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| **Consultation document for Fairtrade Stakeholders:**  Review of the Prohibited Materials List (PML) | |
| Consultation Period | 12.04.2016 – 12.05.2016 |
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# PART 1: Introduction

Welcome to the 2nd round of consultation on the review of the Prohibited Materials List (PML). We thank those who participated in the 1st round of consultation which was held in the period between 15/12/2015 to 15/03/2016. Thanks to these contributions, S&P has gained a thorough understanding on the perception of the stakeholders on pesticides regarding their usefulness and hazards to health and environment. The results of the 1st round of consultation are available [**here**](http://www.fairtrade.net/fileadmin/user_upload/content/2009/standards/documents/2016-03-29_PML_synopsis_final_EN.pdf)**.**

The first round involved the consultation on the criteria used for the listing various hazardous material into the Red and Amber List in the PML. Also consulted was the distribution of the materials to the Red and Amber List. It was clear from the first round of consultation that although there was an overall agreement on the criteria for the classification of materials in the PML, there was apprehension on some of the pesticides in the Red list, as they were commonly used. This second round consults on options on dealing with these concerns and also some relevant changes in the generic standard (SPO, CP, HL and Trader standards) related to the PML.

S&P will present the results of both consultations along with S&P recommendations to the Standards Committee at its next meeting. The final PML will be published succeeding its approval by the SC.

Thank you for taking the time to participate. First you will find an introduction to the topic and consultation process and then you will be asked the consultation questions. The whole process should take you around 20 to 30 minutes.

**General Introduction**

Fairtrade Standards support the sustainable development of disadvantaged small-scale farmers and workers. Producers and traders must meet applicable Fairtrade Standards for their products to be certified as Fairtrade. Within Fairtrade International, Standards & Pricing (S&P) is responsible for developing Fairtrade Standards. The procedure followed, as outlined in the [**Standard Operating Procedure for the Development of Fairtrade Standards**](http://www.fairtrade.net/fileadmin/user_upload/content/2009/standards/2016-02-04_SOP_Development_Fairtrade_Standards.pdf), is designed by Fairtrade and compliant with all requirements of the ISEAL Code of Good Practice for Setting Social and Environmental Standards. This involves a wide consultation with stakeholders to ensure that new and revised standards reflect Fairtrade International’s strategic objectives are based on producers’ and traders’ realities and meet consumers’ expectations.

You are invited to participate in this second round of consultation and contribute to the review of PML. For this purpose, we kindly ask you to comment on the proposed changes suggested in this document and encourage you to give explanations, analysis and examples underlying your statements. All information we receive from respondents will be treated with care and kept confidential.

**Please submit your comments to the Project Manager Arayath Kooteri Sajindranath at: s.arayath-kooteri@fairtrade.net by 12.05.2016.** If you have any questions regarding the draft standard or the consultation process, please contact the Project Manager by email.

Following the consultation round we will prepare a paper compiling the comments made, which will be emailed to all participants and also be available [**here**](http://www.fairtrade.net/standards/standards-work-in-progress.html) under the section for the Review of the of Fairtrade Prohibited Materials List (PML).

**Background and Objectives**

After 4 years of implementation, Fairtrade International is reviewing its List of Prohibited Materials (PML). This list encompasses materials that are forbidden by Fairtrade (red list materials) and materials that are monitored in view of phase out (amber list materials). In the interim, various international conventions and bodies have periodically revised and added new pesticides to lists of highly hazardous pesticides based on accumulated knowledge over toxicity and safety of these chemicals. The revision of the PML is extremely important, as it deals with the safety of farmers and workers and also the protection of the environment. The current version of the Trader Standard (ver 01.03.2015) has made compliance to the PML applicable for the traders handling Fairtrade products from January 2017. Thus traders certified by Fairtrade will need to monitor pesticides in their processes and exclude the use of materials included in the red list as of 2017. The PML is now also applicable to the traders handling young plant materials. The changes in the generic and product standards thus also make it imperative that the list of pesticides (PML) is relooked.

**Project and Process Information**

This standard review project started on 26th January 2015. The project assignment (PA) is available at: [http://www.fairtrade.net/standards-work-in-progress.html](http://www.fairtrade.net/fileadmin/user_upload/content/2009/standards/documents/2015-03-30_PA_Honey_FINAL.pdf).

**Confidentiality**

All information we receive from respondents will be treated with care and kept confidential. Results of this consultation will only be communicated in aggregated form. All feedback will be analysed and used to draw up the final proposal. However, when analysing the data we need to know which responses are from producers, traders, licensees, etc. so we kindly ask you to provide us with information about your organization.

# PART 2: Draft Standard Consultation

## A) Information about your Organization

Please provide us with information about your organization so that we can analyse the data precisely and contact you for clarifications if needed. The results of the survey will only be presented in an aggregated form and all respondents’ information will be kept confidential.

