



Implementing EU pesticides legislation

This briefing provides a summary of the consultation on implementing EU pesticides legislation from Defra and APSE's response to this. It is provided to local authority chief executives, council leaders and all APSE parks contacts throughout the UK.

Key Issues:

- Defra issued a consultation paper on implementing European pesticides legislation and APSE responded to this consultation.
- Includes the sustainable use of pesticides and regulations on plant protection products.
- APSE response calls for more information on alternative cost-effective approaches or techniques that could be used by local parks services, which would not result in lower environmental quality.

1. Introduction

Defra issued a consultation document on how the UK should implement measures under two pieces of European pesticides legislation, which came into force in 2009, under the EU's Thematic Strategy on Pesticides, which aims to minimize the risks to health and the environment from the use of pesticides. Defra invited APSE to respond to this consultation. The Chemical Regulation Directorate at the Health and Safety Executive (HSE) is the delivery body for Defra's responsibilities for pesticides and APSE are represented on the HSE Amenity Action Plan Implementation Group by Halton Council.

The two pieces of legislation are as follows:

- Sustainable Use Directive 2009/128/EC "the SUD", which is intended to create a framework for the sustainable use of pesticides.
- Plant Protection Products Regulation (EC) No 1107/2009 "the PPP", which is about the approvals regime for plant protection products.

The following briefing paper outlines the main provisions of the legislation, implementation options together with APSE's response to the consultation. The full document is available by [clicking here](#). The consultation covers England, Scotland, Wales and Northern Ireland. However, the Scottish Government and the Northern Ireland Assembly will be producing

Statutory Instruments to implement the legislation in Scotland and Northern Ireland and each country may adopt individual approaches to implementation in some areas.

2. Sustainable Use Directive

The overall objective of the Directive is to establish *“a framework to achieve a sustainable use of pesticides by reducing the risks and impacts of pesticide use on human health and the environment and promoting the use of Integrated Pest Management and of alternative approaches or techniques such as non-chemical alternatives to pesticides.”*

The UK must transpose and implement the Directive by November 2011 and the consultation invited views on the transposition and implementation of the following provisions:

- The establishment of National Action Plans, which are to set quantitative objectives, targets, measures and timetables to reduce risks and impacts of pesticide use on human health and the environment and encourage the development and introduction of Integrated Pest Management and of alternative approaches or techniques in order to reduce dependency on the use of pesticides.
- Training and certification for distributors, advisors and professional users of pesticides so they are aware of the risks.
- Sales restrictions on pesticides to persons holding a certificate and provision of advice on safety instructions.
- Take measures to inform the general public about pesticides and gather information on pesticide acute poisoning incidents.
- Inspect pesticide application equipment at regular intervals (not exceeding 5 years until 2020 and 3 years thereafter).
- A ban (subject to derogations) on aerial spraying.
- Appropriate measures to protect the aquatic environment and drinking water supplies, including giving preference to particular products and application techniques, using mitigation measures to minimize the risk of off-site pollution caused by spray drift, drain-flow and run-off, and prohibiting or minimizing use in certain amenity situations.
- Use of pesticides is minimized or prohibited in certain specific areas (defined as areas used by the general public or ‘vulnerable groups’, conservation areas and recently treated areas used by or accessible to agricultural workers).
- Adopt specific measures addressing the risks associated with the handling of pesticides.
- Take all necessary measures to promote low pesticide-input pest management.
- In order to measure progress, risk indicators will be established at EU level, which Member States will be required to use.

