Consultation on implementing European pesticides legislation

A response by Wildlife and Countryside Link

Wildlife and Countryside Link (Link) brings together over 30 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practise and advocate environmentally sensitive land management, and encourage respect for and enjoyment of natural landscapes and features, the historic and marine environment and biodiversity. Taken together our members have the support of over 8 million people in the UK and manage over 690,000 hectares of land.

As a result of the organisations that are members of Link this response focuses on those areas of the consultation that directly or indirectly relate to biodiversity.

Link welcomes the opportunity to express our views on the issues raised in this consultation and feel that many options presented in the consultation represent a reassuringly broad range of measures for the implementation of the Directive. Link hopes that the consultation will lead to the implementation of effective and stringent options that combine both voluntary and regulatory measures, to effectively deliver the Directive and go beyond current UK control methods.

This response is supported by the following 12 organisations:

- Amphibian and Reptile Conservation Trust
- Buglife – The Invertebrate Conservation Trust
- Butterfly Conservation
- The Grasslands Trust
- Marine Conservation Society
- Plantlife International
- Pond Conservation
- Royal Society for the Protection of Birds
- Salmon & Trout Association
- Wildfowl & Wetlands Trust
- The Wildlife Trusts
- Woodland Trust

Questions on implementation options

1. **What is your preferred approach for a National Action Plan and why?**

Link's preferred approach is Option 3 as this option will promote action on the ground and so effectively deliver the Sustainable Use Directive and fill in gaps that are currently present in the current National Action Plans (NAPs) which are not sufficiently proactive. All plans should deliver work based on the precautionary principle and take rapid action when there is evidence that significant harm might be anticipated. Plans should also focus on the research and development of non-chemical alternatives in relation to impacts on plan themes.

We would also like to see compulsory reduction targets for high risk chemicals and for chemicals being phased out. However, the reduction targets would need to be flexible in relation to the type of chemical, its usage and likely impacts. We feel that the section describing a method for implementing reduction targets is inadequate. These targets should be defined, by the type of chemicals, its usage and impacts; for example a product that is a high risk to pollinators (nectar/pollen feeding insects) should have higher reduction targets on flowering crops.

2. **How can NAPs best be used to reduce the risks associated with pesticide use to human health and the environment?**

NAPs should both reduce risk and the current impacts of pesticides. Targets within the plans must be quantitative. All targets within the plans need to have organisations responsible for them. There needs to be meaningful timetables for achieving targets and with a monitoring programme to assess progress. NAPs must be living documents that can be updated when required and should be reviewed annually. Action plans need to be clearly structured and any overlap between plans clearly defined and with coordination between plans to facilitate this. Information should be effectively disseminated from the group, to effect change and to inform stakeholders.

The Biodiversity Action Plan (BAP) should also have an information gathering role in relation to risks, impacts and vulnerability of groups (species and habitats). It should assess new information and research, and instigate research when needed to fill in knowledge gaps. It should also have a role in monitoring old and new substances if they are identified as of high risk to biodiversity.

NAPs must also address the potential synergistic and cumulative effects of pesticides, for example in the Water Action Plan the synergistic and cumulative impacts in the freshwater environment must be defined/quantified and then mitigated against.

3. **What are your views on introducing a pesticide reduction target in the UK?**

Link believes that pesticide reduction targets are an important part of reducing impacts of existing harmful pesticides that would not make it through the next stage of chemical reviews as this will allow a gradual phase out. Pesticide reduction targets also should be targeted to those chemicals of highest concern. This should be a means of highlighting and dealing with pesticides of concern, which may have local impacts in the UK. Chemicals highlighted as of concern should be investigated and/or either research or reduction targets implemented; these may be chemicals which suggested impacts that were not apparent during the approvals process i.e. new impacts, as the approval process is not infallible.

Questions on Article 5 training and certification requirements

4. **What is your preferred approach and why?**

Link's preferred approach is Option 3 making it a statutory requirement for initial and ongoing training, the removal of 'grandfather rights', withdrawal of certification due to a penalty or conviction and the accreditation of training bodies. This is our preferred

option as it would ensure that consistent regulated standards are achieved across the board particularly as some sectors are deficient in train, and standards would be essential for reducing risks to biodiversity from pesticides. When certification is withdrawn due to a conviction or penalty there should be a requirement to retake training at the end of the suspension to ensure high standards.

5. **What type of training and assessment requirement would be appropriate for those spray operators with "grandfather rights"?**

Assessments for grandfather right holders should be the same as everyone else, although they should have the option to take the assessments without the training.

