Reforming the EU's rules for pesticides approval

Background briefing, #Stopglyphosate European Citizens Initiative

The way the risk assessment of pesticides, and food products more generally, is organised today in the EU is unfair, resources-heavy and insufficient.

The fundamental problem is that **companies are in charge of the scientific testing of their own products.** In the EU, public regulators (the European Food Safety Authority - EFSA) audit this evaluation rather than conducting their own. This is detrimental to small companies for which these regulatory costs are very high, and a crucial consequence of this situation is that **the scientific evidence used by regulators to allow products on the market is not available to independent scientists or the public**: it is the private property of companies themselves.

This seemingly technical problem actually has dramatic consequences for public health and the environment. Any academic paper pointing at the risks of a given product is immediately attacked by this product's producers and specialised groups working on their behalf – a whole industry of scientists for hire has developed this activity, called "product defense companies" (Gradient, Exponent…). The list of scientists whose career and reputation has been savaged by industry for simply publishing unwanted evidence is sadly long, and keeps growing.

But the other way around is not possible: because they are the property of the companies at stake, studies demonstrating the safety of a product, relied upon by public regulators, are very difficult for scientists to obtain and analyse. **The consequence: toxic products are kept on the market for a much longer time than they should, at the expense of public health and the environment**.

The **existing disclosure mechanisms are insufficient**. Data is released partly and re-actively rather than completely and pro-actively: one needs to introduce an access to documents request at the European Food Safety Authority (EFSA), which then needs to redact manually all elements covered by existing legal restrictions (privacy of individuals and commercial secrecy in particular). Since EFSA faces legal & financial risks if it would disclose legally protected information, it tends to err more on the side of caution than transparency.

The way EFSA answered our access to documents request on glyphosate is a very good illustration of the flaws and limitations of the system. It had to dedicate thousands of working hours to the job, negotiate with companies arguing that everything in the

documents was their property and shouldn't be published, took a year to respond to our request, and the result was mixed: while this was a significant effort by the agency which should be acknowledged as such, large and important sections of the documents were redacted, the documents themselves were not machine-readable, and publishing them would expose anyone to a lawsuit.

We consulted with several scientists to ask them whether they found this disclosure useful to analyse EFSA's work further. While most welcomed the principle of more disclosure and found useful elements in the documents, all deplored the redactions and the impossibility to publish the documents. And all described the work needed to manually re-type all the data to double-check the studies' results as "*daunting*" and "*titanic*": almost a year's worth of work for each study, according to one! Besides, such a task is susceptible to generate errors. And once this work is done, it would take months for a statistician and a toxicologist to interpret the data.

As one scientist put it: "*I understand why companies prefer to do that themselves: they are sure that no one has the time and financial resources needed to control their work*".

So, both from a scientific, public health and a taxpayers' perspective, the system is clearly insufficient and should be reformed. We propose the following:

The research should be performed much earlier in the process of authorisation, with the evidence being produced by independent laboratories, the data made publicly available to all and in particular the scientific community, and the cost met by the producer. Pesticides (and, indeed, all regulated products for which this is relevant) should only be authorised on the basis of published scientific evidence, not secret industry data.