

Overview of the Regulations Controlling Pesticides in the UK

Introduction

Pesticides have significant implications for the food industry. They are widely used by food producers, but have a sensitive public profile and can attract adverse consumer perceptions. Much of the regulatory framework for pesticides is set at European Community (EC) level.

There are three very good sources of detailed information available on pesticides, their regulation and use and the products available. The regulations and the approval of specific products changes frequently so the web sites should be checked for the most up-to-date information. The sources are:

- The Chemical Regulation Directorate (CRD) (formerly the Pesticides Safety Directorate) web site http://www.pesticides.gov.uk/food_industry_home.asp which is updated regularly.
- Guide to Approved Pesticides - 'The Blue Book' (Electronic Copy) available at <http://www.pesticides.gov.uk/publications.asp?id=499>
- "The UK Pesticide Guide 2009" produced annually by BCPC is available as a hard copy or an online resource from <http://www.bcpbookshop.co.uk/>

Below is a summary of the regulations as set out on the CRD web site who we thank for permission to reproduce their information.

Definition of Pesticides.

Under the Food and Environmental Protection Act, a pesticide is any substance, preparation or organism prepared or used, among other uses, to protect plants or wood or other plant products from harmful organisms; to regulate the growth of plants; to give protection against harmful creatures; or to render such creatures harmless.

The term pesticides therefore has a very broad definition which embraces herbicides, fungicides, insecticides, rodenticides, soil-sterilants, wood preservatives and surface biocides among others. A more complete definition and details of pesticides which fall outside the scope of the legislation is given in Regulation 3 of COPR.

Who is Affected by the Legislation?

Anyone who advertises, sells, supplies, stores or uses a pesticide is affected by the legislation, including people who use pesticides in their own homes, gardens and allotments.

The Regulations

Pesticides used on food produced in the United Kingdom (UK) must be approved by Ministers. The Chemicals Regulation Directorate (CRD) of HSE (previously the Pesticides Safety Directorate (PSD)) is the regulatory authority which issues these approvals. You can find out about approved pesticides in the UK on the CRD web site http://www.pesticides.gov.uk/food_industry_home.asp

The law requires that only pesticides approved by Ministers shall be sold, supplied, used, stored or advertised. The Chemicals Regulation Directorate (CRD) of HSE now has responsibility for dealing with pesticide approvals in the UK.

HSE's Chemicals Regulation Directorate is responsible for, amongst other things, the regulation of plant protection products and biocides. That part of the Directorate based in York is responsible for plant protection products used in the following situations:

- Horticulture (e.g. in greenhouses and on parklands)
- Agriculture (e.g. on food crops)
- Forestry (e.g. on trees)
- Home garden (e.g. for amateur use in situations such as on houseplants, garden roses and lawns)
- In or near water (e.g. on river banks to control weeds)

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- Vertebrate control agents (used to protect plants)
- Industrial herbicides (e.g. for land that needs to be kept clear of weeds but which will not be used to grow food)

The plant protection products that are CRD's responsibility are outlined in five pieces of legislation:

1. European Directive 91/414/EEC.
2. The Plant Protection Products Regulations 2005 (as amended).
3. The Food and Environment Protection Act 1985.
4. The Plant Protection Products (Basic Conditions) Regulations 1997.
5. The Control of Pesticides Regulations 1986 (as amended).

Plant Protection Products Regulations (PPPR)

PPPR implements the Council Directive of 1 July 1991 in the UK, concerning the placing of Plant Protection Products on the Market (91/414/EEC). This aims to harmonise the registration of plant protection products throughout the European Community. It is based upon a two-tier registration system with active ingredients being assessed at Community level for inclusion on a 'positive list' and products subsequently being registered by Member States. The Directive includes a provision for mutual recognition of regulatory decisions whereby a second Member State does not need to request any supporting data in order to register a product already registered in another Member State, provided that agronomic, climatic and environmental factors are similar and the active ingredient has been included on the positive list. Control of Pesticides Regulations (COPR) will continue until all existing EC active ingredients are reviewed and placed on Annex I (positive list). PPPR will apply to new active ingredients coming onto the UK market and existing EC reviewed active ingredients that obtain Annex I listing.

