

5.1.2.e Woo

Van: 5.1.2.e Woo
Verzonden: dinsdag 8 september 2020 10:51
Aan: Becks-Vermeer, dr. I.T.M. (Ingrid); 5.1.2.e Woo
Onderwerp: FW: Politico Pro Pesticides/ residues

Hallo Ingrid en 5.1.2.e Woo

Onderstaand bericht bevat een link naar een [themanummer van European Journal of Risk Regulation over "Glyphosate science and politics"](#)

Ik neem het ook op in het Extern Nieuws en daarnaast in de attendering wetenschappelijke literatuur voor het college.

..maar jullie krijgen het nu dus ook ..bij deze..

Groet 5.1.2.e

Van: 5.1.2.e Woo
Verzonden: maandag 7 september 2020 14:41
Aan: 5.1.2.e Woo @ctgb.nl>; 5.1.2.e Woo)
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Onderwerp: FW: Politico Pro Pesticides/ residues

Beste collega's,

Hieronder een bericht van PoliticoPro over verslag van een wetenschappelijk symposium over de veiligheid van glyfosaat.

Via de links kom je terecht bij het speciale nummer van European Journal of Risk Regulation. Vrijwel alle artikelen zijn vrij toegankelijk ..op een na. Van dat artikel heb ik een kopieaanvraag gedaan, die hopelijk (snel) wordt gehonoreerd.

Ik heb overigens ook bericht aangemaakt in Extern Nieuws.

Groet 5.1.2.e

Van: 5.1.2.e Woo @ctgb.nl>
Verzonden: maandag 7 september 2020 12:11
Aan: 5.1.2.e Woo @ctgb.nl>
Onderwerp: FW: Politico Pro Pesticides/ residues

Dag 5.1.2.e W
Interessante stukken

Groet, 5.1.2.e Woo

Van: 5.1.2.e Woo @minbuza.nl>
Verzonden: maandag 7 september 2020 07:55
Aan: 5.1.2.e Woo @minInv.nl>; 5.1.2.e Woo @minInv.nl>; 5.1.2.e Woo @ctgb.nl>; 5.1.2.e Woo @minvws.nl>
Onderwerp: Politico Pro Pesticides/ residues

PESTICIDES

ACADEMICS PONDER THE POLITICS OF GLYPHOSATE: Academics from across Europe have argued that the controversy over the safety of glyphosate has major implications for policy making, science and law in the EU. In a [special issue](#) of the European Journal of Risk Regulation, which is published by Cambridge University Press, thinkers from the Netherlands' Erasmus University and elsewhere take a deep dive into the glyphosate saga to create a fresh roadmap for the way chemicals are regulated in Europe — a system they [say](#) “has reproduced new harms with every iteration rather than moving towards green chemistry or a toxic-until-proven-safe preventative health model.”

An aging rock star: Writing that glyphosate “has been christened the rock star of pesticides,” academics Alessandra Arcuri and Yogi Hale Hendlin provide a potted history of the herbicide, from its discovery in a lab in the 1950s to U.S. agri-chemical giant Monsanto discovering its potential as a weedkiller in the 1970s. Glyphosate was developed to be used on genetically modified crops so the policy battles over glyphosate in recent years have often been proxy wars that are really about whether we want GM foods or not, they write. Now, however, “glyphosate may be on its way out” in the EU — when EU countries decide whether or not to renew its current five-year assessment in 2022.

Beyond cancer: Another [part](#) of the special issue urges regulators to look beyond the contested carcinogenicity of glyphosate and give more attention to its impact on water and the environment.

Lessons learnt? Writing that the re-licensing of glyphosate in 2017 caused a “crisis” in EU food governance, Amsterdam University's Marta Morvillo argues that the EU's main legislative response to the glyphosate saga — reforming the General Food Law — is not a radical change but a mere refinement of existing rules. Only time will tell whether it has done anything to resolve the vagueness of EU policy goals on pesticides and the tensions between risk assessors and risk managers that underpinned the glyphosate controversy, she says.

A year in the making: The academic publication is the fruit of a symposium on the politics of glyphosate held at Erasmus University last year, which Morning Agri reported on [here](#).

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- [Introduction to the Symposium on the Science and Politics of Glyphosate](#)
- [Alessandra ARCURI, Yogi Hale HENDLIN](#)
- Published online by Cambridge University Press: 02 September 2020, pp. 411-421
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- [PDF](#)
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- [Glyphosate Effect: Has the Glyphosate Controversy Affected the EU's Regulatory Epistemology?](#)
- [Marta MORVILLO](#)
- Published online by Cambridge University Press: 20 March 2020, pp. 422-435
 - - Article
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Glyphosate's authorisation will expire in 2022 and its re-approval will take place in a changed legal and political landscape: the national phase of risk assessment is entrusted to a taskforce of four Member States, and, from 2021, the reform of the general food law will apply, imposing, inter alia, more ambitious transparency standards. Taking stock of these developments, this contribution analyses, from a legal perspective, whether and how the glyphosate dispute has contributed to the development of the EU's regulatory epistemology, with specific regard to food governance. It identifies the "manifesto" of the EU's regulatory epistemology in the 2002 guidelines on the collection and use of expertise and reads them in the light of the glyphosate dispute. In particular, it focuses on the legal arrangements reflecting the principles established in the 2002 guidelines (quality, openness, effectiveness) and analyses them against the tensions that emerged throughout the dispute with regard to the sources, levels and purposes of EU regulatory knowledge-making. It then considers whether and how such tensions have been addressed by legislative reform and whether this has resulted in a further refinement of the EU's regulatory epistemology.

