



Chartered
Institute of
Environmental
Health

Consultation on the transposition of the Sustainable Use of Pesticides Directive 2009/128/EC (SUD)

Response to the DEFRA consultation on the
implementation of EU pesticides legislation

May 2010

The Chartered Institute of Environmental Health

As a **professional body**, we set standards and accredit courses and qualifications for the education of our professional members and other environmental health practitioners.

As a **knowledge centre**, we provide information, evidence and policy advice to local and national government, environmental and public health practitioners, industry and other stakeholders. We publish books and magazines; run educational events and commission research.

As an **awarding body**, we provide qualifications, events, and trainer and candidate support materials on topics relevant to health, wellbeing and safety to develop workplace skills and best practice in volunteers, employees, business managers and business owners.

As a **campaigning organisation**, we work to push environmental health further up the public agenda and to promote improvements in environmental and public health policy.

We are a **registered charity** with over 10,500 members across England, Wales and Northern Ireland.

Any enquiries about this response should be directed in the first instance to:

Bob Mayho
Principal Policy Officer
Chartered Institute of Environmental Health
Chadwick Court
15 Hatfields
London
SE1 8DJ

Telephone 020 7827 5860
Email r.mayho@cieh.org

1.0 Introduction

1.1 Our interest in this consultation

1.1.1 The Chartered Institute of Environmental Health (CIEH) is a non-governmental organization and professional, awarding and campaigning body at the forefront of environmental and public health and safety. Based in London, it is the professional body for environmental health professionals in England, Wales and Northern Ireland.

1.1.2 In 2001, CIEH set up a specialist pest management panel, the National Pest Advisory Panel (NPAP) whose members are chosen for their individual expertise. They include pest controllers who are working or have worked for local authority pest control departments or commercial companies, consultants, academics and researchers.

1.1.3 The remit of the NPAP is to provide the CIEH with advice on all matters relevant to the control of urban and rural pests. This has included carrying out surveys; issuing a number of important guidance documents relating to the responsible use of public health pest management products; organizing seminars and presentations; and providing expert speakers at national and international meetings.

1.1.4 CIEH also worked with the World Health Organization on the publication of *The Public Health Significance of Urban Pests* in 2008 and in 2009 jointly organized, with the US Environmental Protection Agency, the first International Public Health Pesticides Workshop in London.

1.1.5 This response is made based on discussions within the NPAP.

1.2 General comments on the consultation

1.2.1 The CIEH welcomes the Sustainable Use Directive (SUD) and any other proposal to *increase the responsible use of pest control products in a way that will control pests* and also further reduce the risks and impacts of pesticide use on human health and the environment.

1.2.2 However, it should be appreciated that pests impact adversely on both human health and the environment and the drive to reduce pesticide use must not be allowed to create conditions where public health pests are allowed to thrive.

1.2.3 Many pest controllers use “agricultural pesticides” during their normal work activities and that the distinction between public health and agricultural pest control is not straightforward, for example:

- When carrying out a rodent control treatment, it is often necessary to remove harbourages, such as long grass and weeds, from around the buildings. Such environmental measures, with plant protection products, are an important part of integrated pest management

- Some rodent control treatments require the use of rodenticides which are approved under the Plant Protection Products Directive. These are where rodenticides are applied in plant growing areas (agricultural field, greenhouse, forest) to protect plants or plant products temporarily stored in the plant growing areas in the open without using storage facilities
- Farmers are increasingly using pest controllers to control pests in on-farm stores, especially where the farm is registered under a crop assurance scheme. An example of this is the use of insecticides to protect grain in silos. These insecticides are classified as agricultural pesticides.

1.2.4 As a result, a number of pest controllers will be affected by the provisions of the SUD and their requirements should be taken into account.

1.2.5 It is also to be remembered that paragraph 2 of the SUD states:

“At present, this Directive should apply to pesticides which are plant protection products. However, it is anticipated that the scope of this Directive will be extended to cover biocidal products”.

1.2.6 To ensure consistency in implementation of any subsequent regulations, it is essential that thought is given now as to how the regulations will encompass the use of biocides in future.

1.2.7 There are no suitable specific certificates recognised by Ministers which cover the sale and use of rodenticides or grain protection insecticides and which are approved under the Plant Protection Products Directive (PPPD) and so distributors and pest controllers involved in these activities must hold certificates that are mostly inappropriate.

