

A PAN Europe contribution to the European Commission's public consultation on labelling requirements for plant protection products

“Plant protection products – labelling obligations (update)”

The Pesticide Action Network Europe (PAN Europe) welcomes the European Commission's draft Regulation aimed at updating labelling obligations for plant protection products. This update is essential to ensure consistency in plant protection product labelling across Member States and enhancing risk communication for end users. While PAN Europe considers the European Commission's draft Regulation to be generally satisfactory, we have identified several areas of concern that weaken the quality of risk communication. Our organisation supports that toxic pesticides should not be used in agriculture, hence, for those currently in use, clear and accurate labelling of their hazardous properties is essential to provide true information about the risks of using these pesticides to end users.

- **Clarifying risk communication in the draft regulation and its annexes: replacing "to protect" with "to reduce the risk"**

The wording in the draft regulation and the annexes does not accurately reflect the actual risks posed by pesticide products to end users. In several instances, the standard phrases in the annexes justify setting specific measures in order *"to protect"* the aquatic environment, human health, an environmental compartment, a group of organisms or species, bystanders and residents, etc. For example, in Annex V, the phrase SPbr 2 ***"To protect bystanders and residents, keep an untreated buffer zone/vegetated field margin(s)/crop-free zones of (width to be specified) between the field and the areas where bystanders and residents may be present"*** implies that the buffer zone will provide full protection for bystanders and residents. However, this wording is misleading, as the measures do not fully eliminate the risks posed by the use of these pesticide products. Instead, they only reduce the risk of exposure. Therefore, across the draft regulation and the annexes, the term *"to protect"* should be replaced with *"to reduce exposure"* or *"to reduce exposure to/of"* to clarify for the end users that while the measures described in the standard phrases reduce risks, they do not eliminate them. Please see Annex I for our proposals of rewording.

- **Inclusion of chronic toxicity in RSHB criteria for improved risk communication**

In Annex III §2 (p.5-6), we contest the awarding criteria for the standard phrase and pictogramme for pesticide products hazardous to bees (RSHB). The current criteria are based solely on acute oral and contact LD50 values for adult honeybees, bumblebees, or solitary bees, with a threshold of 11 µg formulation/bee. We strongly urge the European Commission to expand the RSHB criteria to include pesticide products that demonstrate chronic, as well as sublethal toxicity to bees. Scientific evidence indicates that prolonged, low-dose exposure to certain pesticides can lead to significant adverse effects, such as impaired reproduction, navigation, foraging efficiency, and overall colony health. Excluding chronic and sublethal toxicity from the labelling criteria presents a critical gap in risk communication, which will mislead end users about the risk of certain pesticide products for pollinators. Without adequate labelling, users may underestimate the risks and fail to implement necessary protective measures in the field, ultimately exacerbating threats to bee populations and biodiversity. To effectively improve the communication towards the user about products that might be potentially hazardous to bees, chronic and sublethal toxicity must be integrated into the criteria for awarding the RSHB phrase and pictogramme

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- **Improving the colour scheme for hazard communication in pesticide products**

We support the introduction of a colour scheme to better inform end users about the hazard level of pesticide products. However, we find the proposed scheme inadequate in its current form to achieve this objective. The scheme is limited to reflecting the status of the most hazardous active substances, as determined by its approval under Regulation (EC) No 1107/2009. It does not differentiate between a product containing a single active ingredient of a certain category, or more. Consequently, it overlooks the potential cumulative and synergistic effects that may arise when multiple active substances are present in a product. This narrow approach risks underestimating the true level of danger and misleading end users about the actual risks associated with the product. The scheme should include an additional warning for farmers when a product contains a combination of multiple active substances, especially those classified as candidates for substitution. This will help ensure that farmers are aware when they are exposed to such mixtures. This lack of distinction could mislead the end users into underestimating the cumulative risk posed by the products.

