); in Ghana, the Ghana Cocoa Board (COCOBOD); and in Nigeria, the Cocoa Research Institute of Nigeria (CRIN).

16. Letters of Agreement (LoA), which formalized the working arrangements between CABI and the respective partners, were signed in the first four months of 2007. With assistance from the partners, the project has identified sources of existing information on pesticide availability.

17. The next stage of the project was to conduct a survey to gather relevant information on the use of pesticides in the participating countries. The identification of the major stakeholders to participate in the survey has been completed in most of the participating countries. In collaboration with the project partners, questionnaires for farmers and farmers' groups were designed for pilot testing in February 2007. In the last week of March, pilot tests for farmers and post-harvest groups were carried out by local partners in Cameroon and Nigeria. Following the pilot test, the questionnaires have been revised and the final versions forwarded to all partners for use in full surveys. Data have already begun to arrive from the partner institutions in the countries.

18. In the EU, the European Food Standard Authority (EFSA) has recently carried out an initial assessment of the proposed temporary MRLs based on available data provided by the European Commission in September 2006. According to the risk assessment conducted, less than half of the active substances evaluated by the EFSA were considered unlikely to pose a risk to consumers. The remaining substances would undergo further tests to establish their health risk to humans.

19. In Japan, since the new legislation on MRLs came into effect in May 2006, several consignments of cocoa beans have been denied entry into the country. The rejected consignments were found to have exceeded the MRLs set by the Japanese Ministry of Health, Labour and Welfare (MHLW). The most notable active ingredients detected included Pirimiphos-Methyl, Chlopyrifos and 2,4-D. It was also understood that Japan was monitoring Diuron, a new active ingredient in herbicides.

20. The situation has improved since the Executive Director first reported to the Executive Committee in December 2006 on action taken to minimize the impact of the Japanese strict new legislation on MRLs for pesticides. Information obtained by the Secretariat indicated that the number

of violations during the period from December 2006 to May 2007 were substantially lower compared to the May to November 2006 period, as some cocoa producing countries took the necessary steps to avoid exceeding the new MRLs.

21. It is, nevertheless, necessary for the Secretariat to carry out a similar exercise, as was done in the case of the EU, for the expert to compare the pesticides used on cocoa with the Positive List of Pesticides published by the MHLW in Japan and to advise the cocoa producing countries accordingly. This is currently being arranged.

22. The Secretariat can further report that work on a draft manual on the safe use of pesticides, including a list of recommended pesticides with cocoa and their proper application was progressing. The expert who worked on the MRLs used by Member countries expects that he can present an outline of his report in due course.

23. It is most important that the authorities on cocoa matters in relevant Member countries ensure that pesticides used on cocoa are approved in the EU. This would avoid any fallout with the incoming EU legislation on pesticides which would apply to cocoa later in 2007 or early 2008. It is recalled that where there are no MRLs in place in the EU, the EU MRLs will be set at the Level of Detection (LOD) i.e. the validated lowest residue concentration which can be quantified and reported by routine monitoring. The default LOD is currently set at 0.01mg/kg.