**1.1 Name of organization**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**1.2 Your name**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**1.3 Your email**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**1.4 FLO ID (if applicable)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**1.5 Country**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**1.6 What is your responsibility in the supply chain (if applicable)? Please tick all that apply**

☐ Producer

☐ Exporter certified as a Fairtrade Trader

☐ Importer certified as a Fairtrade Trader

☐ Retailer

☐ Licensee

☐ Brand owner

☐ Consumer

☐Other (please specify) \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**1.7 Please list the Fairtrade products that you deal in (If applicable)**

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## B) Questions on proposed amendment to the PML

The first round of consultation indicated that there are some commonly used materials that, -using the proposed criteria for classifying a Red List substance- will be classified as a Red List material, which are perceived by the respondents (mostly producers) as non-replaceable in the immediate future, due to various reasons.

It is proposed that instead of allowing the possibility of derogation for these pesticides (as it is the case presently in the Fairtrade standards for some materials), classify them into a separate list, and allow the use of these materials under restricted conditions, so that their use is reduced with an ultimate aim of phasing out. This means therefore, that there will be no derogations applicable for any material in the Red List and that their use will be prohibited.

This proposal implies changes to the structure of the PML and to the requirements related to the choice of pesticides used. The proposed changes to the PML and requirements related to them are discussed in separate sections of this consultation.

### Removal of the option of ‘Derogations upon request possible’

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| FLOCERT allows exceptions on the use of any material in the Red List (prohibited list) in the existing PML in two ways:   1. If the material is listed as ‘derogations upon request possible’ in the Fairtrade PML   OR   1. In cases of emergency situations.   Use of a material under exceptions must also have to fulfil conditions under which they are granted.  (see FOCERT exception document <http://www.flocert.net/wp-content/uploads/2014/02/CERT-Exceptions-ED-15-en.pdf>)  It is proposed that the option of derogations is removed and replaced with a separate list of materials that can be used under restricted conditions specified in the standard (Orange List) and exceptions on other materials could be given by the certification body (FLOCERT) as per their exceptions policy i.e. only under emergency situations. This implies that for those materials listed in the Orange List, there is no need to request FLOCERT for derogations, but their use is allowed under the conditions mentioned in the standard and FLOCERT will audit compliance against these conditions of use.  Current situation – Derogation ✓ & Exceptions under emergency situation✓  Proposed – Remove Derogation 🗶 and- Replaced with 1) Orange List (restricted list) ✓ and 2) Exceptions under emergency situation✓ |

**Q1.1 Do you agree with the proposal of removing the option of ‘Derogations upon request possible’**

Yes ☐

No ☐

Please explain your response

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| In the first consultation, there was a request that there should be transparency on the exceptions given on pesticide use and buyers should be informed on use of any Red List pesticide. |

**Q1.2 Do you agree that**

1. **the buyers should be notified of the use of any pesticide in the Red List for which an exception was given**
2. **the crop/product on which the material was applied is not sold as Fairtrade certified if a pesticide in the Red List was used.**

Only a) ☐

Only b) ☐

Either a) OR b) ☐

None of these ☐

Please explain your response

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### Orange List

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| The 1st round of consultation was highly in favour of the proposed criteria for classification of pesticides for the Red and Amber List pesticides. However, the resulting Red List included some commonly used pesticides, which some producers requested to be excluded from the Red List and allow them for use.  In order to deal with this issue, a third list (Orange List) is proposed. The Orange List contains materials that can be used on Fairtrade crops only under conditions mentioned herewith. The use of the pesticides in the **Orange list will be monitored**. A decision will be taken in the next review of the PML if they will be placed in the prohibited (Red) List or retained in the Restricted (Orange) List. | |
| *Criteria used for classification in the Orange List are*   1. *Potentially can be included in the Red List based on the criteria for a Red List material* 2. *Was not a part of the previous (currently valid) Red List* 3. *Is not a material classified under the conventions, present in the WHO 1a, 1b, H330 list or a known carcinogen.* 4. *Identified by stakeholders through the feedback from the first consultation* | |
| **Current Situation**  Red List (Prohibited materials, some of them allowed under derogation)    Amber List (Monitoring list, potential candidates for Red List) | **Proposed**  Red List (Prohibited materials, no derogation is allowed)    Orange List (use under restricted conditions possible & use monitored)    Amber List (Awareness raising list, potential candidate for Red List) |

**Q2.1 Do you agree with the addition of the Orange List (Restricted List)**

Yes ☐

No ☐

Please substantiate with comments

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**Q 2.2 Do you agree with the criteria for classifying materials in the Orange List**

Yes ☐

No ☐

Please substantiate with comments.