1.2.8 Rodenticides that are used in horticulture or to protect crops stored temporarily in the open are within the scope of the SUD but rodenticides used by gamekeepers in far greater quantities in and around hedgerows to protect the rearing of game birds are outside the scope of the SUD because they are not classified as “agricultural” pesticides. This is inconsistent.

1.3 **Comments on Chapter 5**

Article 4: National Action Plans

1.3.1 Article 4 requires member states to:

- Draw up National Action Plans (NAPs) which effectively describe how they will implement the measures detailed in this Directive and to set quantitative targets to reduce risk and impacts of use of pesticides and encourage the development and introduction of integrated pest management.
- Monitor ‘substances of concern’ and on the basis of indicators for these substances, set timetables and targets for reduction of use if this is necessary to reduce risks arising from ‘items... that require attention’

- Involve stakeholders in the preparation and modification of the NAPs.

1.3.2 CIEH is keen and willing to work with the Chemicals Regulation Directorate as a stakeholder to assist in the provision of information and advice during the transposition period.

1.3.3 CIEH believes that **Option 2** would deliver the best and most appropriate National Action Plan. This is because a number of the pests relevant to the CIEH area of concern are increasing (and are expected to increase even more as a result of climate change) and the demand by enforcers and consumers for zero tolerance should dictate the level of use rather than an arbitrary reduction target.

Article 5: Training and certification requirements

1.3.4 The Directive requires that Member States ensure access to initial and additional training and establish systems for certification, for distributors, advisors and professional users of pesticides so they are fully aware of the potential risks to human health and the environment and of the appropriate measures to reduce those risks as much as possible.

1.3.5 By 2013 all professional users, distributors and advisors must have access to initial and additional training; evidence of training will be provided via certification systems that allow for the granting, renewal and withdrawal of certificates and the training and certification awarding bodies are to be designated by the competent authority.

1.3.6 CIEH supports the need for all distributors, advisors and users of professional only pesticides to be properly trained and certificated under accredited schemes.

1.3.7 Again, CIEH believes that **Option 2** would deliver the best and most appropriate training and certification. This is because CIEH believes that advisors also need to be properly trained and certificated and designated training bodies need to be formally accredited awarding bodies.

Article 6: Sales requirements

1.3.8 The SUD places certain obligations on Member States with respect to the sales of pesticides. There are three elements to this Article:

By 2011:

- Distributors selling pesticides to amateur users are to provide “general information” as specified in the Directive. At the discretion of the Member States, pesticide producers may be required to provide this information.

By 2015:

- Distributors are to have sufficient staff in their employment holding a recognised certificate available to provide information at the time of sale to customers.

- Member States must put in place “necessary measures” to restrict the sale of products authorised for professional use to those users who hold a recognised certificate.
- There is an option to exempt “micro-distributors” from the above requirement, who are those selling products for non-professional use which are not classified as toxic, very toxic, carcinogenic, mutagenic or toxic for reproduction.

1.3.9 CIEH supports the need for distributors to provide amateur users with adequate information; for distributors to have sufficient staff holding recognised certificates; and to restrict the sale of professional use pesticides to users having a recognised certificate.

1.3.10 CIEH therefore believes that **Option 2** is the most likely to cover these points. However, in expressing this view, we would like to make the following comments:

- The need for micro-distributors to employ staff with appropriate certificates would add considerably to their costs which may be disproportionate to the risks involved;
- There is no specific recognised certificate covering rodenticides approved under the PPPD;
- There is no specific recognised certificate covering insecticides used to protect stored grain;
- If sellers are required to obtain a certificate number prior to a sale of a professional only product, it will be very difficult to check that the certificate and its number are genuine unless there is an up-to-date central register available on line that sellers can access.

Article 7: Information and awareness-raising

1.3.11 CIEH supports the better collection of information and its dissemination to both professional and amateur users. However, it is essential that the information is accurate, balanced and based on peer-reviewed evidence-based science.