3. The PPP Regulation

The Regulation’s overall objective is to *“lay down rules for the authorization of plant protection products in commercial form and for their placing on the market, use and control within the Community [and]...ensure a high level of protection of both human and animal health and the environment and to improve the functioning of the internal market through the harmonization of the rules on the placing on the market of plant protection products including active substances, while improving agricultural production.”*

The Regulation updates the existing regime and aims to increase the level of protection for people and the environment as well as speeding up decision making and providing clearer rules. The majority of the Regulation is directly binding and is not therefore included in the consultation. There are, however, two discretionary provisions in the Regulation which Defra consulted on:

- Article 31: Contents of authorisations – authorisations are required to set out certain conditions relating to the placing on the market and use of that product which are necessary to comply with the Regulation.
- Article 67: Recording and disclosing information on pesticides – producers, suppliers, distributors, importers and exporters of plant protection products will be obliged to keep records of the products. Professional users will keep records of the products they use, including the name of the product, the time and dose of application, the area and the crop where it was used, for at least 3 years. Relevant information will need to be made available on request.

4. Implementation options

The consultation sought views on a range of implementation options. Although they represent a broad spectrum of potential implementation options, the approaches can broadly be described as:

- **Option 1** – maintain the status quo; retain the current UK framework of controls where these meet the minimum requirements of the Directive.
- **Option 2** – improve and strengthen current statutory and voluntary controls and implement additional measures necessary to comply with the Directive.
- **Option 3** – adopt regulatory controls wherever possible.

The Regulations also provide for Member States to recover the costs of work carried out under the legislation. The Regulation introduces new requirements to the regulatory regime that will be charged to pesticide authorisation holders. The consultation invited views on how charging arrangements in the UK should operate in future.

5. APSE response

APSE's response to the consultation is replicated below.

The Association for Public Service Excellence (APSE) represents officers and members involved in the management and provision of quality public services. APSE's mission statement positions the organisation as 'networking organisation which consults, develops, promotes and advises on best practice in the delivery of public services'. APSE is currently working with almost 300 authorities within the United Kingdom. APSE has consulted with its membership and has included their comments within this submission. APSE is also represented on the Amenity Action Plan Implementation Group, chaired by the Chemicals Regulation Directorate at the Health and Safety Executive.

APSE agrees with the aims of minimizing the risks and impacts to human health and the environment from the use of pesticides (Sustainable Use Directive) and the aims of ensuring a high level of protection of both human and animal health and the environment (the PPP Regulation). APSE believes that sustainability should be central to all local government activities. APSE also agrees that users of pesticides should be made aware of the risks through

appropriate training and welcomes the development of measures to address the risks associated with the handling of pesticides.

In terms of implementation options, feedback suggests that option 1 (maintain the status quo; retain the current UK framework of controls where these meet the minimum requirements of the Directive) or option 2 (improve and strengthen current statutory and voluntary controls and implement additional measures necessary to comply with the Directive) are preferable to option 3 (adopt regulatory controls wherever possible). This is because parks managers do not see that regulatory controls are vital in order to manage the use of pesticides; this could be done via less stringent methods such as management plans or good practice. The creation of management plans for Green Flag parks has gone a long way to achieving this by having environmental issues at the forefront of parks management whilst still allowing pesticide use where appropriate/necessary. Another good practice tool that can be used by parks and grounds maintenance managers is an environmental impact assessment, to assess the environmental impact of local authority policies, projects or plans. APSE is currently developing a rapid impact assessment matrix which can be used by local authorities to assess potential environmental impacts, such as pollution.

Feedback also suggests that the development of a framework for the sustainable use of pesticides needs to take into account the potential effect this would have on local authorities being able to maintain the same grounds maintenance standards of weed control without the use of chemicals. The current pressures placed on public sector finances due to the recession and cuts to local authority services, including grounds maintenance services, will mean that it will be even more difficult for councils to maintain current horticultural standards. APSE would therefore welcome more information on alternative cost-effective approaches or techniques that could be used by local parks services, which would not result in lower environmental quality.

APSE would be willing to help to develop further guidance on the practical implementation of the measures via our network of parks contacts. Please contact Debbie Johns at the APSE office if you would like to progress this further on djohns@apse.org.uk

Thank you for the opportunity to respond to this consultation.

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