POLITICO

Attack of the bee killers

Documents show Bayer and Syngenta teamed up with farmers to get around bee-friendly regulation.

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The European honeybee | USGS Bee Inventory and Monitoring Lab

From Suffolk in the U.K. to Bulgaria's Black Sea coast, Europe's honeybees are facing a new threat: a legal loophole in an EU moratorium on pesticides.

Environmentalists had hoped that a 2013 temporary EU ban on pesticides suspected of impacting bee health would offer some respite to the Continent's collapsing colonies. But 13 European governments have provided farmers and pesticide producers with permission to sidestep the regulations.

As a result, crops across the Continent continue to be sprayed with forbidden substances known as neonicotinoids manufactured by agrichemical giants Bayer and Syngenta, as well as another pesticide called fipronil, produced by Germany's BASF. These widely used chemicals are accused of crippling insects' nervous systems and decimating bee colonies — although the precise role of pesticides in plunging bee populations remains a subject of heated scientific debate.

Documents granting countries permission to use the banned substances examined by POLITICO show that beating the ban is relatively easy, and green groups are accusing governments and big chemical companies of making a mockery of Europe's attempts to save its beleaguered pollinators.

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The European Commission, which has oversight of the ban, has fired a warning shot over the number of exceptions being granted to farmers and pesticide producers to use neonicotinoids. Some 58 authorizations have been granted between 2013 and 2016, 45 of which were applied for by pesticide producers or farmers whose applications they supported. The remaining 13 applications were submitted by national governments or farmer groups.

A warning sign

The revelations about continued neonicotinoid usage come at a sensitive time. The disappearance of bees is increasingly seen by scientists as one of nature's most direct warnings of an impending environmental breakdown, raising fears that humans could struggle to feed themselves without a busy, buzzing army of pollinating insects.

Farmers counter that the pesticide ban has backfired, causing their crops to be devoured by bugs. They say crops such as maize, cabbage, sunflowers and oilseed rape have come under attack from insects such as flea beetles and wireworms since the injunction was imposed. They add that the neonicotinoid moratorium has also forced them to turn to even more potent pest-control chemicals.

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According to the European Food Safety Authority (EFSA), a number of recent studies have suggested that exposure to neonicotinoids at sub-lethal doses can have significant negative effects on bee health and bee colonies. Defenders of these insecticides have argued, however, that pesticides are only one factor plaguing the bees, which are also being killed by climate change, parasites and habitat loss. The confusion about neonicotinoids was exacerbated by a battle between two sets of scientists in 2013, who diverged massively on their safety.

Both Bayer and Syngenta said it was normal practice for industry to help farmers with their applications to use banned substances for a temporary period | Fabrice Coffrini/AFP via Getty Images

"On the one side, you have the pesticide industry saying our products are completely safe and then you have the environmental lobby ... who are completely open that they want to have all pesticides banned," said Norman Carreck, a scientist working in the laboratory of apiculture and social insects at the University of Sussex. "Anyone who puts their head above the parapet and says the situation is a little more complicated than it is being portrayed finds it hard to be heard."

