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Report Name: Thailand Moves to Ban Three Ag Chemicals

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Report Highlights:

On October 22, 2019, Thailand moved to ban two herbicides, Paraquat and Glyphosate, and an insecticide, Chlorpyrifos, by reclassifying the agricultural chemicals. The effort to change the chemicals' classification has been led by the new Deputy Minister (DM) of Agriculture and Cooperatives, Mananya Thaiseth. Since becoming the DM of Agriculture in the new coalition government, she has moved to encourage the National Hazardous Substance Committee (NHSC), the sole Royal Thai government (RTG) entity with authority to determine the appropriate hazardous risk category (1-4) for these chemicals, to change the status of these chemicals. The change in category from 3 classification to category 4 (banned) means that these chemicals can no longer be used or sold within the country. It also will impose a zero Minimum Residue Level (MRL) for these chemicals.

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY

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On October 22, 2019, Thailand moved to ban two herbicides, Paraquat and Glyphosate, and an insecticide, Chlorpyrifos, by reclassifying the agricultural chemicals from category 3 to category 4 hazardous risk substances. The effort to change the chemicals' classification has been led by the new Deputy Minister (DM) of Agriculture and Cooperatives, Mananya Thaiseth. Since becoming the DM of Agriculture in the new coalition government, she has moved to encourage the National Hazardous Substance Committee (NHSC), the sole Royal Thai government (RTG) entity with authority to determine the appropriate hazardous risk category (1-4) for these chemicals, to change the status of these chemicals. The change in category from 3 (subject to product registration and restriction on production and trade) classification to category 4 (banned) means that these chemicals can no longer be used or sold within the country. It also will impose a zero Minimum Residue Level (MRL) for these chemicals.

The Department of Agriculture (DOA) of the Ministry of Agriculture and Cooperatives (MOAC) earlier proposed controls restricting the sale, purchase, and use of these chemicals in April 2019, which came into effect on October 21, 2019. The DOA is responsible for the trade in and use of herbicides and pesticides but does not have authority to ban usage. The DM of Agriculture oversees the Department of Agriculture (DOA) as part of her portfolio within the Ministry of Agricultural and Cooperatives. The DM's efforts to move this issue forward resulted in the establishment of an ad hoc committee within the DOA. This committee concluded on October 7, 2019, that these three chemicals should be banned by reclassification as category 4 hazardous risk substances, by December 1, 2019. The DM next requested that the NHSC meet on October 22, 2019, to make a determination on the recommendation by the Department of Agriculture.

This occurred. The NHSC voted in favor of moving all three chemicals into category 4 hazardous risk substances

The anticipated impacts from a ban on these agricultural chemicals are two-fold:

- 1) These three substances are widely used by Thai farmers. Since they are relatively inexpensive and effective in controlling weeds in planted fields, the implementation of a trade ban would force farmers to use more expensive, non-banned products. For example, a switch from Glyphosate to a suitable replacement product (e.g. Glufosinate-Ammonium) is estimated to increase the weed-control costs for sugarcane plantations by ten times, from U.S. \$ 21/hectare to U.S. \$ 210/hectare. A failure to find affordable replacement chemicals will mean that more labor will need to engage in direct weed control, raising farm labor costs (if the available labor can be found, as Thailand has extremely low unemployment). It is anticipated that suitable replacements can be found for the insecticide, but it is unclear what can adequately replace Glyphosate and Paraquat;
- 2) With the reclassification of these three chemicals to category 4 hazardous risk substances, a zero tolerance MRL on these chemicals is automatically applied to all foods and agricultural products for human consumption under the current regulations from the Ministry of Public Health (MOPH). If the Thai Food and Drug Administration (TFDA), the MOPH regulatory agency responsible for MRL establishment, strictly enforces this rule, the ban will dramatically affect U.S. (and other countries')

agricultural exports to Thailand, especially soybeans, wheat, beans and pulses, fruit, vegetables, and other produce items and some meats intended for human consumption.

As of the writing of this report, it was reported in the national press that a Thai Farmers group planned to seek an injunction against the ban with the Administrative Court of Thailand on October 28, 2019. They will attempt to get the court to dismiss the Ministry of Public Health's (MOPH) 2017 order for a ban on the basis of biased information.

Background and Decision Timeline

The trade and use of the three popular herbicides became a politicized issue in Thailand in 2017 during the election season. The DOA was asked to prohibit these three chemicals by numerous NGOs. However, the DOA had no authority to assert because agricultural chemical use prohibition is a function of the National Hazardous Substance Committee (NHSC), according to the Hazardous Substance Act (Volume 3) B.E. 2551 (A.D. 2008). The NHSC is chaired by the Permanent Secretary of the Ministry of Industry (MOI) and is comprised of the Director Generals from 13 government departments, including DOA and TFDA, and several experts on hazardous substances.