Additionally, the current colour scheme fails to distinguish active substances classified as Category 2, suspected human mutagens (M2), carcinogens (C2) and toxic for reproduction (Reprotoxic, R2) from other approved active substances classified according to Regulation (EC) No. 1272/2008. This lack of differentiation weakens risk communication and fails to adequately inform end-users about potential hazards. To enhance user awareness and improve risk communication, we ask the European Commission to consider introducing an additional colour between D (dark orange) and E (red). This intermediate colour would serve as a critical warning for substances classified as M2, C2 and R2, ensuring that users can easily recognise the associated risks.

- **Clarifying the role of PPE in risk mitigation for operators and workers**

The current phrasing in Whereas 3 of the draft regulation, which states that Member States have applied additional phrases to require personal protective equipment and specific technical equipment for specific tasks “*in order to ensure the protection of operators and workers*” is misleading and should be revised to clarify that PPE and technical measures **reduce the risk of exposure** rather than fully ensure protection. Scientific evidence and practical experience demonstrate that while PPE is an important risk mitigation measure, it does not provide absolute protection¹. Factors such as improper use, equipment failure, human error, and varying exposure levels can all contribute to residual risks, meaning that workers and operators may still be exposed to harmful substances despite wearing PPE. Overstating the effectiveness of PPE by implying guaranteed protection is contradicted by the current scientific knowledge and may lead to a false sense of security for end users and inadequate adherence to other crucial safety measures, such as exposure minimization strategies and engineering controls. To provide a more accurate and responsible communication of risk, the phrase “*ensure the protection of operators and workers*” should be replaced with “*reduce the risk of exposure to pesticide products for operators and workers*” which acknowledges the limitations of PPE while still highlighting its role in mitigating exposure.

¹ Garrigou A, Laurent C, Berthet A, Colosio C, Jas N, et al.. Critical review of the role of PPE in the prevention of risks related to agricultural pesticide use. *Safety Science*, 2020, 123, pp.104527. <https://doi.org/10.1016/j.ssci.2019.104527>

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ANNEX

Implementing regulation	
Whereas 2	<p>Reword “Pursuant to Article 65(3) of Regulation (EC) No 1107/2009, Member States shall notify to the other Member States and the Commission the additional national labelling phrases necessary to protect human or animal health or the environment in their territories. Since 2011, Member States have notified to the Commission additional phrases that they considered necessary to protect human or animal health or the environment in their territories and as well as their justification.”</p> <p>With “Pursuant to Article 65(3) of Regulation (EC) No 1107/2009, Member States shall notify to the other Member States and the Commission the additional national labelling phrases necessary to reduce exposure of human or animal health or the environment in their territories. Since 2011, Member States have notified to the Commission additional phrases that they considered necessary to reduce exposure of human or animal health or the environment in their territories and as well as their justification.”</p>
Whereas 8	<p>Reword “Therefore, Standard phrases should be assigned to the label to plant protection products for which the risk assessment according to the uniform principles show that restrictions of use or specific risk mitigation measures should be applied to protect human health and/or the environment. ”</p> <p>With “Therefore, Standard phrases should be assigned to the label to plant protection products for which the risk assessment according to the uniform principles show that restrictions of use or specific risk mitigation measures should be applied to reduce exposure for human health and/or the environment.”</p>

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Annex I	
Conditions of use of the plant protection product (o)	<p>Reword “Where relevant, safety interval, re-entry periods, withholding periods necessary to minimise the presence of residues in or on crops, plants and plant products, or in treated areas or spaces, with a view to protecting humans, animals and the environment, shall be specified, such as:”</p> <p>With “Where relevant, safety interval, re-entry periods, withholding periods necessary to minimise the presence of residues in or on crops, plants and plant products, or in treated areas or spaces, with a view to reducing exposure of humans, animals and the environment, shall be specified, such as:”</p>
Annex II	
1. SD 2.	<p>Reword “To protect the aquatic environment, do not clean application equipment near surface water. Collect and purify the tank residues.”</p> <p>With “To reduce exposure of the aquatic environment, do not clean application equipment near surface water. Collect and purify the tank residues.”</p>
Annex V	
1. SRu 1 (p.8)	<p>Reword “To protect (human health, environmental compartment, group of organisms or species to be specified), (do not) use/apply (temporal restrictions or restrictions to growth stages to be specified).”</p> <p>With “”</p>
1. SRu 2 (p.8)	<p>Reword “To protect (human health, environmental compartment, group of organisms or species to be specified), do not use on (area to be specified, for example, soil types or specific surfaces).”</p>