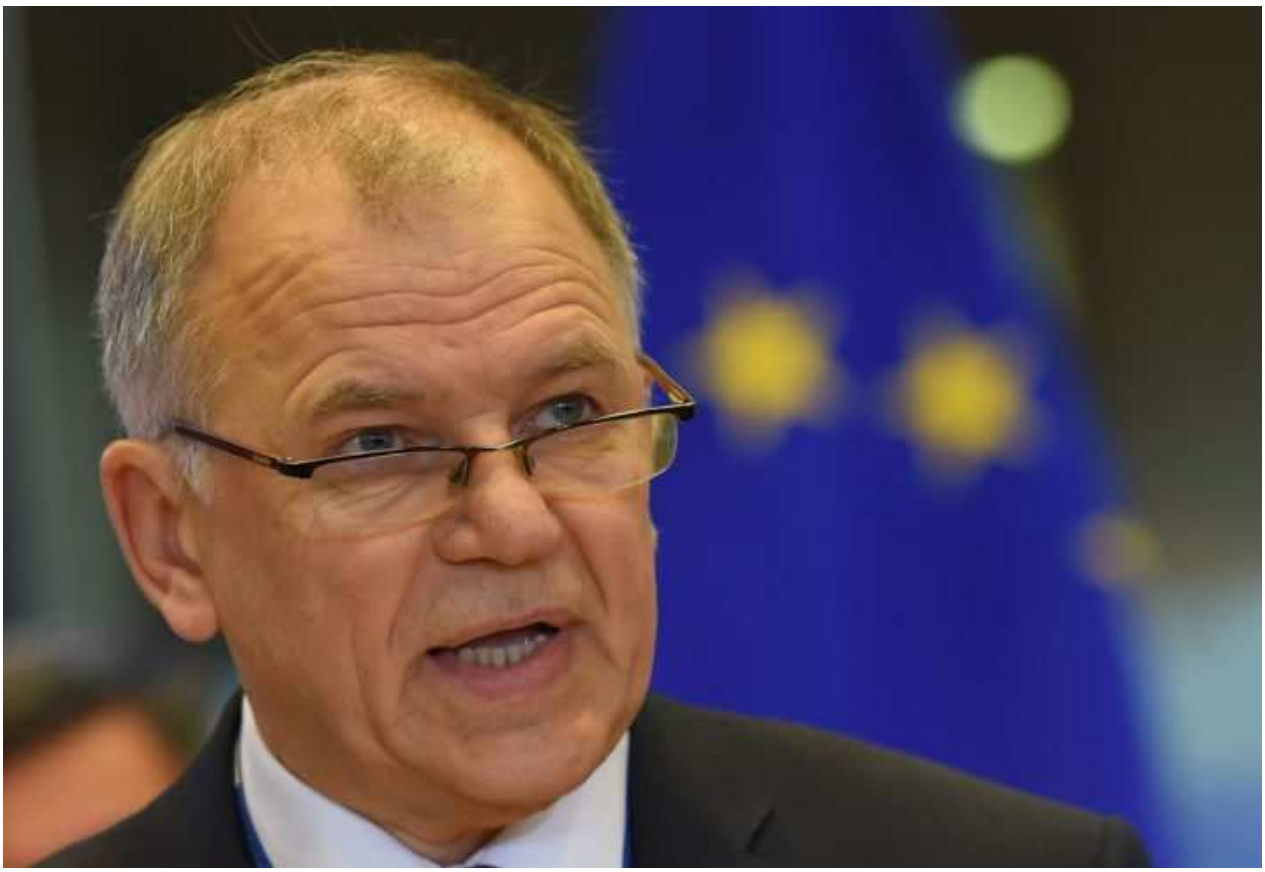
Carreck attributed declining bee numbers to a range of factors, from parasites called varroa mites to environmental changes. "There is no single factor. From my personal experience, the world is a safer place for bees with regard to pesticides than it was 30 years ago. Not many scientists would put pesticides top of the list in terms of culprits," he said.

Tonio Borg, who implemented the ban in 2013 as Europe's commissioner for health and food safety, stressed the importance of tight controls. "Until there is science showing that neonicotinoids are not harmful these restrictions should remain in place ... Considering how essential the work of bees is, we should be prohibiting rather than allowing," he said.

Industry expertise

Of the 58 emergency authorizations granted between 2013 and 2016, 18 were issued in Romania, eight in Finland and seven in Estonia. The U.K., Bulgaria, Denmark, Germany, Greece, Hungary, Italy, Latvia, Lithuania and Portugal also issued authorizations, according to documents obtained by the nongovernmental organizations Beelife, ClientEarth and Pesticide Action Network (PAN) Europe through an access-to-documents request.

To obtain permission to use a neonicotinoid, a farmer group or pesticide producer must send a dossier containing safety data and a detailed explanation of the danger facing crops to national governments, which rule on the submission. A country should only grant authorization if the situation is considered to be an emergency, and farmers must show that they have no alternative than resorting to neonicotinoids. Any approved applications are sent to the Commission, which has the power to reject and withdraw requests. It has never used that power.



European Commissioner for Health and Food Safety Vytenis Andriukaitis | Emmanuel Dunand/AFP via Getty Images

Vito Buonsante, a lawyer for the environmental NGO ClientEarth, said the Commission was “turning a blind eye to industry influence, by accepting applications from, or backed by, companies like Bayer and Syngenta.”

Both Bayer and Syngenta said it was normal practice for industry to help farmers with their applications to use banned substances for a temporary period.

