

Legal and Treaty Considerations Applicable to Use of Mycoherbicides for International Drug Crop Eradication

1. Executive Order 12114 established the criteria for use of biological and chemical pesticides (which include mycoherbicides) external to the U.S. – basically mandating compliance with existing EPA regulations. Foreign governments apply their own sovereign regulations - which are in general similar or less stringent to the EPA regulations.
2. The UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (article 14, paragraphs 2 and 3) obligates member states to eradicate illicit narcotic crops. The means of eradication are not specified.
3. UNDCP project “Research and Development of an Environmentally Safe and Reliable Biological Control Agent for Opium Poppy” (AD/RER/C37) is an on-going UN funded research project in Uzbekistan employing a plant pathogenic fungus.
4. The UN General Assembly Special Session on Drugs (8-10 June 1998) adopted Resolution III that contains an “Action Plan on International Cooperation on the Eradication of Illicit Drug Crops and on Alternative Development”. In addition UNDCP Executive Director Pino Arlacchi submitted for consideration an International Strategy for Coca and Poppy Elimination (SCOPE). This strategy specifically recommends consideration of environmentally sound chemical and biological eradication measures.
5. The Biological Weapons Convention language contains specific exemptions applicable to biological control agents. Articles I and X clarify that the convention does not apply to the use of agents for prophylactic, protective or other peaceful purposes. This has been interpreted by all nations to specifically exclude agricultural biological control agents. In January 1976 all heads of U.S. Federal departments and agencies certified to the President that they were in full compliance with the convention. The convention is reviewed every five years by member nations.
6. Further to these points an internal USDA ARS memo from the International Program Coordinator addressed the legal and treaty issues. A small ARS research program for the potential control of drug plants by mycoherbicides has been funded under the National Drug Control Budget for many years.
7. Program Approach: The proposed program approach is to (1) utilize naturally occurring mycoherbicides (obtained in the country of interest if at all possible); (2) work closely with scientists and officials in the country to conduct necessary controlled testing in-country; (3) demonstrate acceptable environmental characteristics which comply with EO 12114 and participating nation laws; (4) upon completion of research and regulatory qualifications the mycoherbicide product may be utilized by the participating nation (or in conjunction with current DOS programs) for the eradication of the specific target species of drug crop.
8. Conclusion: The envisioned program is predicated upon a bilateral arrangement. There are no international treaty or legal impediments to the use of mycoherbicides for the eradication of drug plants. Further, UNDCP and others in the international community are increasingly recognizing and supporting the enormous potential value of this approach.