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	With “”
1. (p.8)	Reword “SRu 2, SRu 3 shall be assigned to plant protection products for which the risk assessment according to the uniform principles concludes that restrictions on the location of use are needed to protect human health and/or to prevent unacceptable effects on the environment.” With “”
2. (p.8)	Reword “STANDARD PHRASES TO PROTECT OPERATORS AND WORKERS (SPO) AND ATTRIBUTION CRITERIA” With “STANDARD PHRASES TO REDUCE THE EXPOSURE OF OPERATORS AND WORKERS (SPO) AND ATTRIBUTION CRITERIA”
2. SPo 1	Reword “The phrase shall be assigned to plant protection products for which the risk assessment according to the uniform principles concludes that specific technology (for example, closed transfer systems, closed cabins with an air conditioning and/or air filtration systems) is required to protect human health. ” With “The phrase shall be assigned to plant protection products for which the risk assessment according to the uniform principles concludes that specific technology (for example, closed transfer systems, closed cabins with an air conditioning and/or air filtration systems) is required to reduce exposure for human health. ”
3. (p.9)	Reword “STANDARD PHRASES TO PROTECT BYSTANDERS AND RESIDENTS (SPBR) AND ATTRIBUTION CRITERIA” With “STANDARD PHRASES TO REDUCE EXPOSURE OF BYSTANDERS AND RESIDENTS (SPBR) AND ATTRIBUTION CRITERIA”

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<p>3. SPbr 1 (p.9)</p>	<p>Reword “SPbr 1: To protect bystanders and residents, use drift reduction technology ensuring at least x% of exposure reduction. The phrase shall be assigned to plant protection products for which the risk assessment according to the uniform principles concludes that drift reduction technology is required to protect bystanders and residents from an unacceptable level of exposure.”</p> <p>With “SPbr 1: To reduce exposure of bystanders and residents, use drift reduction technology ensuring at least x% of exposure reduction. The phrase shall be assigned to plant protection products for which the risk assessment according to the uniform principles concludes that drift reduction technology is required to reduce exposure of bystanders and residents from an unacceptable level of exposure.”</p>
<p>3. SPbr 2 (p.9)</p>	<p>Reword “SPbr 2: To protect bystanders and residents keep an untreated buffer zone/vegetated field margin(s)/crop free zones of (width to be specified) between the field and the areas where bystanders and residents may be present. The phrase shall be assigned to plant protection products for which the risk assessment according to the uniform principles concludes that untreated buffer zones or vegetated field margin(s) are required to protect bystanders and residents from an unacceptable level of exposure.”</p> <p>With “SPbr 2: To reduce exposure of bystanders and residents keep an untreated buffer zone/vegetated field margin(s)/crop free zones of (width to be specified) between the field and the areas where bystanders and residents may be present. The phrase shall be assigned to plant protection products for which the risk assessment according to the uniform principles concludes that untreated buffer zones or vegetated field margin(s) are required to reduce exposure of bystanders and residents from an unacceptable level of exposure.”</p>

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<p>4. (p.9)</p>	<p>To protect “STANDARD PHRASES TO PROTECT THE ENVIRONMENT (SPE) AND ATTRIBUTION CRITERIA”</p> <p>With “STANDARD PHRASES TO REDUCE EXPOSURE OF THE ENVIRONMENT (SPE) AND ATTRIBUTION CRITERIA”</p>
<p>4. SPe 1 (p.9)</p>	<p>Reword “SPe 1: To protect (environmental compartment, group of organisms or species to be specified), use drift reduction technology ensuring at least x% of exposure reduction.”</p> <p>With “SPe 1: To reduce exposure of (environmental compartment, group of organisms or species to be specified), use drift reduction technology ensuring at least x% of exposure reduction.”</p>
<p>4. SPe 1 (p.9)</p>	<p>Reword “The phrase shall be assigned to plant protection products for which the environmental risk assessment according to the uniform principles concludes that drift reduction technology is required to protect certain environmental compartment and/or certain non-target species from an unacceptable level of exposure.”</p> <p>With “The phrase shall be assigned to plant protection products for which the environmental risk assessment according to the uniform principles concludes that drift reduction technology is required to reduce exposure of a certain environmental compartment and/or certain non-target species from an unacceptable level of exposure.”</p>
<p>4. SPe 3 (p.9)</p>	<p>Reword “SPe 3: To protect (environmental compartment, group of organisms or species to be specified) keep an untreated buffer zone/ vegetated field margin(s)/crop free zones of (width to be specified) to (for instance surface water, field margins).”</p>

