

## **COURTESY TRANSLATION**

### **DECREE establishing various actions regarding glyphosate and genetically modified corn.**

In the margin a stamp with the National Emblem, 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; pursuant to Articles 1 and 4, third, fourth and fifth paragraphs of the Political Constitution of the United Mexican State; 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; and

### **CONSIDERING**

That article 4, third, fourth and fifth paragraphs of the Political Constitution of the United Mexican States, recognizes the human right to nutritious, sufficient and quality diet, to the protection of health and a healthy environment for development and wellbeing of people, and establishes the responsibility of the State to promote, respect, protect and ensure these rights;

That, in recent years, different scientific research have warned that glyphosate has harmful effects on human health, environment, and biological diversity, and has been identified as a probable carcinogen in humans by the International Agency for Research on Cancer;

That on December 31, 2020, the "Decree establishing the actions to be carried out by the agencies and entities that compose the Federal Public Administration, within the scope of their competences, to gradually substitute 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, with sustainable and culturally adequate alternatives, which allow maintaining production and are safe for human health, the country's biocultural diversity and the environment" was published;

That the aforementioned decree regulates the use of glyphosate and genetically modified corn seeds and grains, but not other agrochemicals, grains or plants;

That in the case of glyphosate and agrochemicals containing it as an active ingredient, the said decree provides actions to gradually substitute its use with alternatives that allow maintaining production and are safe for human health, the country's biocultural diversity and the environment, establishing January 31, 2024 as the date to achieve such substitution; notwithstanding that during this period the import of glyphosate may be authorized, for which the National Council of Science and Technology indicates the recommended amount as an indicative parameter to achieve the referred substitution;

That, in accordance with the previous paragraph and the information provided by the competent authorities, the National Council of Science and Technology has indicated the annual recommendation for the import of glyphosate, which began in 2021 with 16,526.18 tons of formulated glyphosate and 1,257.23 tons of technical glyphosate, of which, 7,497.99 tons of formulated glyphosate and 500.56 tons of technical glyphosate were authorized by the Ministry of Environment and Natural Resources and the Federal Commission for the Protection Against Sanitary Risks, in response to the 33 requests received;

That in 2022, the aforementioned Council issued the annual recommendation for imports of 8,263.09 tons of formulated glyphosate and 628.62 tons of technical glyphosate, equivalent to a reduction of fifty percent with respect to the recommendation issued in 2021 and, with a cutoff on November 28 of the same year, 18 requests were received for 3,953.78 tons of formulated glyphosate and 222.36 tons of technical glyphosate, which were

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authorized by the Ministry of the Environment and Natural Resources and the Federal Commission for the Protection Against Sanitary Risks;

That, in compliance with the aforementioned decree, the National Council of Science and Technology has presented and made public different viable alternatives, of proven effectiveness and with potential to dispense with glyphosate and herbicides made from that substance, consisting of bioherbicides and agro-ecological practices, applicable at any scale of production and for various crops. In particular, five new agro-ecological herbicides are being developed by public universities and companies using innovative technologies manufactured in Mexico. In addition, through a technological surveillance process, seven bioherbicides available worldwide have been identified, totaling 12 alternatives, five of which will be Mexican manufactured developments and seven already on the market;

That "Producción para el Bienestar" and "Sembrando Vida" programs have shown significant progress in the agro-ecological transition, as well as in the dissemination and scaling up of use of bio-inputs and agro-ecological alternatives with successful experiences throughout the country for various crops;

That, regarding corn, the referred decree establishes that the authorities in the matter of biosafety, within the scope of their respective competences, shall revoke and refrain from issuing permits for the release into the environment in national territory of genetically modified corn seeds and authorizations for the use of the grain of such corn in human food, which is the one carried out in the sector known as dough and tortilla; this is consistent with the country's food self-sufficiency policies, without implying that no authorizations are issued for the use of genetically modified corn for animal feed or industrial use;

That, regarding genetically modified corn intended for industrial use, the decree provides actions to carry out a gradual substitution of corn whose industrialization generates products intended for human consumption, in the period from the date of entry into force of the decree until January 31, 2024, consistent with the country's food self-sufficiency policies and based on criteria of sufficiency in the supply of corn grain without glyphosate;