"Syngenta always provides information and data requested by government authorities to allow them to assess whether the proposed emergency use of our product is compliant with EU law," said a spokesperson from Syngenta. Utz Klages, a spokesperson for Bayer said that where "supplementary data is requested by the regulatory authorities, the company may step in and provide the resource for studies or data capture to be carried out."

Officials close to the authorization process in Brussels say that the reason pesticide manufacturers are so heavily involved is because they are the ones that most often possess the data needed by a country to do the risk assessment.

Applicants generally argue that the permissions are required because of isolated emergencies and add that neonicotinoid authorizations are only granted for limited periods and in specific locations and only when pests could not be controlled by any other means.

Lithuania, Estonia, Germany and Denmark all cited an increase in attacks from pests on crops such cabbage and oilseed rape after the ban. In a letter to the European Commission dated April of last year, the Romanian Ministry of Agriculture justified its use of neonicotinoids saying it has used them since 2000 without noticing any negative effect on bees and wild pollinators.

Exempt the unexpected

One of the chief objections to the permissions that have been granted hinges on the word "emergency."

In one case, Syngenta was granted the right to use 3,000 liters of its Cruiser 350 pesticide on up to 800,000 hectares of land used to grow sunflowers in Bulgaria last year, after farmers complained of an imminent threat from the southern gray weevil and wireworms.

Bayer's Clothianidin was also cleared for "major use" on Romanian sunflower and maize crops grown on approximately 220,000 hectares of farmland in 2016. In 2015, the U.K.'s National Farmers' Union, with support from Syngenta, was granted the right to use 950 liters of Thiamethoxam on winter oilseed rape in Suffolk, Bedfordshire, Cambridgeshire and Hertfordshire.

Martin Dermine, pollinators project coordinator for PAN Europe, one of the anti-pesticide NGOs behind the freedom of information request, called the case of Romania, with its 18 exemptions, a "scandal."

"From the dossiers we have read, in no case could we identify a real emergency situation that needed the use of neonicotinoids," he added.

> Member countries have never been enamored with the Commission's ban on neonicotinoids.

European Commissioner for Health and Food Safety Vytenis Andriukaitis has written to some of the countries involved to stress that exemptions should only be granted in case of emergencies. "Emergency means an 'unexpected' situation and therefore by default is not to be applied systematically, every year for the same product," said Enrico Brivio, a Commission spokesman.

An unloved ban

POLITICO contacted all of the countries that approved exemptions from the 2013 moratorium.

Member countries have never been enamored with the Commission's ban on neonicotinoids. The Commission had to take its decision independently, after the countries failed twice to rally the qualified majority required in committees to pass a bill. Fifteen countries supported the restriction, eight voted against and four abstained during the appeal committee vote. Britain was among those voting against. Germany, France and Poland backed it.

In an effort to overturn the ban, Syngenta and Bayer CropScience sued the Commission in 2013 saying the EU body took its decision based on an "inaccurate and incomplete assessment" by EFSA and without the full support of EU member countries. That case is still pending.

> "The application has been clear and accompanied by all the information and data needed for the assessment and decision-making" — *Tove Jern, a senior officer at the Finnish Agriculture Ministry*

A spokesperson for the Hungarian Permanent Representation to the EU said Budapest had rejected all applications in 2014 and 2015. However, after seeing no positive change in bee health, in 2016 it issued an emergency authorization for maize and sunflowers present on less than 10,000 hectares as well as for rape seed on 25,000 hectares. Similar decisions have been made this year.

The spokesperson also said that since the neonicotinoid ban came into force insecticide use in Hungary has doubled, with the amount of chlorpyrifos — manufactured in the 1960s by Dow Chemical — having tripled. Tove Jern, a senior agricultural officer at the

Finnish Agriculture Ministry, said her country's decision to grant authorizations for turnip rape and oilseed rape seed was because there exists "no alternative plant protection products or other control methods available for the control" of harmful organisms like flea beetles.

"The application has been clear and accompanied by all the information and data needed for the assessment and decision-making," Jern said. The U.K.'s Department for Environment, Food and Rural Affairs, said its authorizations for two neonicotinoid products in 2015 only allowed for a "strictly controlled use on a limited area of oilseed rape." The department also noted that the U.K. had refused applications for use of the substances "on a considerably large area in 2016."

Romania, Bulgaria, Greece, Latvia, Italy and Portugal did not respond for comment.

Update: *For a list of the pesticide substances authorized for use in 13 EU member countries since the ban was implemented, click here to download a PDF.*