6. **Do you support the extension of the training and certification requirements (both initial and additional) for professional users and distributors to advisors?**

The extension of the training and certification requirements is good as more informed users will result in improved application and use of pesticides. Training should be tailored to each sector and groups within the sectors such as advisors, professional users, distributors etc. Currently biodiversity impacts are not explained in the existing basic training, and therefore we would like to see a new section on these included in the training. We would also like to see a more general emphasis in all training, on both minimising biodiversity impacts and also the use of alternatives. It needs to be recognised that training for distributors has to be very comprehensive as they need to be able to pass clear detailed information onto customers.

7. **Are there particular offences that you think should automatically incur the withdrawal of a certificate?**

Negligent pesticide use that results in an environmental or human health incident should automatically lead to the withdrawal of certification.

Questions on Article 6 sales requirements

8. **What is your preferred approach and why?**

Option 3 is preferred by Link as we feel that controls on sales are important for ensuring best practice use of pesticides. The general public is not given enough information and it is not easily accessible. Before the point of sale it should be compulsory to give leaflets on hazards and alternatives for specific product types, particularly on their impacts and suggested alternatives. Also clearer information should be provided on storage and disposal. These leaflets should also guide customers through a basic IPM process. In conjunction with leaflets, posters should be on display near products detailing hazards, providing information on alternatives and advertising sources of information. We would also want to see better information available on the product label with regards hazards and alternatives; information on disposal and storage should be printed more clearly. We also believes that a there should be a ban on sales of special offers for all pesticides as this can lead to stock piling.

9. **Do you think that micro-distributors meeting the requirements described in Article 6(1) should be exempted from the requirement to have sufficient certificated staff present at the time of sale?**

Micro-distributors should not be exempt from the requirements to have sufficiently trained and certified staff, as this would undermine the system. As an alternative, there should be graded training relevant to the different types/toxicity of products sold by distributors.

10. **Do you have any comments on the system proposed for restricting the sales of pesticides for professional use to qualified users?**

Sales of certain pesticides should only be to certified users and buyers should be not allowed to pass products on to another user regardless of whether they were or we not certified.

Questions on Article 7 information and awareness-raising

11. **Do you think that more information should be provided to the general public on the risks and potential effects of pesticides? What information would be useful and how should it be provided?**

Access to information is essential to allow the public to make more informed decisions regarding their pesticide use and knowing the risks of exposure to harmful products. Information should be provided on the risks of pesticides to health and the environment, in particular with reference to;

- hazards (including risks to biodiversity)
- alternatives
- appropriate storage and handling of products
- appropriate means of application, including rates, favourable conditions for application
- safe disposal

This information should be provided in a number of different forms. There are currently multiple websites on pesticides which are effective at providing particularly detailed information, but a central website covering these topics is required. This should include a list of recommended useful websites and summarise their contents.

We feel that the costs of providing this information would be out-weighed by the cost of savings due to a reduction of inappropriate and badly undertaken pesticide use. The chemical industry should be required to contribute towards the associated costs of information delivery and should also fund work towards both reducing impacts and promoting best practice through grants and partnership working.

12. **Can you suggest any improvements to the information gathering systems used by government?**

This question is not relevant to the biodiversity focus of this response.

Questions on Article 8 equipment testing

13. What is your preferred approach and why?

Option 2 is our preferred option, testing once every five years 2015-2020, and then every three years after that. This option ensures that existing gaps are removed such as the few farmers that are not involved in the Voluntary Initiative (VI) and also other sector members that are not involved in any kind of voluntary schemes. Testing should also occur in conjunction with the VI and so the existing annual voluntary tests should be maintained. We would preferably like to see annual testing across all sectors; ideally this would be voluntary, therefore there should be a reassessment of annual voluntary measures in the future and if these are not successful there should be a move towards option 3, ensuring annual testing occurs through additional regulatory measures.

14. Do you think a derogation from inspection should be allowed for handheld equipment and knapsacks, or, if not, should a different timetable for inspection be applied to these equipment types?

Derogations should be allowed for knapsacks as to enforce inspections would be too costly in relation to the value of the knapsack sprayer and would increase the risk of equipment waste. It is also apparent that knapsack sprayers result in very precise application of chemical products and therefore should be encouraged, as inspections would likely act as a disincentive to their use. However to accommodate this lack of inspection, knapsacks should be subject to strict production standards and require five year servicing.

15. Are there any specific types of pesticide application equipment that you think should be exempted from inspection requirements? These could include: pesticide application equipment not used for spraying pesticides (such as granular applicators or equipment for treating seeds) or equipment that represents a very low scale of use.

There are no other pieces of application equipment we feel should be exempt from testing, we think all other equipment should adhere to the testing outlined in option 2.