1.3.12 Examples of suitable information include:

- problems caused by pests
- alternative non-pesticide means of control
- where pesticides are necessary, suitable products
- precautions to be taken including environmental assessments

Article 8: Equipment Testing

Article 9: Aerial Application

Article 10: Information on Pesticides

Article 11: Water protection

1.3.13 No comment.

Article 12: Protection of specific areas

1.3.14 Article 12 requires that Member States, taking account of necessary hygiene and public health requirements and biodiversity or relevant risk assessments, ensure that the use of pesticides is minimised or prohibited in: areas used by the general public or vulnerable groups; conservation sites; and recently treated areas used by or accessible to agricultural workers. Appropriate risk management measures shall be taken and use of biological and low-risk plant protection products considered in the first place.

1.3.15 The existing UK control regime broadly complies with the requirements of the Directive. However, an enhanced voluntary approach is required in the amenity sector to develop best practice guidance to ensure that use is minimised and use of alternatives is considered in the first place.

1.3.16 CIEH is very aware of the potential problems of resistance and secondary poisoning and the need for competent environmental assessments to be carried out before a treatment. CIEH organised a meeting involving major users of rodenticides in rural areas, out of which arose an industry-led initiative which produced guidelines on environment assessments. These guidelines have been used by Natural England to promote the responsible use of rodenticides.

1.3.17 CIEH is also aware of another industry-led initiative, the Campaign for Responsible Rodenticide Use (CRRU), which is supported by the main rodenticide manufacturers, leading conservationists and Natural England. CRRU have produced a Code of Practice and have organised "wildlife aware" training courses. These courses are accredited by BASIS.

1.3.18 CIEH believes that **Option 2** would deliver the best and most appropriate protection of specific areas.

1.3.19 It would not be appropriate to ban the use of pesticides in public spaces or conservation areas, since pesticides, such as rodenticides, are needed to protect public health and the environment and sometimes the use of rodenticides is an essential part of the conservation project; for example where rats are feeding on the eggs and young of sea birds.

Article 13: Storage, handling and waste

1.3.20 This Article requires Member States to ensure that:

- The storage, handling, mixing and disposal of pesticides and their packaging and waste by professional users and distributors do not endanger human health or the environment;
- The storage areas for professional products should be constructed in a way as to prevent unwanted releases; and
- Amateur products should be formulated and packed in a way to avoid dangerous handling operations.

1.3.21 CIEH would be very concerned if the storage, handling, mixing and disposal of pesticides and their packaging endanger human health or the environment.

1.3.22 It has noted that:

- Most distributors are registered with BASIS, which requires that their stores meet the required standards and that they are run by BASIS qualified storekeepers;
- Handling and mixing of pesticides is within the syllabus of approved training courses;
- Several public health distributors operate disposal schemes for used packaging and redundant chemicals.

1.3.23 For this reason it believes that **Option 2** would provide the best safeguards for human health and the environment.

Article 14: Integrated Pest Management

1.3.24 Article 14 of the SUD introduces a number of requirements for the implementation of Integrated Pest Management (IPM) by all professional users of pesticides. Each Member State is required to:

- Take all necessary measures to promote low pesticide-input pest management, with priority being given to non-chemical methods wherever possible;
- Establish or support the establishment of the conditions needed to implement IPM, particularly ensuring that monitoring and decision making tools and advisory services on IPM are available;
- Ensure the general principles of IPM set out in Annex III of the Directive are implemented by all professional users by 1 January 2014;

- Establish appropriate incentives to encourage users to implement voluntary crop or sector specific guidelines.

1.3.25 The main objective of Article 14 is to have better targeted use of all available pest control measures, including pesticides. By promoting the use of low pesticide-input pest management the measures are aimed at contributing to a further reduction in the risks to human health and the environment from pesticides, and reduced dependency on pesticides.

1.3.26 CIEH notes that rodenticides used in horticulture and forestry are agricultural pesticides and as such must be approved under the PPPD. Rodent control in horticulture is to protect plants, vegetables and fruit from rodent damage and contamination. Rodent control in forestry is primarily the control of grey squirrels, which damage trees in sustainable forests.

1.3.27 When controlling rodent infestations, it is essential that users must address, wherever possible, the basic conditions that have allowed the infestation to arise in the first place. Without dealing with the causes and origins, any treatment programme will merely treat the symptoms. Addressing the causes should include any environmental changes that are appropriate.

1.3.28 CIEH believes that **Option 2** provides the necessary requirements and encouragement for pest controllers and other users to develop greater IPM practices. Such users could be required to produce a company based IPM procedure under which they operate.

Article 15: Indicators

1.3.28 CIEH has insufficient knowledge of the indicators to comment.