



Changes to pesticide regulations and what they mean for parks and grounds maintenance services

This briefing provides a brief on the changes to pesticide legislation and what these mean to those who buy, store and contract the use of plant protection products (hereinafter referred to as 'pesticides') in amenity situations. The regulations apply to the whole of the UK.

Key Issues:

This briefing covers:

- Changes to the regulations covering buying, storing and handling of amenity pesticides from 2013;
- What the changes mean to all concerned;
- A case study - Thanet District Council.

1. Introduction

Pesticides can be hazardous because they contain chemicals which can kill living organisms and alter growth. This is why their use is carefully regulated by government. All products must be authorised for use; and laws and guidance are in place to ensure that they are applied responsibly, with careful consideration given to identifying and mitigating risks.

The control regime for pesticides is being updated as a result of legislation developed as part of the EU Thematic Strategy for Pesticides. The new legislative regime is expected to put pressure on the availability of pesticide products in the medium to long term as well as focusing attention more closely on the practice, training and certification of those who buy, store or use pesticides.

2. Availability of pesticides

New legislation will change the basis on which pesticide products are authorised. Previously, products were authorised largely on the basis that there was no unacceptable risk from their use. So provided measures could be put in place to contain exposure of people or the environment within acceptable limits, all products were able

to be considered for authorisation. The new legislation is more 'hazard' based, excluding (subject to certain considerations) from the authorisation process any pesticide active substance which possesses certain characteristics (for example if it is persistent, bio-accumulative or toxic). This is expected to result in a reduction in the number of authorised products in the medium to long term.

3. Changes to the regulations covering buying, storing and using of amenity pesticides

New legislation, updating existing controls on the use of pesticides was introduced in July 2012. The key new requirements are:

- a) The obligation for users or those who cause or permit others to use pesticides to give preference to certain types of products and to minimise use (including in amenity areas).
- b) From November 2015 those who buy pesticides authorised for professional use, either for themselves or on behalf of end-users must ensure the user holds a certificate awarded by a designated body demonstrating competence in the safe use of pesticides.
- c) From November 2016 pesticides application equipment must be tested on a regular basis (although exemptions exist for knapsack and handheld sprayers). Equipment must be calibrated and checked on a regular basis.

Key existing requirements will remain. These are:

- a) The need for users to have undergone formal training;
- b) The requirement for those using, handling, storing and disposing of pesticides to take 'reasonable precautions to protect human health and the environment' (some of these obligations also apply to those who cause or permit others to use pesticides); and
- c) to ensure spray is confined to the target area (this obligation also applies to those who cause or permit others to use pesticides).

Guidance will be available in the late summer of 2012 to help those affected by these changes (including contract-specifiers in terms of understand their obligations).

3. Impact of Water Framework Directive (WFD)

The availability of pesticides may also be affected by measures developed to implement legislation such as the WFD. This EU Directive aims to protect, restore and enhance the quality of surface and groundwater, including reducing the amount of treatment required to remove pollutants from raw water to produce drinking water. Water quality standards set as a result of this Directive are very tough and new standards are set from time to time. Where standards are not being met governments are required to take measures to ensure compliance. This could (but does not necessarily) include restricting the way the polluting products are used.

Of note is that water quality standards are currently being considered for the herbicide glyphosate, one of the most frequently used pesticides in the amenity sector.

4. Label information changes

To help users apply product in a more effective and efficient manner and reduce the risk of environmental pollution, the government has recently agreed with pesticide manufacturers new label instructions on applying professional pesticide products to hard surfaces. The labels make it clear that products which act in a 'contact' fashion should only be applied to growing weeds, whereas those which act in a 'residual' fashion should only be applied to those areas in which weeds may grow (e.g kerbs, gaps between paving stones, etc). In general terms, applying pesticides in a 'blanket' fashion to a hard surface is not appropriate and is to be avoided. A link to the new label information changes is available online: [please click here](#)

5. Local authority case study

Given the relatively small number of pesticides available to users in the amenity sector and possible future downward pressure on product availability, it is necessary to consider a range of options for controlling amenity vegetation.

In order to try out the effectiveness and cost of various alternatives, in a 5-year Government funded research project East Malling Research working with Thanet District Council and other stakeholders conducted a research project to test a mix of weed control methods. Although the project still has some 3 years to run, some key findings are already emerging, as follows:

- 1) All methods (chemical, integrated, and non-chemical) can provide an acceptable level of weed control. However, the costs of integrated and purely non-chemical weed treatment programmes are higher than the purely chemical control option.
- 2) Weed emergence is greater at the margins of a path than in the middle, where footfall helps keep weeds down. Spraying on these edges or margins alone, rather than spraying the whole path or pavement, might therefore reduce costs.
- 3) Herbicides enter drains following rainfall. This emphasises the importance of ensuring that whenever possible, treatments take place when no rainfall is forecast.
- 4) There may well be a heavier carbon footprint if using thermal weed control.

For further details on the Thanet project, [please click here](#).

6. Conclusion

All concerned can positively influence the practices of the end-user, by promoting the concept of responsible use. Providing the legal framework, best-practice guidance, and the inclusion of relevant conditions in contracts, are all ways of doing this. All of this is contained in the Code of Practice for Using Plant Protection Products, which despite its title also covers use of herbicides. It is available for download by [clicking here](#).

A simple checklist of key controls provided by the Health and Safety Executive is as follows:

- 1) Minimise pesticide use. Do you need to use pesticides or can an acceptable level of control be delivered by using alternative methods or combinations of methods (cost-benefit analysis)?
- 2) Ensure pesticides are applied by properly trained and competent users.

- 3) Ensure that any site and time-specific risks to human health and the environment have and will be identified and mitigated.
- 4) Ensure pesticides are stored and disposed of according to the regulations.
- 5) Ensure spray application records are kept.

Initial and on-going training and guidance is available for those who use or influence the use of pesticides. Standards schemes are available to help specifiers, managers and contractors meet their obligations. Please contact Kerry Hutchinson at the Health and Safety Executive for further details of this: Kerry.Hutchinson@hse.gsi.gov.uk

If APSE member authorities would like further advice, advisory groups or events to explore these issues further, please contact Debbie Johns at APSE on djohns@apse.org.uk

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