That in accordance with the above, during the period indicated therein, the aforementioned decree provides that genetically modified corn may be used for animal feed and industrial use and, at the end of such period and when the supply of glyphosate free corn is sufficient, such use shall not generate products intended for human consumption, but may continue being used in the manufacture of other products, such as cosmetics, textiles, footwear, paper, construction, among others;

That, since the alternatives for the aforementioned gradual substitution must be carried out based on criteria of supply sufficiency, in accordance with the country's food self-sufficiency policies, scientific principles and relevant international standards, guidelines or recommendations, it is convenient to eliminate the transition date indicated above, and that the Federal Commission for the Protection Against Sanitary Risks integrates a joint research protocol with the equivalent agencies in other countries, to carry out a study on the consumption of genetically modified corn and the possible damages to health, and

That since the main purpose of these measures is to protect the rights to health and a healthy environment, native corn, the milpa, biocultural wealth, peasant communities and gastronomic heritage; as well as to ensure nutritious, sufficient and quality diet, it is deemed appropriate to update the current provisions in order to specify their content and scope, therefore, I hereby sue the following

**DECREE**

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**Article One.** The purpose of this decree is to establish the actions to be taken by the agencies and entities that compose the Federal Public Administration, in relation to the use, sale, distribution, promotion and import of the chemical substance called glyphosate and agrochemicals that contain it as an active ingredient and genetically modified corn, in order to safeguard health, a healthy environment and food security and self-sufficiency.

**Article Two.** For the purposes of this decree, the following shall be considered as:

- I. Competent authorities in the matter of biosafety**, the Ministries of the Environment and Natural Resources, Agriculture and Rural Development, and Health, as well as the Ministry of Finance and Public Credit in relation to the import of goods;
- II. Genetically modified corn**, corn that has acquired a novel genetic combination, generated through the specific use of biotechnology techniques as defined in the applicable national and international regulations;
- III. Corn for human consumption**, which is intended for human consumption through nixtamalization or flour processing, which is the one carried out in the sector known as the dough and tortilla;
- IV. Genetically modified corn for industrial use for human consumption**, which is intended for human consumption, before industrialization other than that indicated in the preceding section, and
- V. Genetically modified corn for animal feed**, which is intended for the livestock and aquaculture sector, for animal feed.

**Article Three.** The agencies and entities of the Federal Public Administration are instructed, within the scope of their competencies, to:

- I.** Abstain from acquiring, using, distributing, promoting and importing genetically modified corn, as well as glyphosate or agrochemicals containing it as an active ingredient, for any use, within the framework of public programs or any other government activity.
- II.** Establish the security measures and impose the corresponding sanctions within the framework of this decree.

**Article Four.** Consistent with the country's food self-sufficiency policies and the protection of the health of the population and the environment, the agencies and entities of the Federal Public Administration, in accordance with the applicable regulations, shall revoke and refrain from issuing authorizations and permits for the import, production, distribution and use of glyphosate and will carry out the actions conducive to the establishment and generation of alternatives and sustainable and culturally adequate practices, which allow maintaining agricultural production and are safe for human health, the country's biocultural diversity and the environment, free of toxic substances that represent acute, chronic or subchronic hazards.

The transition period for the development and scaling up of the actions set forth in this article is established as from the date of entry into force of this decree until March 31, 2024.

**Article Five.** The alternatives to be implemented for the gradual substitution of the use, sale, distribution, promotion and import of glyphosate and agrochemicals used in our country that contain it as an active ingredient, shall allow maintaining agricultural production and be safe for human health, the country's biocultural diversity and the environment and free of toxic substances that represent acute, chronic or subchronic hazards.

In order to reduce the possible impact of the gradual substitution of the import, production, distribution and use of glyphosate in agriculture, the Ministries of Agriculture and Rural Development and of Environment and

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Natural Resources will guarantee, promote and implement sustainable and culturally appropriate alternatives to the use of glyphosate, which may include the use of other agrochemicals that are safe for health, biological or organic products, weed control practices that dispense with the use of herbicides, as well as the intensive use of labor and other agro-ecological practices.

The National Council of Science and Technology, within the scope of its competence, will coordinate, articulate, promote and support scientific research, technological developments and innovations that will allow it to sustain and propose, to the ministries mentioned in the preceding paragraph, agro-ecological and healthy alternatives and practices that allow to overlook glyphosate. In order to comply with this provision, the National Council of Science and Technology may summon institutions belonging to the sector it leads and other institutions of higher education or public research centers with competence in the subject.

