

## Pesticides Poisonings in India: Implications for Business Accountability and Regulatory Reform

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### **Background**

*In 2017, hundreds of small-scale farmers and farm workers were poisoned – and over 20 died – in just a few weeks whilst spraying pesticides on cotton fields in the district of Yavatmal. A key product [involved](#) was the insecticide Polo, manufactured by Syngenta.*

The use of Polo’s active ingredient diafenthiuron is long banned in Switzerland and the European Union but Syngenta keeps selling it in countries where regulations are weaker and less strictly enforced. In 2017, Syngenta exported 75 tonnes of diafenthiuron from Switzerland to India. A Special Investigation Team (SIT) investigated the poisoning in Yavatmal, identified several policy measures and [recommended](#) to ban multiple product formulations that were responsible for most of the deaths, including diafenthiuron. Although temporary bans were adopted, today all products are again available on the Indian market.

In September 2020, Public Eye, ECCHR, PAN India and MAPPP [filed](#) a “specific instance” with the Swiss national contact point for the OECD Guidelines for Multinational Enterprises, on behalf of a group of 51 affected farmers, to demand that Syngenta provides remedy and changes its sales practices in India. At the same time, a claim for compensation was filed in the court of Basel, by the law firm Schadensanwälte on behalf of the families of two victims who died and a farmer who was severely injured due to the exposure to the pesticide Polo.

In October 2020, Switzerland decided to [prohibit](#) the export of five highly hazardous pesticides including diafenthiuron. Just a few weeks later, the Responsible Business initiative, which proposed to introduce mandatory human rights due diligence requirements for Swiss companies like Syngenta, was narrowly rejected.

### **Quest for Justice**

An international webinar titled ‘Pesticides Poisonings in India webinar on implications for business accountability and regulatory reform’ was organised on 24<sup>th</sup> June, 2021,

discussed the quest for justice and accountability of a group of Indian farmers who were poisoned by a pesticide marketed by the Swiss agrochemical giant, Syngenta, and shed light on the way forward for regulating pesticides use both in India and Europe.

The webinar was organised jointly by the Maharashtra Association of Pesticide Poisoned Persons (MAPPP), the Pesticides Action Network (PAN India) and PAN Asia Pacific together with Public Eye and the European Center for Constitutional and Human Rights (ECCHR). The webinar discussed various aspects of the unfortunate incidents of occupational poisonings of farmers and farm workers in Yavatmal district in Maharashtra India.

Sri. Dewanand Pawar, convenor of MAPPP, highlighted the sufferings of the farming community who were poisoned by the pesticide Polo in Yavatmal in 2017. Farmers and farm labour suffered a lot, due to the harmful impact of pesticides, even as the District hospital was overwhelmed by the sudden influx, impacting treatment. In addition to the regular patients, number of pesticide poisoned patients swelled to more than 700. These persons were accommodated in the corridors and in the nook and corner of the hospital. Inadequate number of staff, stunted with lack of knowledge in treating poisoned patients added to the misery of those days.

Mr. Dileep Kumar of PAN India shared details and evidences of harm caused by the pesticide polo from the agrochemical giant Syngenta in Yavatmal based on pesticide poisoning [assessment](#) that PAN India conducted in the region. During 2018 and 2019 PAN India team, connected with many of the victims of pesticide poisoning and gathered details such as medical records and police records, container of the pesticides and purchase bills. Citing the police record, exclusively accessed police record showed 94 incidents of polo poisonings. PAN India's assessment revealed conclusive evidences of polo usage and consequent poisoning among 54 victims including two deaths. Chronic patients continued to be ill, carrying injuries.

