

Voluntary Report – Voluntary - Public Distribution

Date: January 06,2021

Report Number: MX2021-0003

Report Name: Mexico Publishes Decree to Ban Glyphosate and GE Corn

Country: Mexico

Post: Mexico City

Report Category: Agricultural Situation, Agriculture in the News, Biotechnology and Other New Production Technologies, Grain and Feed

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Report Highlights:

On December 31, Mexico published a final decree that calls for a phase-out of use of both glyphosate and genetically modified (GE) corn for human consumption in Mexico. The decree states that use of the herbicide glyphosate will be phased out over the next four years and also calls for the revocation of existing and future permits for GE corn cultivation and consumption. The use of GE corn for human consumption would be phased out no later than January 31, 2024. The Mexican government has yet to provide expected timelines or implementation details for the decree.

On December 31, Mexico published a final decree in its Official Register (*Diario Oficial*) that calls for a phase-out of use of both glyphosate and genetically modified (GE) corn for human consumption in Mexico. The decree states that use of the herbicide glyphosate will be phased out over the next four years and replaced by a “sustainable and culturally appropriate” alternative. During the transition period, glyphosate will not be used in any government-sponsored program. The decree includes an article that calls for a revocation of existing and future cultivation permits for GE corn. It also requires a revocation of existing permits for GE corn and a halt to all new authorizations for GE corn for human consumption. The use of GE corn in human consumption would be phased out no later than January 31, 2024.

The draft of this decree was released on the website of the National Commission for Regulatory Improvement (CONAMER) on December 9. The draft decree received over [500 comments](#) from both proponents and opponents of glyphosate and GE corn (see GAIN [MX2020-0072](#) for more information).

The Mexican government has offered no details regarding the implementation of the decree, possible timelines for these changes, and which secretariats or agencies will be responsible for enacting and enforcing the requirements. Additionally, there is no information provided about how the Mexican government will define GE corn for human consumption and what, if any, corn-derived products might be affected. To date, Mexico has not notified the measure to the World Trade Organization (WTO).

Although the majority of U.S. corn exports to Mexico go into the livestock feed industry, U.S. corn is imported for use in the processing sector to make cereals, starches, and other processed products. The United States exported \$2.7 billion corn to Mexico in 2019. There is no GE corn cultivated in Mexico.

The following is a non-official translation of draft decree. Please see the original Spanish version for exact wording and final interpretation.

The decree can be found at:

https://www.dof.gob.mx/nota_detalle.php?codigo=5609365&fecha=31/12/2020

UNOFFICIAL/INFORMAL TRANSLATION

DECREE establishing the actions to be carried out by the agencies and entities that make up the Federal Public Administration, within the scope of their powers, to gradually replace the use, acquisition, distribution, promotion and import of the chemical substance called glyphosate and of the agrochemicals used in our country that contain it as an active ingredient, for sustainable and culturally adequate alternatives, which allow to maintain production and are safe for human health, the country's biocultural diversity and the environment.

In the margin a stamp with the National Shield, which reads: United Mexican States.- Presidency of the Republic.

ANDRÉS MANUEL LÓPEZ OBRADOR, President of the United Mexican States, in exercise of the power conferred on me by article 89, section 1, of the Political Constitution of the United Mexican States; and based on the provisions of articles 31, 32 Bis, 34, 35, and 39 of the Organic Law of the Federal Public Administration; 1, 2, fractions I, II, III, IV and VIII, 3, fraction XXII, XXIV, XXV and XXVIII, 4, fractions I and III, 17 bis, 194, fraction III, 198, fractions II and III, 204, 278, fractions I, III and IV, 279, fractions I, II and IV, 280, 282, 298, 368, 380, fraction I, 393, 402 and 416 of the General Health Law; 119, 24, 38, 69, 91 to 98, of the Law of Biosafety of Genetically Modified Organisms; as well as the Convention on Biological Diversity and the Cartagena Protocol on Biosafety, and

CONSIDERING

That the National Development Plan 2019-2024, in its Epilogue section: Vision of 2024 and in its Axis II. Social Policy, section "Sustainable Development" establishes that economic growth, increased productivity and competitiveness do not make sense as objectives in themselves but as means to achieve a higher objective: the general welfare of the population, as well as placing political power first and foremost at the service of the public interest, not private interests, and the validity of the rule of law must be complemented by a new social ethic, not by the implicit tolerance of corruption, as the Federal Executive will consider in all circumstances, the impacts that its policies and programs will have on the social fabric, ecology, and the political and economic horizons of the country;

That, in relation to the foregoing, the precautionary principle, originating from the Rio de Janeiro Earth Summit, is contemplated in the Convention on Biological Diversity and the Cartagena Protocol on Biotechnology Safety, of which Mexico is part. Likewise, that national and international courts, including the Inter-American Court of Human Rights, have determined that the authorities observe this principle to prevent serious or irreversible damage;

That, with the objective of achieving self-sufficiency and food sovereignty, our country must be oriented towards establishing a sustainable and culturally adequate agricultural production, through the use of agroecological practices and inputs that are safe for human health, the

country's biocultural diversity and the environment, as well as congruent with the agricultural traditions of Mexico;

That in recent years, different scientific investigations have warned that said chemical has harmful effects on health, both in humans and in some animal species, and has been identified as a probable carcinogen in humans by the International Agency for Research on Cancer ;

That various countries have banned the use of the aforementioned substance in agrochemicals and many others are evaluating the implementation of similar and other measures to protect the population;