16. Who do you think should deliver the inspection scheme and why?

Accredited National Sprayer Testing Scheme who undertakes the voluntary inspection should deliver the scheme. The regular statutory inspections should be instead of the voluntary inspections in relevant years.

Questions on Article 9 aerial applications

17. What is your preferred approach and why?

Either Option 1 or 2 with consent-based approaches are the preferred options. Aerial spraying should also be required to use a GPS to allow accurate and targeted application.

Questions on Article 11 water protection

18. What is your preferred approach and why?

A mixture of options 2/3 are preferred with both compulsory and voluntary options, the needs of the Water Framework Directive (WFD) and other directives e.g. the Habitats Directive, could be catered for by compulsory options and voluntary options adopted more generally for water resource protection. For example, statutory safeguard zones could be implemented in vulnerable catchments or where a problem has been identified; these zones should cover entire catchments in order to be effective. Voluntary actions alone would not be enough for WFD compliance. Other voluntary initiatives such as catchment sensitive farming have shown that even with considerable effort, stakeholders in target areas are not aware of the voluntary measures. With a tight timeframe in WFD there is no room for unsuccessful initiatives, therefore compulsory approaches would ensure fast and effective progress. Other vulnerable catchments such as those containing aquatic SACs and SSSIs, the boundaries of these areas often do not include the surrounding catchment they are highly vulnerable to pollution. Therefore depending on vulnerability of the protected area, safeguard zones or no spray zones should be implemented to ensure special protection of these sites. For example, protected species such as White-clawed crayfish are vulnerable to pesticide pollution, therefore provision would be made in its SACs catchments.

Water protection and pesticides is an area that still needs considerable research and development, particularly in relation to pesticide pathways in catchments and buffers. Effective low drift and other improved sprayer technology also require development to reduce the need for spray drift buffers. Efforts should also be made to work with agri-environment schemes which have water resource protections options embedded within them and could therefore support any schemes.

The amenity sector has a very different relationship with water pathways as transfer of chemicals on hard surfaces is likely to lead to greater contamination and so there should be a ban on blanket spraying on hard surfaces, as this leads to a high level of run off and regular contamination of water habitats.

19. **Do you think that government should create a power to establish safeguard zones as envisaged in this Directive, to restrict/prohibit pesticide applications? or do you think it would be preferable to impose no-spray zones as a restriction on all pesticide products? (except those specifically approved for use on river banks or in water)**

A combination of different methods including statutory safeguard zones which would be both easy to implement and also to regulate allowing WFD compliance as complex pesticide pathway issues would not be covered by no-spray zones and so we support a power to establish safeguard zones. We would also want to see no-spray zones applied for products that are high risk to the water environment e.g. cypermethrin.

20. **Do you support the development of the regulatory risk assessment process with a view to moving towards a system of, for example, 'catchment-based' approvals and/or including consideration of use of application technology?**

Catchment based approvals will be critical in meeting the objectives of WFD particularly in catchments that are vulnerable or are currently failing to meet requirements of the

WFD. Catchment based approvals could be used to ensure cumulative and synergistic impacts of pesticides are considered and managed at the catchment level. These approvals would need to be supported by a stringent catchment assessment method which should be underpinned by science. The use of pesticide catchment pathway models would help to define the risks in each catchment; these risks would then lead to a specific set of predefined and adaptable actions necessary to eliminate these risks. These catchment assessments would be complex and costly and so this measure would need to be adequately resourced to be effective. It is recommended that a cost-benefit analysis be conducted prior to implementation of catchment approvals to ensure the system used was the most effective.

Questions on Article 12 Protection of specific areas

21. What is your preferred approach and why?

Options 2 is our preferred approach but it must result in stringent IPM based risk assessment to ensure that alternative techniques, selection of substances with the lowest risk factor either for the key environmental feature of the site or people and the least risky application method have been considered. We acknowledge that pesticides can be an important conservation management tool, for example for controlling invasive species and that some protected sites are subject to normal agricultural management (for example SSSIs notified for Stone Curlew). On these protected sites pesticide use is governed by existing SSSI 'operations requiring consent' controls applied to land under SSSI designation. However, we would like to see the list of conservation areas expanded and consent to include: Local Nature Reserves, National Parks and also local and regional wildlife sites. Also buffer zones around vulnerable conservation areas (identified as having vulnerable species or habitats) should be required to have an appropriate safeguard zone in relation to that risk.

Particularly vulnerable areas are aquatic SACs and SSSIs as boundaries often do not take in the catchment surrounding these sites. Therefore, safeguard zones or buffer zones should be implemented to ensure protection of these sites.