The entities mentioned in this article, within the scope of their competence, may invite organized groups of agricultural producers, the agrochemical industry, associations of agrochemical users 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, second and third paragraphs of this article.

**Article Sixth.** The biosafety authorities, within the scope of their competence, with the purpose of contributing to food security and sovereignty and as a special measure to protect native corn, the milpa, biocultural wealth, peasant communities, gastronomic heritage and human health, in accordance with the applicable regulations:

- I. Shall revoke and refrain from issuing permits for the release of genetically modified corn seeds into the environment in Mexico;
- II. Shall revoke and refrain from issuing authorizations for the use of genetically modified corn grain for human consumption; and
- III. Shall promote, in coordination with the National Council of Science and Technology, the reforms of the applicable legal ordinances, related to the object of this decree.

**Article Seven.** The agencies and entities of the Federal Public Administration will carry out the appropriate actions in order to conduct the gradual substitution of genetically modified corn for animal feed and industrial use for human consumption.

Until the substitution referred to in the preceding paragraph is achieved, the Federal Commission for the Protection Against Sanitary Risks may issue authorizations of genetically modified corn for animal feed and industrial use for human consumption, being the responsibility of whoever uses it in Mexico that it does not have the destination foreseen in section III of the second article of this ordinance.

**Article Eight.** The implementation of alternatives for the gradual substitution in the country of genetically modified corn for animal feed and industrial use for human consumption shall be carried out based on supply sufficiency criteria, consistent with the country's food self-sufficiency policies, in accordance with scientific principles and relevant international standards, guidelines or recommendations. The relevant scientific studies will be carried out, for which the Federal Commission for the Protection Against Sanitary Risks will integrate a joint research protocol so that, under its coordination, a study on the consumption of genetically modified corn and the possible damages to health will be carried out by said entity and the equivalent instances of other countries.

**Article Nine.** The interpretation of the present decree concern to the Ministries of the Environment and Natural Resources, Health and Agriculture and Rural Development, within the scope of their respective competences.

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**Article Ten.** Non-compliance with the provisions of this Decree by the agencies and entities of the Federal Public Administration shall give rise to the corresponding administrative liabilities in terms of the General Law of Administrative Responsibilities.

### **TRANSITORIES**

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

**SECOND.** Upon the entry into force of this instrument, the Decree establishing the actions to be carried out by the agencies and entities that compose the Federal Public Administration, within the scope of their competences, to gradually substitute the use, acquisition, distribution, promotion and import of the chemical substance called glyphosate and the agrochemicals used in our country that contain it as an active ingredient, for sustainable and culturally appropriate alternatives, which allow maintaining production and are safe for human health, the biocultural diversity of the country and the environment, published in the Official Gazette of the Federation on December 31, 2020 is abrogated.

References made in other ordinances to the decree that is abrogated in terms of the preceding paragraph shall be understood to be made to this ordinance insofar as they do not oppose it.

**THIRD.** The expenditures that, if any, are generated as a result of the entry into force of this decree, will be charged to the authorized budget for the fiscal year in question and subsequent fiscal years of the institutions mentioned herein.

**FOURTH.** The inter-ministerial commissions for Biosafety of Genetically Modified Organisms and for the Control of the Process and Use of Pesticides and Toxic Substances, within the scope of their competences, shall define the public policies that allow establishing the traceability mechanisms for genetically modified corn and glyphosate, as appropriate.

Given at the residence of the Federal Executive Power, in Mexico City on February 13, 2023.- **Andrés Manuel López Obrador**.- Rubric. The Minister of Finance and Public Credit, **Rogelio Eduardo Ramírez de la O**.- Rubric. The Minister of the Environment and Natural Resources, **María Luisa Albores González**.- Rubric. The Minister of Economy, **Raquel Buenrostro Sánchez**.- Rubric. The Minister of Agriculture and Rural Development, **Víctor Manuel Villalobos Arámbula**.- Rubric. The Minister of Health, **Jorge Carlos Alcocer Varela**.- The Minister of Health, **Jorge Carlos Alcocer Varela**.-Rubric