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## **Health vs. wealth**

### **Why what we eat could be killing us – and why no one cares**

This is a strange story, a tale that at first glance appears to be a work of pure fiction, of things that cannot possibly happen in real life. And yet every single word of it is true: from the bullying big corporations to the timid and toothless legislators; from the shocking evidence of widespread use of dangerous ingredients in our food to the staggering display of arrogance and indifference on the part of those in the know. Above all, it is a tale of typical 21st century law-making – where lobbies rule the roost and even public health is of secondary interest to the pursuit of profit.

#### **The invasion is here...**

Our story begins in 2012 at what would, in any other tale, be in fact the end of the story. For this was the year when scientists from across the world – brought together jointly by the [World Health Organization \(WHO\)](#) and the United Nations Environment Programme (UNEP) – took an unequivocal stance against what they called a real “global threat” and urged the world’s governments to take action. This tale is not science fiction, and the source of this threat was not alien invaders or mutated monsters – it was a threat altogether more real, and far more pervasive: endocrine disruptors (EDs). It is probably a name that you have never heard of, and on the surface EDs might seem like a far less likely threat than an invasion from Mars. But in reality, the invasion has already succeeded: EDs are everywhere – in our food, our water, and our homes. And this is not a passive occupation – we are genuinely under attack from the invaders. Because what it is that endocrine disruptors actually disrupt is our bodies, in particular the hormonal system, leading to increased health risks as diverse as cancer, fertility problems, genital malformations, obesity and neuro-behavioural disorders.

#### **...and we opened the door**

That we are constantly under attack from the enemy within is bad enough, but the worst part of this whole affair is that we are willing participants in our own downfall. Because the shocking truth is that the evidence of the devastating impact of EDs on our health has been known for many years, and that, in Europe at least, action was taken to stop the invasion back in January 2009 – well before EDs were designated a “global threat”.

This being the EU, the case is not quite so clear-cut of course. The 2009 rules state – quite logically – that any substance with a known adverse effect (such as causing cancer) should no longer be approved for use in pesticides, unless really necessary to combat a serious danger to plant health. So it is not even a

unconditional ban – just a common sense substitution where possible. After all, what is the point of having increased crop yields for example if we are systematically killing ourselves at the same time? EDs, which are widely used in pesticides, are also covered by these same rules and so, logically, should similarly be substituted from use in these products. The problem is that the 2009 rules did not quite bite: there was no definition what exactly constitutes an ED, only some interim criteria. This was only meant to be a stay of action against EDs, however: the European Commission, which sets the rules in this case, was given four years by the European Council and the European Parliament to come up with scientific criteria for identifying EDs, until December 2013. Yet little more than two years after the effective fight-back against the invasion was due to begin, the push is yet to happen...

What happened instead was a pre-emptive strike by the dark powers behind the invaders, once the threat against them became real. This happened in February 2013 when the Commission was about to finalise its definition of EDs. Faced with the prospect of a number of EDs being banned from use in pesticides unless their use was strictly necessary, – the big industrial firms that make EDs went ballistic. They questioned the scientific criteria of the Commission's definition with support from a few tame scientists of their own – and used the ultimate weapon: they called for an impact assessment. Such was the impact of this counter-attack that the Commission is still reeling from it today, more than two years later. Rather than pushing ahead with publishing the scientific definition, the Commission instead caved in to industry pressure and decided to assess the socio-economic impact of different options for the criteria. In short, a counter-offensive against the invaders that could have pushed them out and given a major boost to public health was instead put on hold until it was clear how much it would cost the chemicals industry. And as the criteria were meant to apply for various EU laws, including inter alia cosmetics, the consequences went way beyond pesticides. Public health was considered less important than corporate wealth...

Worst of all, there seems little chance of a change any time soon: the impact assessment has barely got started, and was not expected to finish until the end of 2016.

### **Sweden to the rescue?**

Fortunately, there are also some Member States which are well aware of the threats by the invaders and who care about public health. In 2014, Sweden decided that it could no longer sit on the sidelines and watch while the ED invasion became even more pervasive and so decided to take the Commission to court for failing to adopt the criteria. With the support of all Member States and the European Parliament. And Sweden won: the court [stated clearly](#) that the Commission's decision to look at the socio-economic impact of the measures was no justification for delaying them, and that the December 2013 deadline should have been met. Indeed, the court went further still, saying that the only criteria on which the definition should be based were scientific ones – in particular the scientific data related to the endocrine system – and that any other considerations, notably economic ones, were not valid.

A happy ending to our story then, with the Commission bowing to the authority of a European court and publishing its definition of EDs? Well, not quite... The Commission has simply [refused](#) to follow the judgement of the court. Yes, the Commission – **the guardian of the EU treaties**, the body whose job it is to make sure that EU rules are followed in the interests of EU citizens happily kicks the Treaty into the bin: It wants to continue with its unlawful impact assessment before adopting scientific criteria.