We would also like this option to go further and provide protection to vulnerable species and habitats not in 'conservation areas' through buffer zones or other mitigation measures. This would be based on the outcomes of the BAP work being undertaken by the Pesticide Action Plan Biodiversity Group.

22. Do you think it is appropriate to prohibit the use of pesticides in public spaces or conservation areas? If yes, what alternative approaches to disease and weed management would you propose in those areas?

No, as outlined above pesticides can be an important conservation management tool and that some protected sites are subject to normal agricultural management so prohibition would not be appropriate. However use on these sites should be based on stringent IPM based risk assessments to ensure that alternative techniques, selection of substances with the lowest risk factor either for the key environmental feature of the site or people and the least risky application method have been considered.

Questions on Article 13 storage, handling and waste

23. What is your preferred approach and why?

Option 3 is the preferred option as statutory controls are required as some pollution incidents are a result of poor disposal and use of pesticides, resulting from both professional and amateur users. There needs to be recycling schemes or take back schemes to allow effective disposal of unwanted chemicals and containers. There also needs to be more appropriate packaging and products for amateur users to reduce risk of inappropriate use and spillages. Container design needs to be standardised and strict container design regulations to ensure that the most effective design is used to reduce waste and spillage. For example container size is important to ensure that the user does not have to buy more than they require, leading to unnecessary waste. Training schemes should also include storage, handling and disposal to ensure that best practice is continually practiced.

24. Do you think that take-back schemes or amnesties are an effective way of addressing the risks associated with old pesticide products/packaging that may remain in stores? Can you suggest any other suitable schemes?

Take-back and amnesties are certainly useful and work to a point, but there needs to be the constantly available option and means for safe pesticide disposal. Therefore, Link would like to see recycling provisions permanently in place for containers throughout the UK and at the very least amateur disposal /take-back schemes provided by all local authorities.

25. Do you think that storekeepers should have a legal obligation to comply with standards for store design, or is it preferable to set guidelines?

This question is not relevant to the biodiversity focus of this response.

Questions on Article 14 IPM

26. In which areas do you think pesticide users would benefit from more information/advice, to help them adopt integrated approaches?

Option 3 with a lack of clarity regarding what IPM is and a wide variation in its implementation we feel a statutory standard would be essential to ensure that IPM was practised across the board and standards were maintained. IPM should work towards minimising pesticide impacts by developing a system that allow users to make informed and educated choices to ensure minimal pesticide use and increased use of low risk alternatives. Some sectors are further ahead than others in the incorporation of IPM into their best practice for pesticides and therefore each sector will need a different level of work. Each different sector needs a set of IPM protocols to be developed and also group users from agriculture to amenity and non-professionals. Currently information provided to users on IPM is too technical and more time needs to be spent gathering knowledge and converting information into a usable form. It would be helpful to have a NAP on IPM to help drive this area of work forward and a lot of work is needed to get IPM implemented across all pesticide users in the UK. There also needs to be more research on IPM and also learning from the organic sector which has developed a range of IPM relevant techniques.

27. Do you have any thoughts on what type of written evidence/record could be provided by pesticide users (of any sector) to demonstrate compliance with IPM principles?

Written evidences and records could take the form of a voluntary record; users are provided with a journal, where pesticide problems could be detailed and information recorded on the IPM approach taken. These records could then be subject to random survey and monitoring.

Questions on Article 15 indicators

28. What is your preferred approach and why?

Option 3, but we would like to see the development of an additional biodiversity indicator to supplement the farmland bird indicator. The farmland bird indicator only provides a very limited picture in relation to the impact of the pesticides on biodiversity as a whole. Ideally indicators should be developed focusing directly on a vulnerable species groups such as amphibians, moths, butterflies, bees or plants. However, with no appropriate monitoring currently in place for these groups, their use as an indicator has not been possible. The use of the 'Chick food index' as an indicator is being explored, but ideally it should be considered as one tool among a range of other options. We are also concerned about the cumulative and synergistic impact of pesticides in the freshwater environment, and therefore a biodiversity indicator should also be developed that is appropriate for monitoring these kinds of impacts in the aquatic environment. Newly developed biodiversity indicators would need to have their costs recovered and so full cost recovery would be necessary.

Questions for spray notification and records disclosure

29. What is your preferred approach and why?

Option 3 is the preferred approach, this option is relevant to biodiversity as managers of local nature sites or people with biodiversity in their own back gardens should have the right to know the pesticides and spray times of adjacent land.

Q30-40 were deemed not to be relevant to biodiversity.

Wildlife and Countryside Link
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