



## **Response to Consultation on implementing EU pesticides legislation**

### **Introduction and summary**

This response is submitted by Unite the Union. Unite is the UK's largest trade union with 1.6 million members working in the private and public sectors. The union's members work in a wide range of industries including agriculture, forestry, horticulture, docks, construction, manufacturing, food manufacturing distribution and retail, financial services, road, rail, air and sea transport, print, media, not for profit sectors, local government, education and the health service.

Unite welcomes both the Directive and this consultation and believes that the opportunity should be taken to introduce robust legislation to protect the health of workers and vulnerable groups affected by pesticide spraying. Being able to identify hazards, finding alternatives to the most hazardous chemicals and generally adopting Integrated Pest Management is not only good for our members but also good for the future of the industry.

Unite also urges that specific legal requirements are introduced the carrying out of regular health monitoring for pesticides operators. In particular we believe that where workers come into regular contact with organophosphates or carbamates, there should be monitoring for depressions in cholinesterase levels. Health monitoring in Washington State, USA, found that one tenth of workers need some sort of action after exposures in which they are usually withdrawn from the job for periods until levels return to normal.<sup>1</sup>

### **Questions on implementation options**

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<sup>1</sup> Messages from Monitoring. Farm Worker Pesticide Project et al. (2005)  
[http://66.84.40.12/images/stories/health\\_files/Messages\\_from\\_Monitoring2\\_8\\_05.doc](http://66.84.40.12/images/stories/health_files/Messages_from_Monitoring2_8_05.doc) accessed 28 April 2010

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

The NAP should incorporate the current UK Pesticides Strategy and add the parts required by the Directive.

The NAP should be kept under review as a living document and developed through engagement with stakeholders through bodies such as the Pesticides Forum and the action plan implementation groups.

Unite would like the following principles embedded in the in the National Action Plan:

The priority must be to protect human health, the environment and water from pesticide use.

The precautionary principle must underpin all decisions regarding pesticide use in the UK.

Pesticides should only be used as a last resort.

Support for organic and low pesticide input farming.

Plans to increase research into non-chemical pest, weed and disease control methods.

Medical surveillance of workers exposed to pesticides and veterinary medical products such as organophosphates in sheep dip, and the introduction of specific legal requirements for health monitoring for people who work with pesticides.

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

The NAP should identify the priority areas for action, based on risk assessments carried out by relevant stakeholders and committees (for example, the Advisory Committee on Pesticides could carry out this task, as well as its more usual approvals work) .

As a priority the substances which present the most danger to human health and the environment must be targeted. There should be a particular focus on eliminating substances which are associated with risks to pollinators.

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

The NAP should set reduction targets for:

- 1) the most dangerous chemicals to enable early progress to be made in taking these out of use
- 2) all pesticides – at least a 50% reduction over 10 years - as an incentive to developing Integrated Crop/Pest Management.

The goal must be the reduction in use of pesticides in the UK, for a number of reasons related to improved sustainability – this includes reduced usage of oil derived products, and pest resistance that will inevitably arise in the future.

It is appropriate that we should be setting in train now the science that will provide an understanding of life cycles for pests, and pathogens that will be needed in the future.

In this regard, Unite condemns the closure at Wellesbourne of the main public vegetable research station called Warwick (HRI) that carries out just this sort of work

### **Questions on Article 5 training and certification requirements**

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

Unite believes that this is a good moment to review the training of pesticides operators, and in particular we want the training to be vocationally based. The UK has a vocational learning framework in place for agricultural workers and we are fortunate in having representatives on LANTRA and the NPTC who have worked to develop the relevant qualifications.

Unite supports the requirements for training spelt out in the EU Directive are about right – for example hazard identification, looking for alternatives, and integrated pest management. This presents the opportunity for the vocational training to stress the importance of non-chemical pest and weed management techniques.

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

Unite believes that because a high proportion of the workforce who work as pesticides operators is aged over 60 there should be a requirement for all those claiming “grandfather rights” to achieve an appropriate certificate of competence within one year of the NAP coming into effect.