So the saga continues, putting it on another level: a stand-off between the Commission on the one hand and Council and Parliament on the other hand with regard to the meaning of the "Rule of Law". 17 December 2015, a joint letter was sent to the head of the European Commission, Jean-Claude Juncker, signed by 10 MEPs from six different political groups from across the political spectrum, calling on him to finally take action. On 13 January, President Schulz fully supported the call, himself also sending a letter to President Juncker, reminding him of his obligations under the Treaties. Only concession by the Commission: it will accelerate its (unlawful) impact assessment – the very impact assessment that has led to its breach of law,

with the very same unlawful elements in it...

## **A second front?**

Even if the battle against EDs is eventually won by the forces rallied behind the cause of public health, the war against the influence of corporate wealth will still go on.

A new front is already open in this on-going conflict, with a deadline set for July 2016. This is when the approval for another chemical product – a herbicide known as glyphosate – to be used in the EU is due for renewal. Glyphosate is the most widely used herbicide in the world, with Monsanto's Roundup being the best-known commercial product in which it is used.

But once again, conflict has arisen over the health impact of glyphosate, a battle between two agencies. On one side, the WHO's IARC agency, which says that glyphosate [probably causes cancer](#) in humans; on the other, the EU's EFSA, which says it [unlikely to cause cancer](#). Of course, when the Commission comes to decide on whether or not to re-approve glyphosate, it will more than likely draw on the insight from its own food safety agency and give the green light. But what if EFSA's findings are flawed, based not on qualitative assessments of glyphosate (as IARC's were) but on a quantitative approach (i.e. it looked at more studies than IARC, most of them unpublished and produced by scientists paid by the chemical industry)? Once again, the European Parliament is trying to get to the bottom of the affair, this time with an open letter to the Commission co-signed by 66 MEPs questioning EFSA's seemingly far-from-balanced assessment.

## **And a phoney war on GMOs?**

This story of warring factions siding behind health or wealth is also being played out in another arena – that of the authorisation of genetically modified organisms (GMOs) for use in food and feed. In fact, this is something of a phoney war, not least because the way in which the decision to authorise GMOs is taken is considered by everyone, including the Commission, to be flawed and undemocratic. Jean-Claude Juncker himself has pledged to review the system, which obliges the Commission to authorise GMOs even when a majority of national governments is opposed – and yet no viable alternative has yet been put forward. In the year since Jean-Claude Juncker became Commission President, 20 new GM plants have been authorised for use in food and feed, **a majority of them being glyphosate tolerant plants.**

The European Parliament is once again trying to tackle this issue, but its hands are tied somewhat by the fact that it has no veto power over the authorisation process. Nonetheless, an important vote took place in December 2015 [objecting to the authorisation of the glyphosate tolerant Maize NK603 x T25](#) and asking for no GM plant to be authorised until a new decision-making process is in place. This was followed up by a further three objections voted in February 2016 against the authorisation of three glyphosate-tolerant GM soybeans.

**Phoney war or not, one thing is clear: if the criteria for defining endocrine disruptors had been put in place in 2013 as legally required, the re-approval of glyphosate would certainly have been far less of a foregone conclusion. While there is no guarantee that it would have been a fatal blow for glyphosate – given the tug-of-war over its carcinogenic properties - it would undoubtedly have leant far greater weight to the argument over re-approval.** But the reality is that if the Commission continues to insist on completing its impact assessment of the criteria before publishing them, despite the Court's ruling, the re-approval of glyphosate in the EU will probably happen in May or June, giving glyphosate many more years to wage its silent but insidious war on human health and the environment.

## **Trade – a phantom menace?**

If this story of the on-going battle between the forces of light and dark, health and wealth, seems all a little bit too much like Star Wars, then it is not without good reason. One of the (many) reasons why the trilogy of 'prequel' Star Wars films were so roundly ridiculed was because the main protagonist was a trade consortium and as such not considered to pose much of a threat to the likes of the Jedi. But in our true story, industry – and thus trade – really is the 'phantom menace', the power on the 'dark side'.

The threat is not of course an invasion by an army of droids or the rise of the Sith but rather the very real and relentless pressure put on the EU institutions by the chemicals industry, notably the threat of systematic court action. A decision not to renew the authorisation of glyphosate would have such huge economic impacts for some chemical companies (which produce the pesticides containing glyphosate as well as the GMOs and seeds that are resistant to it) that they would certainly take the EU to court on the grounds that the impact on their business is out of proportion to the risks posed by the products they make.

And this is far from being science fiction. Indeed, Monsanto has already taken this exact decision, against the California state Office of Environmental Health Hazard Assessment (OEHHA) and its agency's acting director in a bid to stop glyphosate from being added to the state's list of known carcinogens.

### **The fight goes on**

In the battle of health vs. wealth, wealth always has the advantage. Given the financial power of the chemical industry the reluctance of the Commission to engage the opposition forces is entirely understandable.

**That is why it is all the more important that the European Parliament and the 28 national governments – who between them decide together on most EU laws – remember that protecting European citizens is one of the founding principles of the EU, and that the many improvements to public health and the environment over the last 20 years are a direct result of EU-level action.**

**This is a fight we can win – but we need to stand together. The Greens/EFA group believes that Commission should not stand in fear of corporate wealth and power that stops it acting in the public good. Only by giving the Commission the strength to act can we hope to achieve a happy ending to our story...but we can likely expect a few more twists and turns to the plot before then.**

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