Since 2017, there have been a series of notable actions, as follows:

On April 5, 2017, the Ministry of Public Health Committee on the Mobilization of Problems regarding the Use of High Risk Pesticides (CMPHRP) requested that the MOAC's Department of Agriculture ban the use of Paraquat and Chlorpyrifos and restrict the use of Glyphosate by 2019;

- However, the CMPHRP has no legal authority over the DOA as agricultural chemicals are overseen by the NHSC;
- In December 2017, NHSC assigned a task force to review the scientific literature and determine possible measures to control the use of these three substances;
- On May 23, 2018, NHSC, based on the task force's recommendations, decided that the use of Paraquat, Chlorpyrifos, and Glyphosate would be controlled, not banned;
- On July 16, 2018, the Prime Minister's Office created another committee called the "Committee for a Resolution of Problems regarding the Use of High Risk Pesticides." The committee was chaired by the Minister of the Prime Minister Office, and consisted of representatives from relevant government agencies and non-government experts. The committee's mission was to collect new evidence and reanalyze the impact of Paraquat, Chlorpyrifos, and Glyphosate and submit this information to the NHSC. Despite being established by the Prime Minister's Office, this committee has no actual power to implement any recommendations, it was strictly advisory;
- On August 30, 2018, NHSC agreed to establish the following measures:
 - 1) Legal mechanisms to control the sale, purchase, and use of Paraquat, Chlorpyrifos, and Glyphosate;

- 2) A training program for farmers and vendors on pesticide safety;
 - 3) Further research on alternative chemicals and substances for farmers;
 - 4) DOA to conduct a risk assessment for Paraquat, Chlorpyrifos, and Glyphosate and research their impact on crops, environment, and human health;
 - 5) Other restrictions such as limits on advertising, excise taxes, etc, for the chemicals;
- DOA began to use their authority to limit imports of Paraquat, Chlorpyrifos, and Glyphosate - effective September 2018, imports for all of 2018 were to be retroactively reduced by 50 percent from the previous three-year average (2015-2017), and the DOA is expected to continue to restrict imports in this manner into 2019;
 - On April 5, 2019, DOA imposed a “Notification on Determination of Rules, Methods, and Conditions for Production, Importation, Exportation, Possession, and Defining the Control of Persons who Sell Hazardous Substances Related to Glyphosate, Chlorpyrifos, and Paraquat”. The content of the notification mainly focused on the guidelines for safe use of these three herbicides, and farmers and product retailers must comply with specific requirements such as training, user registration, sale control, and other safety measures;
 - On September 10, 2019, the Prime Minister ordered the NHSC, in response to the continuing attention on these issues within Thai society, to consider consultations among relevant stakeholders; including government agencies, importer groups, farmer groups, and consumer groups, to figure out a way forward on the three substances;
 - On September 18, 2019, the NSHC agreed to the Prime Minister’s order and requested that MOAC to set up an ad hoc committee of four representative stakeholder parties to review the issue;
 - On September 30, 2019, the MOAC’s DOA set up the ad hoc committee;
 - On October 7, 2019, the ad hoc committee was chaired by DM Mananya and the committee unanimously agreed to ban the three substances by changing them from category 3 to category 4 hazardous risk substances. DM Mananya gave an interview to the media immediately after the meeting that she was to shortly present this agreement to the Cabinet to order the NHSC to agree to ban the substances;
 - On October 10, 2019, the Nation national newspaper reported that the Office of the Ombudsman warned the NHSC of consequences if it chooses to disregard the DOA panel recommendation to ban the use of three toxic farming chemicals. Chief Ombudsman General Viddhavat Rajatanun

said that since the NHSC has the final authority to impose the ban, it needs to have "a sound reason" if it decides to ignore the recommendation of the DOA ad hoc committee. The Chief Ombudsman threatened that the members of the NHSC could be investigated by the National Anti-Corruption Commission for acting against public interests if they do not endorse the DOA ad hoc committee recommendation, and, if the National Anti Corruption Committee finds evidence of wrongdoing by NHSC members, the agency could recommend that the Criminal Court indict them; and

- On October 22, 2019, the NHSC met and voted to reclassify the three chemicals as category 4 hazardous risk substances;
- On October 27, 2019, the current NHSC's members will end their term and will be replaced with a new group of appointed members. Although most of the committee members will remain, the Chairman of NHSC will move from the Permanent Secretary of Ministry of Industry to the Minister of Industry. Based on recent interviews, the Minister of Industry is likely to reaffirm the October 22nd NHSC decision.
- DOA will draft a public notification for publishing in the Thai Royal Gazette of the reclassification of the chemicals for the Minister of Industry to sign as Chair of the NHSC. This will establish the effective date for the policy change. This date can be upon publication, or as heretofore suggested for December 1, 2019, or at some later point. It could be as early as the last week within October.

End of Report.

Attachments:

No Attachments.