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

Unite supports the extension of training and certification requirements to cover advisors. The relevant Awarding Bodies and Skills Councils should map and identify the knowledge required both for advisors and all others in the chain (for example sellers, those involved in waste disposal and all users, including anyone working in local authorities who is involved in contract specification involving the use of pesticides.

The process Unite promoted to develop health and safety qualifications in the sector (because of high fatality rate) could be used, when we worked with industry and HSE to identify who should do what. See [www.epaw.co.uk/farm.html](http://www.epaw.co.uk/farm.html) and [www.healthandsafetypractices.co.uk/learn](http://www.healthandsafetypractices.co.uk/learn)

All professional certificates should be replaced by vocational qualifications – then everybody can see and comment on competencies.

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

Yes – any incident which endangers the health of workers, vulnerable groups, or the general public or which leads to pollution of surface or ground water should result in withdrawal of the operator's certificate either temporarily or permanently, depending on the nature and scale of the offence.

**Questions on Article 6 sales requirements**

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

There need to be strict controls on the sale of all types of pesticides whether for professional or amateur use. Those selling pesticides should hold a certificate (see 6 above) to show they are qualified to sell professional pesticides. At present there is an over reliance on the labels, which can be extremely difficult to comprehend (eg “Do not use if advised not to work with anti-cholinesterase inhibitors”). At the point of sale the sellers of pesticides should also be able to provide buyers with accurate information about safer alternatives.

Information on labelling for products designed for amateur use must be more comprehensive.

**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?**

There should be no exemptions for micro-distributors.

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

Internet sales are of concern. At present there is no system to ensure that only those who are qualified to use professional pesticides are able to purchase them.

**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?**

Yes. As stated above labelling should be much more informative. Information should be available highlight the negative effects of pesticide use together with clear information on alternatives, either non-chemical alternatives or less harmful pesticides.

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

Unite wants an overhaul of the current system. At present there are effectively two systems. There is the one run by PIAP while at the same time the manufacturers also receive complaints. There should be one centralised authority to receive reports and gather information about all pesticides incidents, Unfortunately in our experience the PIAP system can be very slow, so the ability to follow up quickly should be built into a new system, to ensure that the investigations collect all the relevant information. For this to work, such a system must be publicised regularly and widely to the public so that they are aware of how and where to report such incidents.

**Questions on Article 8 equipment testing**

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

Unite would want to see full implementation of the Directive.

**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?**

Unite would want to see full implementation of the Directive

**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 should be no exemptions.

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

As the HSE has recently merged with PSD, we believe HSE should deliver the inspection scheme.

**Questions on Article 9 aerial applications**

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

Unite is generally opposed to aerial spraying and we believe that all applications for aerial spraying should be subject to careful scrutiny to ensure that this can be justified and in particular that no alternative method is available.

**Questions on Article 11 water protection**

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

Unite believes that water protection falls under the Water Framework Directive and so this legislation should complement and enhance the WFD.

**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)**

Unite would like to see a no spray zone on all pesticide products adjacent to water bodies but we recognise that differences in terrain may mean that a blanket approach to no spray zones may not be effective in keeping pesticides out of water supplies. We would support more research on how pesticides find their way into water courses which may inform the used of no spray zones in different situations.

**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?**

Yes

**Questions on Article 12 Protection of specific areas**

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

Unite believes that, following the precautionary principle, pesticide use in public spaces and conservation areas should be prohibited unless there are specific good reasons to justify its use and it can be shown that no alternatives are available.

**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?**

Yes. The government should continue funding research stations such as that at Wellesbourne – and previously the Weed Research Organisation - in order to answer these sorts of questions. Running down the public sector funding of this sort of research puts too big a burden on local resources.

**Questions on Article 13 storage, handling and waste**

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

Unite believes that many pollution incidents are caused by inappropriate storage, handling and disposal of both amateur and professional pesticides. Pesticides vocational and other training must include full training in these issues. Statutory provision must be made to ensure that adequate facilities must be available for safe disposal and recycling of all pesticides materials for both amateurs and professionals. Container design should be standardised to ensure that it meets the requirements for safe storage, handling, cleaning and use. Pesticides sold for amateur use must only be sold ready mixed and in small quantities.

