

Business & Human Rights Resource Centre invited Syngenta to comment on the following article:

- <https://www.hrw.org/news/2023/09/13/kenya-ban-use-highly-hazardous-pesticides>

Syngenta sent the response, dated 27 September 2023.

Thank you for the opportunity to comment. We would like to provide you with the following points:

- We recognise that people have concerns about the export of chemicals which are not approved for sale where they are manufactured. However, we do not believe that the bans are effective policy for ensuring that necessary pesticides are available where they are needed.
- Agronomic conditions and their constant variability, exacerbated by climate change, vary widely. We offer different solutions to respond to differing needs, sometimes within single countries or regions. This means we may produce products in Europe that are needed in other countries, but are not needed in Europe and are therefore not approved in Europe.
- Some pesticides are not authorised in the EU because they have no or limited use in the EU. Products produced in the EU have very specific and urgent uses outside of the EU, as was the case for the swarms of locusts devouring harvests across east Africa in the summer of 2020.
- Regardless of HHP status, all our products must satisfy stringent internal safety standards, as well as the safety requirements of regulators in every country of use.
- We support the FAO/WHO criteria, definition and risk reduction processes for highly hazardous pesticides, and apply these principles rigorously in all countries, including Kenya.
- We act responsibly: Stewardship and risk mitigation measures are put in place by us and by regulatory authorities to enable the responsible use of their products. If risks are identified and cannot be managed, we sometimes voluntarily remove products from the respective market. We regularly review and regulate our product portfolio.
- International trade in chemicals is effectively controlled by many treaties and conventions, including the Rotterdam Convention, which only allows exports of certain chemistry when the receiving country agrees to it. This is known as 'Prior Informed Consent' and is an important international commitment that the EU is party to. An EU prohibition would exceed this convention and seems incompatible with the EU principle of proportionality given that the trade is already, and quite rightly, very tightly regulated and controlled.
- As signatories to the FAO International Code of Conduct on the Distribution and Use of Pesticides we follow laws and local regulatory requirements for the approval, trade, sale and use of pesticides.
- If the EU were to impose a production ban on the EU territory, it would directly impact the availability of much needed, thoroughly tested, legally compliant products in other jurisdictions. Other countries have legislation in place to regulate plant protection products, ensure safety and deliver environmental protection goals. The EU should respect that other jurisdictions may choose to achieve high levels of protection through different approaches, which do not mean lower or worse standards as some commentators suggest.
- Pesticide production in the EU is top quality and respects EU environmental protection and safety standards for many workers employed in chemical manufacture.