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| As per these criteria, the materials to be listed in the Orange List are given below.  (*Please note that under the column ‘Present PML in the table below, the status in the existing PML (Currently valid) is given, those marked ‘x’ is present in the current PML and means this material was present in the existing (currently valid) Amber List)*  X |

| Orange List (restricted list) | | | | | | |
| --- | --- | --- | --- | --- | --- | --- |
| SL. No. | Name of active ingredient of pesticide | CAS number | Present PML | Chronic Health Hazard | Severe environmental concern | Specific Conditions for use (see below) |
| 1 | 2,4-DB | 94-82-6 |  | x |  |  |
| 2 | Amitraz | 33089-61-1 | x | x |  | # |
| 3 | Atrazine | 1912-24-9 | x | x |  |  |
| 4 | Bifenthrin | 82657-04-3 |  | x |  |  |
| 5 | Carbendazim | 10605-21-7 |  | x |  |  |
| 6 | Chlorantraniliprole, | 500008-45-7 |  |  | x |  |
| 7 | Chlorpyrifos | 2921-88-2 |  |  | x(extreme bee toxic) | @ |
| 8 | Chlorpyrifos-methyl | 5598-13-0 |  |  | x(extreme bee toxic) | @ |
| 9 | Cypermethrin & its alpha and beta isomer | 65731-84-2 67375-30-8 65731-84-2 |  |  | x(extreme bee toxic) | @ |
| 10 | Deltamethrin | 52918-63-5 |  | x | x(extreme bee toxic) | @ |
| 11 | Dimethoate | 60-51-5 |  | x |  |  |
| 12 | Epoxiconazole | 133855-98-8 |  | x |  |  |
| 13 | Etofenprox | 80844-07-1 |  |  | x |  |
| 14 | Fipronil | 120068-37-3 |  |  | x(extreme bee toxic) | @ |
| 15 | Flusilazole | 85509-19-9 |  | x |  |  |
| 16 | Glufosinate ammonium | 77182-82-2 |  | x |  |  |
| 17 | Imidacloprid | 138261-41-3 |  |  | x(extreme bee toxic) | @ |
| 18 | Lufenuron | 103055-07-8 |  |  | x |  |
| 19 | Mancozeb | 8018 01 7 |  | x |  |  |
| 20 | Procymidone | 32809-16-8 |  | x |  |  |
| 21 | Propargite | 2312-35-8 |  |  | x |  |
| 22 | Quinoxyfen | 124495-18-7 |  |  | x |  |
| 23 | Thiamethoxam | 153719-23-4 |  |  | x(extreme bee toxic) | @ |

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| The use of materials classified in Orange List is restricted, which means they can be used only under conditions. These conditions can be categorized under two sets  **General conditions** : which apply to the group as a whole  **Specific conditions** : which applies to specific materials in the list and marked as #, @ against respective material in the Orange List |

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| **General Conditions**  You and the members of your organization may use the materials in the Orange List on Fairtrade crop only under the following conditions   1. You **inform** the certification body about use of material in Orange List **prior** to use. 2. The **specific conditions** of use listed against each of the restricted material is **fulfilled** 3. You **do not use** the material in the Orange List as the **first choice** for chemical control, but only use it as one of the pesticide in pesticide rotation strategy for pesticide resistance management, which is a part of your Integrated Pest Management (IPM) strategy and includes non-chemical control measures. 4. You develop a **plan for reducing the use** of this material including information on the type of material (technical name/active ingredient (a.i.), formulation (% of a.i.), commercial name and manufacturer), the quantity (a.i./ha and total consumed a.i./ha/year) , actions taken for reducing/phasing out the material including details of other non-chemical controls which are part of the IPM strategy. 5. You **monitor the compliance** to the plan internally regularly (at least once each year) and you document the results of the monitoring. The documentation Includes the names of members (for SPO and CP), field (for HL), crop, pest, date of application, pesticide (a.i., commercial name, dose a.i./ha) and details of compliance to the plan. 6. You send the monitoring plan and internal monitoring reports to Standards & Pricing ([xxx@fairtrade.net](mailto:xxx@fairtrade.net)) annually. |

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| **Specific Conditions to be fulfilled for using certain pesticides in the restricted list.** | |
| Condition Set | Details |
| @ | To be used only in greenhouse production  **OR**  In open field under following conditions   1. Not to be used from one month prior to peak flowering and during peak flowering period of the Fairtrade crop (Only applicable to flowering crops and those which attract bees) 2. Not to be used if honey production (bee hives present) happens within one km radius of your production site 3. Not to be used, if honeybee mortality has been known in your region (from a news article etc.) 4. Not to be used on young plant materials meant for Fairtrade sales |
| # | To be used only for Apiculture |

**Q 2.3 Do you agree with the general conditions for the use of material in the Orange List**

Yes ☐

No ☐

Please substantiate with comments (specify the condition).