- [Danger! Glyphosate may Expose Weaknesses in Institutional Systems: EU Legislation and Comitology in the Face of a Controversial Reauthorisation](#)
- [Ton VAN DEN BRINK](#)
- Published online by Cambridge University Press: 06 March 2020, pp. 436-449

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The 2017 glyphosate reauthorisation process has exposed key weaknesses of the EU's institutional system. First, the role of Germany as Member State rapporteur and the subsequent decision to appoint a group of Member States to form the Assessment Group on Glyphosate (AGG) suggest that the nature of scientific assessments become blurred. These assessments are apparently not just purely objective, science-based and procedural elements of the authorization procedure, but require support from a significant number of Member States as well. Second, the arduous comitology trajectory in the glyphosate reauthorisation process has caused the Commission to initiate questionable changes to comitology. These changes would corrupt the coherence of the EU's legislative system in general and the constitutional distinction between delegated and implementing acts in particular. Moreover, they would overlook the more obvious solution of relying more on discretion on the part of the Commission. Lastly, the glyphosate reauthorisation has questioned the dichotomy between legislation and executive rule-making, an equally central element of the EU's constitutional order. This dichotomy is based on a distinction between essential elements that belong to the legislative domain and non-essential element which are more technical in nature. It has been claimed that weighing the economic benefits of pesticides against the health and environmental costs associated with their use is in essence a legislative choice. This claim highlights not so much the practical problem of how to

draw the line between political and technical decision-making, but rather denies the very meaning of the dichotomy altogether. Yet, the current system on the placing on the market of plant protection products – based on the legislation providing the general framework and the executive applying this in concrete cases – is certainly not devoid of coherence and logic.

- [Achieving a High Level of Protection from Pesticides in Europe: Problems with the Current Risk Assessment Procedure and Solutions](#)
- [Claire ROBINSON](#), [Christopher J. PORTIER](#), [Aleksandra ČAVOŠKI](#), [Robin MESNAGE](#), [Apolline ROGER](#), [Peter CLAUSING](#), [Paul WHALEY](#), [Hans MUILERMAN](#), [Angeliki LYSSIMACHOU](#)
- Published online by Cambridge University Press: 16 April 2020, pp. 450-480
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The regulation of pesticides in the European Union (EU) relies on a network of hard law (legislation and implementing acts) and soft law (non-legally binding guidance documents and administrative and scientific practices). Both hard and soft laws govern how risk assessments are conducted, but a significant role is left to the latter. Europe's pesticide regulation is one of the most stringent in the world. Its stated objectives are to ensure an independent, objective and transparent assessment of pesticides and achieve a high level of protection for health and environment. However, a growing body of evidence shows that pesticides that have passed through this process and are authorised for use may harm humans, animals and the environment. The authors of the current paper – experts in toxicology, law and policy – identified shortcomings in the authorisation process, focusing on the EU assessment of the pesticide active substance glyphosate. The shortcomings mostly consist of failures to implement the hard or soft laws. But in some instances the law itself is responsible, as some provisions can only fail to achieve its objectives. Ways to improve the system are proposed, requiring changes in hard and soft laws as well as in administrative and scientific practices.

- [Fact or Fiction? Case C-616/17 and the Compatibility of the EU Authorisation Procedure for Pesticides with the Precautionary Principle](#)
- [Sophia PAULINI](#)
- Published online by Cambridge University Press: 21 April 2020, pp. 481-497
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This contribution analyses whether the Court of Justice of the European Union (CJEU) provides clarifications on the normative implications that the precautionary principle entails in the context of Regulation

1107/2009, laying out the EU authorisation procedure for pesticides, in its recent judgement in Case C-616/17. In this judgement, which is a response to a request for a preliminary ruling by a French criminal court on the compatibility of certain aspects of Regulation 1107/2009 with the precautionary principle, the CJEU concludes that the questions of the referring court reveal nothing capable of affecting the validity of the regulation. According to the CJEU, to ensure conformity with the precautionary principle, the EU legislature must establish a normative framework that makes available to competent authorities sufficient information to adequately assess the risks to health resulting from the pesticide in question. However, the CJEU's substantive analysis of the compatibility of the different aspects of Regulation 1107/2009 with the precautionary principle is not conducted concretely in light of this legal standard, but constitutes a mere testing of the general adequacy of Regulation 1107/2009. Furthermore, the CJEU's judgement examines Regulation 1107/2009 in a vacuum without considering problems that have occurred in its implementation or application.

