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	<p>Today in AgBioView from http://www.agbioworld.org/ : December 28, 2004</p> <ul style="list-style-type: none"> * What is Good for the Goose Must be Good for the Gander * Imagine A Green Utopia * Fear for Profit * Combining Multiple Viewpoints on Genetically Modified Foods * Enlightened' Environmentalism or Disguised Protectionism? A * India: How to kill the Biotech industry

Enlightened' Environmentalism or Disguised Protectionism? Assessing the Impact of EU Precaution-Based Standards on Developing Countries

- Full document at <http://www.nftc.org/default.asp?Mode=DirectoryDisplay&id=190>

Conclusions: This study has revealed how certain health and safety and environmental standards and regulations implemented unilaterally by the EU impede economic growth, social welfare and public health maintenance in developing countries. All three NFTC studies in this series confirm that politically influential European-based ENGOs are often behind the EU's promulgation and adoption of precaution-based regulations and product standards, as well as its drafting of precaution-based provisions within multilateral environmental agreements ('MEAs') that bind developing countries to EU societal preferences. Furthermore, they find that ENGO campaigns launched in developing countries (e.g., concerning Biosafety (GMOs), REACH, Basel and POPs) seek to alter consumer perceptions and generate public fears about uncertain risks associated with potentially dangerous substances, industrial processes and novel technologies, without resort to objective and scientifically relevant fact-finding. These campaigns, moreover, ignore the social, economic and health benefits that would otherwise be realized by developing countries had they been granted access to such substances, processes, or technologies in the first place.

This third study, in particular, shows how the Precautionary Principle, an inherently nonscientific touchstone without foundation in WTO law, has been employed within the Stockholm Convention and the EU's more stringent POPs implementing regulation to ban the shipment of DDT to and among African countries for purposes of indoor spraying. It

also identifies how U.N. and EU sponsored donor programs ban funding for DDT malaria vector control, and how U.S. donor programs fail to promote DDT as one of several viable alternatives for malaria prevention, thereby contributing to an ongoing African health crisis. These prohibitions have been imposed on African nations without presentation of conclusive scientific proof that the possible environmental risks accompanying DDT indoor residual spraying outweigh the risks posed to public health, social welfare and economic productivity by failure to use DDT at all. In other words, these measures are justified by neither a science-based risk assessment (i.e., sound science) nor an economic cost/benefit analysis (i.e., equitable balancing).

Furthermore, this third study discloses how the activities of economically and socially vital developing country industries, such as chemical manufacturing, ship-breaking, e-waste recycling and recovery and their many related downstream industries are threatened by overly stringent EU regulations and overly broad EU interpretations of MEA provisions. For example, the Precautionary Principle has been invoked unilaterally as justification for: 1) adopting a broad non-consensus-based interpretation of the Basel Convention's definition of 'hazardous waste'; 2) imposing the Convention's not yet effective Ban Amendment; 3) applying the revised EU Waste Shipment Regulation; and 4) proposing the EU's REACH Regulation. Each of these measures are global in scope and place onerous and often insurmountable financial and administrative burdens upon small and medium-sized enterprises (SMEs) which comprise local cottage or informal sector industries that serve as a major source of employment and social stability within developing countries.

Looking Towards the Future

Although the essays within this study focus exclusively on health and safety and environmental measures targeting industrial product exports, EU environmental protectionism extends also to the natural resource-intensive and agricultural commodity-driven exports of developing countries. In the case of agricultural products a number of EU measures have imposed very low tolerance levels for toxicity and residues of natural as well as proscribed substances (e.g., pesticides, herbicides, aflatoxins, hormones, antibiotics, GMOs, minerals, etc.). "Europe... wants to raise food safety standards. European countries import many foodstuffs and raw materials, which are thus required to meet safety standards. This can cause problems for developing countries in particular, as they have difficulty in meeting these stricter conditions." And, in the case of product inputs and exports derived from natural resource extraction (e.g., forest products, etc.), other EU measures besides stringent maximum residue limits apply. These include standards for product harvesting (certification), packaging, labeling and traceability.

Of course, the EU and its Member States are not the only WTO members to impose stringent health and environmental standards that may actually constitute disguised restrictions on international trade. The U.S., Canada and Japan are also guilty, from time to time, of imposing such protectionist regulatory barriers. What is different about EU-based health and environmental restrictions, however, is that they reflect a systematic attempt to employ on a global basis a precaution-based rather than a risk-based regulatory approach that is WTO-inconsistent. The NFTC studies are intended to scrutinize these

measures and to unmask their use as disguised barriers to trade in order to promote meaningful dialogue about how to eliminate them. Undoubtedly, the ability of all developed nations to reduce the use and impact of restrictive national measures and related MEA provisions on developing country exports will go a long way towards facilitating the full participation of such countries within the WTO rules-based trading system, consistent with the Doha mandate.
