

Voluntary Report – Voluntary - Public Distribution

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Report Name: A December 2 Update on the Ban on Three AIs in Thailand

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Prepared By: Sakchai Preechajarn

Approved By: Russell Nicely

Report Highlights:

This report is intended to provide an update on the ban on three active ingredients (AI) in Thailand as a follow-up from the last GAIN report TH2019-0111 dated November 3, 2019 and TH2019-0119 dated November 22, 2019.

The National Hazardous Substance Committee (NHSC) Decided to Revoke Its Previous Ban Determination

The new NHSC, which was effective since October 27, 2019, and of which the Chairperson has been changed from the Permanent Secretary of Ministry of Industry (MOI) to the Minister of MOI, met on November 27, 2019 and decided that:

- 1) Paraquat and Chlorpyrifos will be recategorized from Category 3 (allowable but subject to permission) to Category 4 (prohibited for production, importation, exportation, and possession), but the enforcement will start on June 1, 2020;
- 2) Glyphosate is still under Category 3 but is subject to restricted measures according to the NHSC resolution on May 23, 2018;
- 3) Assign the Department of Agriculture (DOA) under the Ministry of Agriculture and Cooperatives (MOAC), to develop measures of addressing the issues on what substances can be used to replace Paraquat and Chlorpyrifos and on what approaches should be adopted to alleviate the impact of the ban on all stakeholders and the public health. The DOA must submit their findings by March 26, 2020 (4 months from the date of the NHSC determination).

This agreement reverses the determination by the previous NHSC that met on October 22, 2019 and decided to ban all three active ingredients (AIs). The press release by MOI indicated that the NHSC's new agreement reflects the proposed resolutions on the AI ban issues presented by the Ministry of Agriculture and Cooperatives (MOAC)'s Permanent Secretary. This proposed resolution was based on several factors, including: 1) the disposition of approximately 23,000 metric tons of existing inventory of the three AIs would be expensive and the earlier recommendation to re-export to the third countries are difficult; 2) there are no clear approaches to address the impact on food and feed industries if the ban is enacted; and 3) the ban will impact on international trade (relationships) (see the translation of the press release on Attachment I.) The proposed resolution indeed came from the MOAC's ad hoc Committee on Determination of Measures to Assist Farmers Affected by the Chemical Ban, chaired by the same Permanent Secretary, who met on November 22, 2019.

According to sources, the new NHSC agreement does not require the MOI to issue a notification to officially regulate at the moment because Glyphosate's status remain unchanged, while the enforcement of the ban on the other two substances has been delayed for 6 months. In addition, the relevant industries hope that the NHSC will also remove a ban on the two AIs after the DOA submits their findings in March 2020 to the NHSC.

In response to this new NHSC agreement, the Minister of Public Health and the Deputy Ag Minister who led the ban movement seems quite disappointed with this NHSC determination. Meanwhile, pro-ban NGO groups, such as BIOTHA and Foundation for Consumers, voiced their opposition to the agreement.

A Snapshot on the Development of AI Ban Issues from Mid-November to December 2, 2019

Below is the development of the withdrawal of the ban on Glyphosate:

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

- On October 25, 2019, Ag Minister Chalermchai Sri-on, who comes from a different party than his pro-ban Deputy Ag Minister Mananya, ordered the creation of an ad hoc Committee on the Determination of Measures to Assist Farmers Affected by the Chemical Ban. The committee consists of 17 members, mostly Director Generals from different MOAC departments, including the DG of Department of Agriculture which is under Deputy Ag Minister Mananya's supervision. The ad hoc Committee is chaired by Mr. Anan Suwannarat, MOAC's Permanent Secretary. Based on the October 25 Ministerial Order, the Committee's main responsibilities are to: 1) study and compile all information regarding innovation, farm machinery, agricultural technology, and substitute chemical which can be adopted to assist farmers who will be affected by the three chemical ban; 2) determine the approaches for communicating remedy measures referred to the chemical ban to farmers and the public; and 3) to supervise, oversee, and follow up on the measures as proposed by the committee;
- On November 18, Mr. Suriya Juangroongroengkit, Minister of Industry, said to reporters right after the weekly Cabinet meeting that the Ministry is waiting a report from the DOA regarding a public hearing on the NHSC agreement on banning these three AIs, which was due on November 8. Once the MOI receives the DOA report, expectedly by November 22, the Minister, as a NHSC Chairman, will call for a meeting of the NHSC. He also commented that: 1) the DOA should not only report the outcome of public hearing but also needs to report what is the impact on farmers, what new substances would be used as a replacement, and whether/how the new substances are hazardous; 2) If Thai farmers would be seriously affected, it is a responsibility of DOA to propose a package of measures to assist farmers to cope with this situation; and 3) the next step is to wait a final determination in the next NHSC meeting. If the committee agreed to recategorize these three AIs into Category 4, this will be submitted to the Cabinet for approval and then the MOI will issue the official ban notification. He also gave his personal view that he disagrees with any measure to destruct the chemicals in the country since it is too costly (approximately 3.0 billion baht or US\$ 100 million);
- On November 22, 2019, Mr. Anan Suwannarat, MOAC's Permanent Secretary, states at the press conference that the ad hoc Committee agreed to propose a delay for 6 months in the enforcement the chemical ban to National Hazardous Substance Committee (NHSC) which was scheduled to meet on November 27, 2019. According to Anan, the main reason for this proposed view from MOAC is to have enough time to destroy the remaining chemical stocks in the country. However, he also admitted that at least 5 country stakeholders, including the United States, New Zealand, Australia, Brazil, and Canada, delivered complaints to the Thai government on the proposed chemical ban in Thailand;
- On November 25, 2019, Deputy Ag Minister Mananya told the media that she was disappointed with the Committee's agreement. She said that she will abruptly ask DOA's Director General (who is also a member of the ad hoc committee) to explain on what is going on. She personally still sticks with the plan to enforce the ban immediately on December 1, 2019;
- On November 25, 2019, Mr. Anutin Charnvirakul, Minister of Public Health, said, at the press conference after the Ministry's call conference between the headquarter and all provincial health offices and government hospitals, that "the Ministry of Public Health (MOPH) wants to confirm that

we cannot support any use of poisonous chemicals, no matter for the sake of trade, commercial, and economic reasons. The MOPH must consider the public health as the utmost objective. We cannot take anything for substitution. We must save the life of people. Any other factors which will be taken into account are outside the MOPH's responsibility and mission;"

Other high-level MOPH officials (including the Permanent Secretary, a Deputy Permanent Secretary, Director General (DG) of Disease Control Department, and DG of Medical Science Department) repeated almost the verbatim message about the negative impact of these three ag chemicals on human health and the current situation of sickness among farmers in the provinces in where crop planting is in high density. In addition, the Secretary General of TFDA cited at the end that he, as a member of the current and the last National Hazardous Substance Committee (NHSC), insists in his position to ban these three chemicals as unanimously agreed by the last NHSC meeting on October 27;

- The NHSC met at 10:00 a.m. on November 27, 2019, at the Ministry of Industry, and Mr. Suriya Juangroongroengkit, Minister of Industry, announced at the press conference at 2:30 p.m. on the outcome of the meeting it was determined that: 1) Paraquat and Chlorpyrifos will be recategorized from Category 3 to Category 4 but the enforcement will start on June 1, 2020; 2) Glyphosate remains under Category 3 but is subject to restricted measures according to the NHSC resolution on May 23, 2018; and 3) To assign the Department of Agriculture (DOA) under Ministry of Agriculture and Cooperatives (MOAC) to develop measures addressing the issues on what substances can be used to replace Paraquat and Chlorpyrifos and on what approaches should be adopted to alleviate the impact of the ban on all stakeholders and public health. The DOA must submit their findings by March 26, 2020;
- In the past weeks since November 27, the day of NHSC's latest determination, most media published the disappointment with this NHSC agreement from Minister Anutin of Public Health and Deputy Ag Minister who led the ban movement and the opposition voiced by pro-ban NGO groups, such as BIOTHAI and Foundation for Consumers.

End of Report.

Attachments:

[NHSC Press Release 27 Nov 2019.docx](#)