**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?**

Unite wants the establishment of comprehensive recycling collection schemes throughout the UK including a statutory requirement for local authorities to establish disposal facilities for the general public.

We also believe that take back schemes and amnesties are an effective way of addressing the risks posed by old or obsolete pesticides and packaging. It should be possible to return unwanted professional products or packaging to the point of sale

**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?**

Unite believes that there should be a legal obligation, supported by guidance.

## **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?**

Integrated Pest Management is a key area of the Directive and represents a real opportunity to reduce our dependence on pesticides and at the same time improve public health, and workers' health in particular. Unite urges the Government to provide the resources to support a meaningful IPM approach in the UK. The first step would be to draw up crop specific IPM protocols that could be used in agriculture. There also needs to be more research and sharing of experiences to develop a robust approach to IPM. IPM should be a mandatory requirement in all pesticides training.

### **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?**

Unite believes that specific standards should be set up to demonstrate compliance with IPM principles.

## **Questions for spray notification and records disclosure**

### **29. What is your preferred approach and why?**

Unite believes that it should be mandatory for the public to get access to farm and other spray records directly from the person using the pesticides. We believe that the rights to information enjoyed by union safety representatives as provided for in the Safety Representatives and Safety Committee Regulations 1977 should be extended to vulnerable groups. Vulnerable groups should in particular have the right to know what is being sprayed and about any equipment that could reduce their exposure/ In addition, such groups should also the right to free medical surveillance. This would be consistent with good practice in Safety, Health and Environment management systems.

Rights to information and to disclosure of documents and should also be included in the Code of Practice for Using Plant Protection Products (the "Green Code").

Prior notification of spray events should become mandatory.

### **30. Do you have any information (additional to that presented in our impact assessment) on the potential benefits of spray notification and access to spray records that you can provide us with?**

Unite believes that a right to access to farm spray records would assist medical practitioners in identifying what pesticides people may have been exposed to and therefore make it easier for them to make a diagnosis.

**31. Do you think that it would be appropriate for some or all of the costs to government to be offset by charging enquirers a reasonable fee for handling requests for spray records?**

Unite would have no objection to a modest fee being charged for this, but this should only be collected via the appropriate public body. We see no reason why this should be a barrier to communications.

**32. Do you consider that organisations publishing advance spray schedules would be an effective way of increasing public information?**

Yes. Unite believes that trade bodies, rather than individual farmers, could be responsible for publishing advance spray schedules, as many farmers will be spraying the same substances at the same times.

**Would your organisation be prepared to do this as a matter of routine?**

n/a

**33. Do you have any comments on the usefulness of public information signs where the public may have access to sprayed areas?**

Public information signs are essential to help the public make an informed decision on whether to enter the area and aid transparency. We would urge also that such notices should provide further advice including for how long people should avoid entering the area and what symptoms to look out for.

**34. Since there is limited information available to assess the impacts of an obligation to provide spraying notification on the agricultural/horticultural sector we are seeking the views of those affected groups, in order to prepare a more complete assessment. Therefore we would welcome case studies to demonstrate how such businesses would be affected by the possible approaches in terms of business, financial, administrative and other costs. Can you provide such evidence?**

Unite believes that introducing an obligation across the board to provide a spraying notification should not affect competitiveness in business, and the benefits to society generally should in any event outweigh other concerns.

**Question on penalties**

**35. Do you have any comments on the appropriateness of different types of penalty for non compliance – criminal or administrative?**

Unite believes that robust and regular enforcement activity and appropriate penalties are essential to ensure compliance. This would be a mixture of criminal and administrative sanctions. We would certainly agree that no one should gain financially from regulatory non-compliance.

### **Question on compliance**

#### **36. Which approach do you think would be more effective in dealing with non-compliance?**

It is essential that there is certainty about what must be done both to secure compliance and deal with non compliance.