That in such circumstances, our country must maintain an active participation in the search for instruments that allow it to have sustainable agricultural production through the use of inputs that are safe for human and animal health and the environment, and

That for this, participatory research promoted by public institutions that fosters dialogue between researchers, farmers and peasant communities, including indigenous and local communities, can be part of the design of successful transition strategies towards a more sustainable and safe production, in accordance with the Development Goals. Sustainable Development of the 2030 Agenda, I have seen fit to issue the following

DECREE

Article One.- The purpose of this Decree is to establish the actions to be carried out by the agencies and entities that make up the Federal Public Administration, to gradually replace the use, acquisition, distribution, promotion and importation of the chemical substance called glyphosate and of agrochemicals used in our country that contain it as an active ingredient, for sustainable and culturally appropriate alternatives that allow production to be maintained and are safe for human health, the country's biocultural diversity and the environment. In this sense, as of the entry into force of this Decree and until January 31, 2024, a transition period is established to achieve the total replacement of glyphosate.

Article Two.- The agencies and entities of the Federal Public Administration are instructed so that, within the scope of their competences and from the entry into force of this Decree, they refrain from acquiring, using, distributing, promoting and importing glyphosate or agrochemicals that contain it as an active ingredient, within the framework of public programs or any other government activity.

Article Three.- In order to reduce the possible impact of the gradual substitution of the use and import of glyphosate in commercial agriculture, the Secretariats of Agriculture and Rural Development and of Environment and Natural Resources will promote and implement sustainable and culturally appropriate alternatives to the use of glyphosate, either with other low toxicity agrochemicals, with biological or organic products, with agroecological practices or with

intensive use of labor, that are safe for human health, the biocultural diversity of the country and the environment.

The National Council of Science and Technology [CONACYT], within the scope of its competence, will coordinate, articulate, promote and support scientific research, technological developments and innovations that allow it to support and propose, to the secretariats mentioned in the previous paragraph, alternatives to the glyphosate. To comply with this provision, the National Council of Science and Technology may summon institutions that belong to the sector it leads and other institutions of higher education or public research centers with competence in the matter.

Likewise, the bodies set forth in this article, within the scope of their competence, may invite organized groups of agricultural producers, the agrochemical industry, associations of users of agrochemicals and organizations of producers of bio-inputs and organic agricultural inputs to participate in the design, promotion or implementation of the alternatives mentioned in the first and second paragraphs of this article.

Article Four.- Based on the results of scientific research, technological developments and innovations referred to in the second paragraph of article three of this Decree, the National Science and Technology Council will issue annual recommendations to the competent authorities that allow them support, where appropriate, the amount of glyphosate that individuals will be authorized to import.

Article Five.- The Secretariats of the Environment and Natural Resources, of Health, and of Agriculture and Rural Development, as well as the National Council of Science and Technology, no later than the first semester of the year 2023, will promote the reforms of the applicable legal systems to avoid the use of glyphosate as an active substance in agrochemicals and genetically modified corn in Mexico.

Article Six.- With the purpose of contributing to food security and sovereignty and as a special measure of protection to native corn, the milpa, the biocultural wealth, the peasant communities, the gastronomic heritage and the health of Mexican women and men, the biosafety authorities, within the scope of their competence, in accordance with the applicable regulations, will revoke and refrain from granting permits for the release into the environment of genetically modified corn seeds.

Likewise, the biosafety authorities, within the scope of their competence, in accordance with the applicable regulations and based on criteria of sufficiency in the supply of corn grain without glyphosate, will revoke and refrain from granting authorizations for the use of genetically modified corn grain in the diet of Mexican women and men, until it is fully replaced on a date that may not be later than January 31, 2024, in accordance with the country's food self-sufficiency policies and with the established transition period in the first article of this Decree.

TRANSITIONAL PROVISIONS

FIRST. This Decree shall enter into force on the day following its publication in the Official Gazette of the Federation.

SECOND. The expenditures that, where appropriate, are generated due to the entry into force of this Decree, will be covered by the authorized budget for the fiscal year in question and subsequent ones from the institutions mentioned in this Decree.

THIRD. The Ministry of Finance and Public Credit, within ninety days following the entry into force of this Decree, will issue the legal provisions and make the corresponding budgetary adjustments to comply with the second article of this Decree.

FOURTH. The interpretation of this Decree corresponds to the Ministry of Environment and Natural Resources, the Ministry of Health, the Ministry of Agriculture and Rural Development, and the National Council of Science and Technology, within the scope of their respective competencies, being required in in any case the prior opinion of the latter.

FIFTH. The Ministry of Health and other dependencies and entities of the Federal Public Administration, within the scope of their powers, will establish security measures and impose the corresponding sanctions for compliance with this Decree.

SIXTH. Failure to comply with this Decree will give rise to the corresponding administrative responsibilities in terms of the General Law of Administrative Responsibilities.

Given at the residence of the Federal Executive Power, in Mexico City, on December 31, 2020.-
Andrés Manuel López Obrador.- Signature.- The Secretary of Finance and Public Credit, Arturo Herrera Gutiérrez.- Signature.- The Secretary of Environment and Natural Resources, María Luisa Albores González.- Signature.- Secretary of the Economy, Graciela Márquez Colín.- Signature.- Secretary of Agriculture and Rural Development, Víctor Manuel Villalobos Arámbula.- Signature.- Secretary of Health , Jorge Carlos Alcocer Varela.- Signature.

Attachments:

No Attachments.