Under Directive 91/414/EEC, CRD are responsible for plant protection products. These are defined as active substances or preparations containing one or more active substances, put up in the form in which it is supplied to the user intending to:

- protect plants or plant products against all harmful organisms or prevent the action of such organisms (for example agricultural/horticultural fungicides and insecticides)
- influence the life processes of plants, other than as a nutrient (for example as a growth regulator)
- preserve plant products, in so far as such substances or products are not subject to provisions of Community law on preservatives
- destroy undesired plants or destroy parts of plants or check or prevent the undesired growth of plants (for example herbicides)

The Food and Environment Protection Act

Statutory powers to control pesticides are contained within Part III of (Food and Environment Protection Act (FEPA). Section 16 of the Act describes the aims of the controls as being to:

- protect the health of human beings, creatures and plants;
- safeguard the environment;
- secure safe, efficient and humane methods of controlling pests;
- make information about pesticides available to the public.

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The Control of Pesticides Regulations 1986

The mechanism by which these aims are to be achieved is set out in regulations made under the Act. The Control of Pesticides Regulations (COPR) 1986 (SI 1986/1510):

- define in detail those types of pesticides which are subject to control and those which are excluded;
- prescribe the approvals required before any pesticide may be sold, stored, supplied, used or advertised;
- allow for general conditions of sale, supply, storage, advertisement, and use, including aerial application of pesticides.

The 1986 Regulations were updated by the COPR (Amendment) Regulations 1997 (SI 1997/188) and the text of the Schedules that set out these general conditions can be accessed through **The Applicant Guide**. Similar provisions apply in respect of the **Plant Protection Products Regulations** (as amended) (PPPR). Similar legislation exists in Northern Ireland and the majority of products approved for use in Great Britain are subsequently approved for use in Northern Ireland.

Developing Pesticide Regulation in Europe

The EU Thematic Strategy for Pesticides includes proposals for:

- replacing Council Directive 91/414/EEC with a Regulation concerning the placing of plant protection products on the market;
- a Directive relating to the sustainable use of pesticides;
- a Regulation on pesticide statistics.

This topic is developing rapidly and further information can be obtained from http://www.pesticides.gov.uk/food_industry.asp?id=1980

Further relevant regulations include:

Control of Substances Hazardous to Health Regulations (COSHH) 1994

These regulations cover virtually all substances hazardous to health used in farming, including those pesticides classed as very toxic, harmful, irritant, or corrosive. The basic principles underlying the COSHH regulations is that risk associated with the use of any substance hazardous to health must be assessed before it is used and the appropriate measures taken to control the risk.

More details about COSHH can be found at <http://www.hse.gov.uk/coshh/index.htm>

What is a 'substance hazardous to health'?

COSHH covers chemicals including pesticides, products containing chemicals, fumes, dusts, vapours, mists and gases, and biological agents (germs). If the packaging has any of the hazard symbols then it is classed as a hazardous substance.

Principles of good control practice

The COSHH Regulations define good control practice in schedule 2a as follows:

1. Design and operate processes and activities to minimize emission, release and spread of substances hazardous to health.
2. Take into account all relevant routes of exposure – inhalation, skin absorption and ingestion – when developing control measures.
3. Control exposure by measures that are proportionate to the health risk.



Appendix EC.7.2a (continued)

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4. Choose the most effective and reliable control options which minimize the escape and spread of substances hazardous to health.
5. Where adequate control of exposure cannot be achieved by other means, provide, in combination with other control measures, suitable personal protective equipment.
6. Check and review regularly all elements of control measures for their continuing effectiveness.
7. Inform and train all employees on the hazards and risks from the substances they work with and the use of control measures developed to minimize the risks.
8. Ensure that the introduction of control measures

The Poisons Act (1972)

Certain toxic chemicals are subject to the provisions of the Poisons Act 1972, the Poisons List Order 1982 and the Poisons Rules 1982 which include general and specific provisions for the storage, sale and supply of listed non medicinal poisons.

Toxic chemicals have been segmented. The sale of so-called 'Part I Poisons' e.g. aluminium phosphide, is restricted to registered retail pharmacists and to registered non-pharmacy businesses provided sales do not take place on retail premises. The sale of Part II Poisons e.g. oxamyl, is restricted to registered retail pharmacists and sellers registered with the local authority. Again all chemicals covered by these regulations and currently marketed as pesticides are listed in the "UK Pesticide Guide" <http://www.bcpbookshop.co.uk/> or at Annex C of the CRD Guide to Approved Pesticides <http://www.pesticides.gov.uk/publications.asp?id=499>