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	<p>With “SPe 3: To reduce exposure of (environmental compartment, group of organisms or species to be specified) keep an untreated buffer zone/ vegetated field margin(s)/crop free zones of (width to be specified) to (for instance surface water, field margins).”</p>
4. SPe 3 (p.10)	<p>Reword “The phrase shall be assigned to plant protection products for which the environmental risk assessment according to the uniform principles concludes that untreated buffer zones or vegetated field margin(s) are required to protect certain environmental compartment and/or certain non-target species from an unacceptable level of exposure.”</p> <p>With “The phrase shall be assigned to plant protection products for which the environmental risk assessment according to the uniform principles concludes that untreated buffer zones or vegetated field margin(s) are required to reduce exposure of a certain environmental compartment and/or certain non-target species from an unacceptable level of exposure.”</p>
4. SPe 4 (p.10)	<p>Reword “SPe 4: To protect birds/wild mammals, the product must be entirely incorporated in the soil, including the end of rows. Remove spillages.”</p> <p>With “SPe 4: To reduce exposure of birds/wild mammals, the product must be entirely incorporated in the soil, including the end of rows. Remove spillages.”</p>
4.1. SPb (p.10)	<p>Reword “4.1. Standard phrases to protect bees and pollinators (SPb)”</p> <p>With “4.1. Standard phrases to reduce bees and pollinators (SPb)”</p>
4.1. SPb 1 (p.10)	<p>Reword “SPb 1: To protect bees, do not use when bees are actively foraging.”</p> <p>With “SPb 1: To reduce exposure of bees, do not</p>

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	use when bees are actively foraging.”
4.1. SPb 2 (p.10)	Reword “SPb 2: To protect bees and pollinating insects, do not apply when flowering weeds are present.” With “SPb 2: To reduce exposure of bees and pollinating insects, do not apply when flowering weeds are present.”
4.1. SPb 3 (p.10)	Reword “SPb 3: To protect bees and pollinating insects, do not apply to crop plants when in flower (except as directed on – specify crop as required).” With “SPb 3: To reduce exposure of bees and pollinating insects, do not apply to crop plants when in flower (except as directed on – specify crop as required).”
4.1. SPb 4 (p.10)	Reword “SPb 4: To protect bees and pollinating insects, remove or cover beehives during application and for (state time) after treatment.” With “SPb 4: To reduce exposure of bees and pollinating insects, remove or cover beehives during application and for (state time) after treatment.”
4.1. SPb 5 (p.10)	Reword “SPb 5: To protect bees and pollinating insects, remove weeds before flowering.” With “SPb 5: To reduce exposure of bees and pollinating insects, remove weeds before flowering.”
4.1. (p.10)	Reword “SPb 1, SPb 2, SPb 3, SPb 4 and SPb 5 shall be assigned to plant protection products for which the risk assessment according to the uniform principles concludes that, for one or more of the uses, risk mitigation measures are required to protect bees or other pollinator insects and their brood” With “SPb 1, SPb 2, SPb 3, SPb 4 and SPb 5