Acute effects of the poisoning included eye problems, nausea, neurological and muscular complaints, breathing problems as well as swellings and skin reactions. Poisoned Persons were hospitalised, most of whom for between one day and two weeks, and one person even spent 31 days in hospital. Many reported temporary blindness, while some of these and others were unconscious for between several hours to several days. Most were unable to work for long periods, a few for up to a year. These people reported ongoing health problems, including neurological and muscular problems. For many families, the poisoning caused their already low household income to fall dramatically while the burden on female family members increased - in addition to looking after the children, women had to care for their sick husbands and work as day labourers in the fields, for which they receive significantly lower wages than men do. Their social lives have also been impacted. Many victims of poisoning are no longer able to walk longer distances and, due to recurring skin and eye irritations, can no longer withstand the sun.

Christian Schliemann (Senior Legal Advisor, from the ECCHR) discussed the [quest](#) for justice and accountability in Switzerland with regard to the poisoning happened in Yavatmal India[1]. He stressed the need of making multinational companies accountable when their products contribute to harm and human rights. He also spoke about the so-called product liability law, which in a nutshell that makes the manufacturer of a product responsible for the harm that users suffer due to defects in the product. He mentioned that a complaint was filed on 17<sup>th</sup> September, 2020, in Swiss National Contact Point of the Organisation for

Economic Cooperation Development against Syngenta for violating the OECD guidelines for Multinational Enterprises. He added that two women who lost their husbands due to pesticides poisonings and one farmer who suffered severe health consequences after spraying Polo have filed a lawsuit in civil court in Switzerland demanding compensation for the harm suffered, in 2020.

Polo is an insecticide with the active ingredient diafenthiuron, which was banned in the EU in 2002. In Switzerland, Polo was taken off the market in 2009. In March 2017, diafenthiuron was added to the European list of substances that are banned because of their effects on health and the environment. Nevertheless, Syngenta continues to market the pesticide Polo in the Global South, such as India.

The Yavatmal case shows once again that pesticides can only be sold in Europe under strict conditions. This is quite different when international agrochemical companies sell their products in the Global South: farmers often use pesticides without protective equipment and are not informed about the possible dangers. Companies like Bayer and Syngenta know this. Nevertheless, they continue to export these products to maximize profit, accepting negative effects on their customers' health as part of the cost of doing business.

Ms. Anina Dalbert (legal advisor of Public Eye) highlighted the need for an export ban of hazardous pesticides and mandatory human rights due diligence to be followed by the multinational companies such as Syngenta<sup>[2]</sup>. An export ban for pesticides banned in Switzerland has entered into force at the beginning of this year. Anina stated that they "will keep working towards mandatory human rights due diligence in Switzerland to prevent such human rights violations as well as to hold Swiss based multinationals accountable"

Dr. Narasimha Reddy of PAN India (Honorary director of PAN India, & Policy Expert) spoke about the regulatory lacunae in India. Because of this, agrochemical companies are able to escape from product liability and corporate accountability. He highlighted several directions for improving the pesticide regulatory regime. Pesticide management should be decentralised with powers to State governments, so that the regulatory response is quicker and practical. Comprehensive and strong pesticide legislation and monitoring is required to eliminate the harms caused by toxic pesticides.

Ms Sarojeni Rengam (Executive Director of PAN AP) who was moderating the session concluded by saying "we need justice for the farmers and agricultural workers who were poisoned by pesticides in Yavatmal produced and marketed by Syngenta. Pesticide companies have to be made accountable for their business products. The burden of proof should not be on farmers who are poisoned, but the companies that introduce toxics."

This webinar highlighted the need for better and comprehensive regulation of pesticides taking into account the corporate accountability and liability, so that potential poisonings and harms caused by pesticides can be prevented.

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***Dr. Narasimha Reddy Donthi*** has been a passionate campaigner on environmental and

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## Notes

[1] <https://www.ecchr.eu/en/case/vergiftungswelle-yavatmal-pestizid-konzern-syngenta/>

[2]

<https://www.publiceye.ch/en/topics/pesticides/yavatmal-poisonings-syngentas-pesticide-far-more-heavy-involved>

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