Annex 4 to the GDCh/SEC Open Letter of June 16th 2020 to the European Commission

Regarding the current discussion of more advanced nonselective herbicide technologies in Europe

In *Annex 1* to this Open Letter we have shown that the Overall Conclusion 6.3 of the IARC-Monograph 112 is not based on unbiased science and Conclusion 6.1 in reality is based on even less than limited evidence of carcinogenicity of Glyphosate in humans. Furthermore, all national authorities worldwide deny cancer risk if Glyphosate is used as intended. Nonetheless political parties in European national parliaments and in the EU parliament ignore the ruling of the respective regulatory agencies and continue to work actively on the complete ban of Glyphosate in Europe as soon as possible.

In *Annex 2* we have reported clear predictions of respected professional analysts that a complete ban of Glyphosate in Europe will render farming unattractive if local conditions make Glyphosate difficult to be replaced. Here, farmers will get out of business. Europe will become isolated and significantly more dependent on imports of plant-based food from other global regions where the unique advantages of Glyphosate are not abandoned. Analysts with macro-economic focus unanimously do not recommend glyphosate-ban as long as alternatives with comparable cost and functional performance are not available.

In *Annex 3* we have identified and specified few products which may have the potential to become alternatives to Glyphosate. But there is a great number of new, multifunctional and highly valuable adjuvants which offer at present already the opportunity to create unique tailormade pesticide formulations with synergistic effects between active ingredient and adjuvant. Industry however, is not making use of these innovations for the development of new non-selective herbicides specifically as long as the future of non-selective herbicides in general and of Glyphosate in particular is not secure.

Very obviously there is urgency now to prevent Europe from becoming isolated and running into socio-economic problems from. Hunger as consequence of the alarming growth of the world´s population will not tolerate emotional extra settlements for Europeans. But Europe is not yet prepared for a complete ban of Glyphosate. Alternatives with comparable cost and functions are still not available at present.
However, promising new chemicals and biochemicals to assist in this dilemma do exist already but must be actively seized and converted into better accepted advanced herbicide technologies.

We have studied the procedures of REGULATION (EC) No. 1107/2009, especially of Article 7 “Application” and have come to the conclusion that without political support and unconventional direct involvement of the EUROPEAN COMMISSION it will be hardly possible to make use of these innovations:

- Except for pelargonic acid (see *Annex 3*), registered under “*Finalsan Unkrautfrei”* from producer Neudorff GmbH KG and approved in No 1107/2009 under “*Fatty*

Acids C_7-C_{20}" there is no other product and producer of a new active ingredient especially designed for non-specific herbicides application. There are rather product candidates worth to be seriously looked at either in the industry but here with other focus as long as future of chemicals for non-selective herbicides is politically unsecure or such candidates are still under development at a University or a scientific laboratory like 7-Desoxysedoheptulose. These situations have no fit to the rules of Article 7 (producer must already exist to make application) and development is still far from meeting the vast number of requirements as by Article 4.

- Experience with Glyphosate plus POEA, but even more first experiences with new adjuvants are tutoring that active pesticide ingredients, each one with its specific chemistry may be combined with adjuvants of equally specific tailormade chemistry to create true synergistic combinations in new final formulations. Such situation makes it difficult to specify what is the isolated active ingredient separate from the adjuvant. But this is the necessary precondition in Article 7.
- Also, it seems inappropriate to simply declare any new non-selective herbicide candidate a new plant protection product formulation in order to make it formally fit for approval by a Member State (Basic stipulation (23), page L 309/3 of REGULATION (EC) No 1107/2009). Such new products most likely will contain new chemical types of adjuvants and/or actives unknown until present in this area. Furthermore, innovations in the area of non-selective herbicides shall be placed on the market all over Europe and not in specific Regions only as by Annex I of No 1107/2009.

<u>Our Proposal</u>

Without new organizational processes preceding the existing rules of REGULATION (EC) No 1107/2009 we do not see a real chance for Europe to overcome the dilemma of becoming the only region in the world without competitive technologies for efficient non-selective weed control. Obviously, the development of such technologies will be a long-term and costly multistep process. If the COMMISSION accepts to take a proactive initiator and leader function in this issue especially in the initial phase, we believe in the chance to be successful.

As a first step the COMMISSIONN may appoint a Preliminary Examination Board (PEB) of experts from agriculture, chemistry, industry, medical sciences and from authorities for health, consumer protection and environmental protection. The PEB is assigned to first collect by interviews with the agrichemical industry and respective scientific laboratories, by studying all relevant product- and safety literature, field reports, scientific literature worldwide and other chemical-, product- and safety information available referring to the potential product candidates of *Annex 3* and beyond. In a second step the PEB discusses, assesses and finally votes which are the most suitable product candidates (active ingredients and/or adjuvants) and prepares a written evaluation report to be submitted to the COMMISSION in due time. Even if desirable, it will hardly be possible to achieve unanimous conclusions within the PEB. In order to be able to work, the COMMISSION should agree majority decisions among the PEB. All votes pro and contra and thus accepting responsibility by the individual members should be documented in PEB minutes. The COMMISSION checks minutes

and documentation especially in case of disagreements within the PEB and makes sure the appropriate presence of the various groups of interest is maintained.
How the consecutive steps may be best phased into the regular processes and rules of REGULATION (EC) No 1107/2009 can only be decided by the COMMISSION.
Most likely the industry will be interested in getting actively involved in the further processes if it has been the EU COMMISSION to recommend certain products or components.