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	shall be assigned to plant protection products for which the risk assessment according to the uniform principles concludes that, for one or more of the uses, risk mitigation measures are required to reduce exposure of bees or other pollinator insects and their brood ”
7.2. Sss 1 (p.11)	<p>Reword “Sss 1: To protect (environmental compartment, group of organisms or species to be specified), the packaging of treated seeds should not contain (more than x g dust per unit seed/100,000 seeds (according to the Heubach method)) / (more than x g active substance in abraded dust/unit seed (according to the heubach method)).”</p> <p>With “Sss 1: To reduce exposure of (environmental compartment, group of organisms or species to be specified), the packaging of treated seeds should not contain (more than x g dust per unit seed/100,000 seeds (according to the Heubach method)) / (more than x g active substance in abraded dust/unit seed (according to the heubach method)).”</p>
7.2. Sss 2 (p.11)	<p>Reword “Sss 2: To protect (environmental compartment, group of organisms or species to be specified), treated seeds must be sown with an equipment that ensures at least x% of dust drift reduction).”</p> <p>With “Sss 2: To reduce exposure of (environmental compartment, group of organisms or species to be specified), treated seeds must be sown with an equipment that ensures at least x% of dust drift reduction).”</p>
7.2. Sss 3 (p.11)	<p>Reword “Sss 3: To protect (environmental compartment, group of organisms or species to be specified), treaded seeds must only be sown using a pneumatic seeding machine which operates with negative pressure (if this machine is registered (...)/ if this machine is equipped with deflectors/if this machine is equipped with ...).”</p> <p>With “Sss 3: To reduce exposure of</p>

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	(environmental compartment, group of organisms or species to be specified), treated seeds must only be sown using a pneumatic seeding machine which operates with negative pressure (if this machine is registered (...)/ if this machine is equipped with deflectors/if this machine is equipped with ...).”
7.2. Sss 4 (p.12)	<p>Reword “Sss 4: To protect (environmental compartment, group of organisms or species to be specified), the sowing equipment has to ensure a high level of soil coverage and the reduction to a minimum of airborne dust emission during sowing. Do not apply treated seeds using broadcast seeding.”</p> <p>With “Sss 4: To reduce exposure of (environmental compartment, group of organisms or species to be specified), the sowing equipment has to ensure a high level of soil coverage and the reduction to a minimum of airborne dust emission during sowing. Do not apply treated seeds using broadcast seeding.”</p>
7.2. Sss 5 (p.12)	<p>Reword “Sss 5: To protect birds/wild animals, treated seeds must be sown by using a seed drill equipment that leaves less than x, xx % of the treated seeds on the soil surface.”</p> <p>With “Sss 5: To reduce exposure of birds/wild animals, treated seeds must be sown by using a seed drill equipment that leaves less than x, xx % of the treated seeds on the soil surface.”</p>
7.2. Sss 6 (p.12)	<p>Reword “Sss 6: To protect (environmental compartment, group of organisms or species to be specified) do not sow treated seeds at wind speed of (more than m/s/wind speed of more than x Beaufort).”</p> <p>With “Sss 6: To reduce exposure of (environmental compartment, group of organisms or species to be specified) do not sow treated seeds at wind speed of (more than m/s/wind speed of more than x Beaufort).”</p>

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<p>7.2. Sss 8 (p.12)</p>	<p>Reword “Sss 8: To protect (environmental compartment, group of organisms or species to be specified), treated seeds and dust must be effectively incorporated in the soil and at the end of rows. Remove spillages.”</p> <p>With “Sss 8: To reduce exposure of (environmental compartment, group of organisms or species to be specified), treated seeds and dust must be effectively incorporated in the soil and at the end of rows. Remove spillages.”</p>
<p>7.2. Sss 9 (p.12)</p>	<p>Reword “Sss 9: To protect (groundwater/aquatic organisms/soil organisms), leaching must be reduced by (drilling at minimum/maximum depth to be specified/ consolidating the soil bed).”</p> <p>With “Sss 9: To reduce exposure of (groundwater/aquatic organisms/soil organisms), leaching must be reduced by (drilling at minimum/maximum depth to be specified/ consolidating the soil bed).”</p>
<p>7.2. Sss 11 (p.12)</p>	<p>Reword “Sss 11: To protect (groundwater/aquatic organisms/soil organisms) do not sow on (soil type or situation to be specified) soils.”</p> <p>With “Sss 11: To reduce exposure of (groundwater/aquatic organisms/soil organisms) do not sow on (soil type or situation to be specified) soils.”</p>

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