- [Shining a Light on Glyphosate-Based Herbicide Hazard, Exposures and Risk: Role of Non-Hodgkin Lymphoma Litigation in the USA](#)
- [Charles BENBROOK](#)
- Published online by Cambridge University Press: 03 April 2020, pp. 498-519
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Roundup, and other glyphosate-based herbicides, are the most heavily used pesticides in the history of the USA and globally. In March 2015, the International Agency for Research on Cancer (IARC) classified glyphosate as a “probable human carcinogen”. A portion of the 695,000 Americans then living in 2015 with non-Hodgkin lymphoma (NHL) became aware of IARC’s decision. Several thousand Roundup–NHL lawsuits had been filed by the end of 2017, rising to 18,400 by July 2019 and 42,000 by November 2019. Three cases have gone to trial, each won by the plaintiffs. The author has served as an expert witness for the plaintiffs in this litigation and has been compensated for his time spent. The impact of the litigation on the independent assessment of the science useful in determining whether glyphosate and glyphosate-based herbicide exposures are linked to NHL is reviewed, as is why the US Environmental Protection Agency (EPA) and IARC reached such different judgements regarding glyphosate human cancer hazard and risk. Two important “lessons learned” regarding the EPA versus IARC assessment of glyphosate cancer hazard and risk are highlighted. The first arises from differences in the magnitude of applicator risks from mostly dermal exposures to formulated glyphosate-based herbicides compared to just dietary exposures to technical glyphosate. The second relates to missed opportunities to markedly lower applicator exposures and risks with little or no impact on sales via reformulation, added warnings and worker safety provisions, company-driven stewardship programmes and greater determination by the EPA in the 1980s to compel Monsanto to add common-sense worker protection provisions onto Roundup labels (eg “wear gloves when applying this product”). Policy reforms designed to alleviate systemic problems with how pesticide hazards, exposures and risks are analysed, regulated and mitigated are described.

- [The Clash of Scientific Assessors: What the Conflict over Glyphosate Carcinogenicity Tells Us about the Relationship between Law and Science](#)
- [Vesco PASKALEV](#)
- Published online by Cambridge University Press: 16 July 2020, pp. 520-538
 - - Article

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The recent reauthorisation of glyphosate in the European Union is a uniquely suitable opportunity to study the relationships between law and science because, unlike many other controversies that are commonly perceived through the science/democracy dichotomy, in this case the disagreement was between the “scientific” assessments of two purely “expert” bodies, the International Agency for Research on Cancer (IARC) and the European Food Safety Authority (EFSA). This paper takes a close look at some details of the two assessments to show how scientific assessments are shaped by the legal environment to such an extent that it is impossible to separate “legal” from “technical” issues at any level; they are entangled together “all the way down”. Furthermore, it identifies three side effects of this entanglement that were previously unnoticed. First, obscure legal rules may provide (usually unintended) leverage to some of the parties. In turn, this forces everybody into proxy wars on the issue where the leverage is, at the expense of all other concerns that they may legitimately have. Finally, despite the strict legal regimentation of the scientific assessment, significant space for judgment remains, and discretion is never removed, only shifted to different places or levels.

Select Like Oil and Water: The Politics of (Not) Assessing Glyphosate Concentrations in Aquatic Ecosystems

- [Like Oil and Water: The Politics of \(Not\) Assessing Glyphosate Concentrations in Aquatic Ecosystems](#)
- [Yogi Hale HENDLIN](#), [Alessandra ARCURI](#), [Robert LEPENIES](#), [Frank HÜESKER](#)
- Published online by Cambridge University Press: 02 September 2020, pp. 539-564
 - - Article
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Since the International Agency on Cancer Research’s monograph found glyphosate to be a likely carcinogen, the regulatory focus on the chemical has centred on this determinative criterion for regulatory action. Yet, other pertinent factors, such as the effects of glyphosate on fresh and ground water and ensuing effects on biodiversity, have received less attention as legitimate rationales for regulating the chemical. This underrepresentation prevents a wider policy discussion on the environmental and human health effects of the chemical and fails to disrupt assumptions of path-dependently continuing on agriculture’s chemical treadmill. To avoid ad hoc post hoc chemical regulation, we assess four areas of chemical regulatory oversight in Europe with regard to glyphosate affecting water: (1) the undue emphasis on in laboratorio versus in situ testing; (2) assessing single chemicals (isolated glyphosate) versus admixtures (glyphosate plus surfactants and adjuvants) that are used in practice; (3) the tendency to downplay harms to non-human life; and (4) the lack of policy coherence in the existing regulatory framework. Focusing on European Union regulation of pesticide and water policy affecting aquatic environments, we conclude that issues of measurement and priority have become highly politicised in both science and policy, requiring preventative, precautionary frameworks utilising plural forms of measurement.

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