



Appendix RC.1

Overview of the Regulations Controlling Pesticide Residues in the UK

Introduction

Below is a brief summary of regulations relating to pesticide residues in the UK. This is a complex subject and it is the responsibility of the grower to ensure they are fully familiar with the requirements on the crops they are growing. More details and further links can be found on the Chemical Regulations Directorate web site at http://www.pesticides.gov.uk/prc_home.asp?id=2624.

The use of pesticides in the UK on food crops and feeding stuffs is limited by statutory controls on their supply and use. As part of the approval process for a specific pesticide, the potential exposure of consumers to residues in food is carefully assessed and uses are only approved if the likely residues present no risk to health.

Pesticides are approved for use on the basis that i) the treatment is applied in accordance with the approved conditions of use and ii) with the relatively small number of treatments which are liable to result in residues, and residues in treated foodstuffs will be at or below agreed maximum residue levels (MRL). This should ensure that any pesticide residues are as low as practicable and are toxicologically acceptable.

Maximum Residue Levels (MRLs).

MRLs are defined as the maximum concentration of pesticide residue (expressed as milligrams of residue per kilogram of food) likely to occur in or on food after the use of pesticides according to Good Agricultural Practice (GAP), i.e. when the pesticide has been applied in line with the product label recommendations and in keeping with local environmental and other conditions). MRLs are trading standards. The MRL setting procedure will however ensure that potential residue levels do not pose unacceptable risks for consumers. It should be noted that the existence of an MRL on a particular foodstuff does not indicate the use of the chemical has been approved for use on that crop in the UK.

Good Agricultural Practice with regard to the use of pesticides can be summarised as the achievement of the desired degree of control of pests, diseases and weeds at an economic cost and with the minimum hazard to operators, agricultural workers, consumers, non-target animals and the environment. A key feature of GAP is the latest time of application or “harvest interval”, which is laid down as a statutory condition for use of a particular product for individual crops. It is quoted on the label in terms of the period which must elapse between the last application and harvesting for human or animal consumption. It is an offence not to adhere to these intervals.

The Regulations

Since September 2008 all statutory MRLs are set on an EU-wide basis, under EU Regulation 396/2005(EC). This Regulation provides a harmonised system of MRL setting, and applies to all foods treated with pesticides after 1 September 2008.

MRLs for individual products can be found on the CRD MRL database at <https://secure.pesticides.gov.uk/MRLs/search.asp> If a pesticide is not included in any of the Annexes the default MRL of 0.01 mg/kg applies (Art 18(1b) of Reg. (EC) No 396/2005).

The Annexes to Regulation 396/2005 specify the MRLs and the food commodities to which they apply. All substances acting as pesticides are subject to these Regulations, whether or not they have authorised uses within the EU.

Annex I is the list of products to which the MRLs apply. Annex I has been established by Commission Regulation (EC) No 178/2006. It includes 315 food commodities (a larger variety than before), incorporating fruits, vegetables, spices, cereals, and animal products. MRLs are not yet set for fish and animal feeds, but these are expected to be added in the future.



Appendix RC.1 (continued)

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Annex II is the list of EU definitive MRLs and it consolidates the EU legislation in place before 1 September 2008.

Annex III is the list of the so-called EU temporary MRLs. It is the result of the harmonisation process as it lists pesticides for which, before 1 September 2008, MRLs were only set at national level.

Annex IV lists pesticides for which no MRLs will be set because the residues resulting from pesticide use cannot be distinguished from levels arising naturally.

Annex V will contain the list of pesticides for which a default limit other than 0.01 mg/kg (see below) will apply. This Annex has not been developed yet.

Annex VI will contain the list of conversion factors of MRLs for processed commodities. This Annex has not been developed yet.

Annex VII contains a list of pesticides used as fumigants for which the Member States are allowed to apply special derogations before the products are placed on the market. The current listing for this Annex is published under Commission Regulation (EC) No 260/2008.

In addition to statutory EU MRLs, international non-statutory (Codex) levels are set for a wide variety of pesticide/commodity combinations. The Codex Alimentarius Commission (CAC) (responsible for setting Codex MRLs) is an international body that aims to protect the health of consumers, ensure fair trade practices in the food trade, and promote co-ordination of all food standards work undertaken by international governmental and non-governmental organisations.

Where produce is marketed within the EU it is the EU MRL that must be complied with (including, where appropriate, any default level that applies).

The Monitoring of Pesticides Residues

Producers

The Red Tractor Fresh Produce standards require produce to be included in a pesticide residue monitoring scheme. If produce is found to exceed an MRL at any point in the supply chain, the further placing on the market, distribution and marketing of the produce is an offence, so action must be taken by the party or parties concerned to discontinue further placing on the market, distribution or sale. If a party finds an exceedance they must act; they cannot rely on others involved in production distribution or sale to take the action required. This is separate to any action Regulatory authorities may take.

The action requires an investigation of the cause of the exceedance and the implementation of procedures to prevent further exceedances. Further testing of produce may be required before marketing can resume.

Pesticides Residues Committee

The Pesticide Residues Committee (PRC) carries out monitoring of both home produced and imported food for pesticide residues. The surveillance programme takes the form of rolling surveys of 35 - 45 different foodstuffs each year giving a total of about 4,000 samples which are analysed for appropriate residues. The purpose of this monitoring is threefold:

- to back up the statutory approvals process for pesticides by checking that no unexpected residues are occurring in crops;
- to check that residues do not exceed the statutory Maximum Residue Level; and
- to check that human dietary intakes of residues in foods are within acceptable levels.



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MRL exceedances fall into two broad categories. First, many exceedances are 'one-offs' which appear to be an isolated finding. However, sometimes, repeated exceedances may be found in a single survey or in successive surveys of the same commodity. This suggests either that the pesticide approval does not give residues consistent with the MRL, or that there is misuse by growers. The former is rarely, if ever, the case with UK approvals. A series of possible actions are available in response to any findings of concern:

- The brand owner for any sample containing a residue above the MRL or of a non-approved pesticide (UK samples only) is notified of the result and asked to investigate the cause.
- Details of imported samples exceeding the MRL are notified to the authorities in the exporting country.
- If the residues found are a health concern an immediate notification to other Member States, is made using the EU's Rapid Alert System for Food and Feed (RASFF).
- In serious cases involving another EU member state inspectors from the European Commission's Food and Veterinary Office will mount an inspection visit to investigate the problem.
- If illegal use is suspected, for UK produce, enforcement action is undertaken involving the collection of samples, with a view to prosecution if breaches of the regulations are found.