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**Q 2.4 Do you agree with the specific conditions for individual material in the Orange List**

Yes ☐

No ☐

If No, please enlist the rule you do not agree with and the reasons. Please give an alternate suggestion if possible.

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| Glyphosate is frequently in news due to concerns on health and it is classified as probably carcinogenic. In this proposal it is added into the Amber List, however there was a request to add it to the Red List in the first round of consultation. |

**Q 2.5 Do you agree that Glyphosate is included in Orange List (restricted list) under general conditions**

Yes ☐

No ☐

Please substantiate with reasons.

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**Q 2.6 Do you agree with the materials in the Orange list** (Please note that, some of the materials requested to be exempt from the proposed Red List in the first round of consultation may not appear in the Orange List, as it does not fit into the criteria for Orange list.)

Yes ☐

No ☐

Please substantiate with reasons.

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### Other changes proposed on requirements related to PML

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| The PML requirements are grouped under the section “choice of pesticides” in the Fairtrade standards and they are very similar for SPOs, HL and CP operators. For the sake of simplicity we refer only to the SPO requirements but these have an equivalent requirement in the HL and CP standard requirement (and are referred alongside the appropriate SPO standard) |

#### 3.1 Compilation of pesticides used

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| **Current SPO generic 3.2.15** (similar to CP A.3.2.7, HL 4.2.13, 4.2.15) You must compile a list of the pesticides that are used on Fairtrade crops and keep it updated, at a minimum every 3 years. You must indicate which of those materials are in the Fairtrade International Prohibited Materials List (PML), part 1, Red List and part 2, Amber List (see Annex 1).  **Guidance**: You can decide how you gather this information. You are encouraged to update the list often. The list can be compiled through interviews and informal communication with groups of members, or by collecting records of use kept by members.  The Fairtrade International PML has two parts, part 1, the Red List, which includes a list of prohibited materials and part 2, the Amber List, which includes a list of materials which will be monitored and by 2016 decided whether or not they will be included in the Red List. You are encouraged to abandon the use of materials in the Amber List. |
| **Proposed SPO 3.2.15** You must compile a list of pesticides used for production of your Fairtrade crops. The list has the name of the active ingredients, formulation, commercial name and manufacturer, crop/product on which they are used and the targeted pests. You indicate which of those materials are in the Fairtrade International Prohibited Materials List (PML), part 1, Red List, part 2, Orange List and Part 3, Amber List. You update the list annually and present it for audits.  **Guidance**: Adequate knowledge of pesticides is the first step in proper use of hazardous materials in production and therefore maintaining an updated pesticide list is important. You can decide how you gather this information. The list can be compiled through interviews and informal communication with groups of members, or by collecting records of use kept by members.  The Fairtrade International PML has three parts, part 1, the Red List, which includes a list of prohibited materials; part 2, the Orange List, which is a restricted list and includes a list of materials that can be used under conditions specified in the standard and part 3, Amber List, which includes a list of materials which are flagged for being hazardous and you are encouraged to abandon their use. |

**Q3.1.1 Do you agree with the annual updating of the list of pesticides used for production of the Fairtrade crops (from the previous requirement a minimum of once in three years)**

Yes ☐

No ☐

Please substantiate with comments.

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**Q3.1.2 Do you agree with detailing the requirements in the list (name of the active ingredients, formulation, commercial name and manufacturer, crop/product on which they are used and the targeted pests)**

Yes ☐

No ☐

Please substantiate with comments.

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#### 3.2 Use of materials that are only legally allowed for use

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| There are a number of chemicals (both of biological origin or no-biologic origin) that have pesticidal properties. Not all of them are approved for use in agriculture or have now become obsolete. There is a huge number of such chemicals and may not be listed in the Red/Orange or Amber Lists. The use of such materials can be potentially very harmful for health and to the environment. It is therefore very important that, only materials that are legally allowed for use in the respective country/region for the appropriate crop and purpose is used. This was not explicitly stated in the previous standards (in SPO and CP). |

**Q 3.2.1 Do you agree that the clause that ‘only legally allowed pesticide should be used and on the approved crop and purpose’, is added to the standards?**

Yes ☐

No ☐

Please substantiate with comments.

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# Annex 1 –[Prohibited Material List (Draft)](http://www.fairtrade.net/fileadmin/user_upload/content/2009/standards/documents/2016-04-12-Annex_1__Proposed_PML__second_round__EN.pdf)

(http://www.fairtrade.net/fileadmin/user\_upload/content/2009/standards/documents/2016-04-12-Annex\_1\_\_Proposed\_PML\_\_second\_round\_\_EN.pdf)