

# UK public consultation on EU pesticide legislation

*The UK Government has just launched a public consultation on how European Union pesticides legislation should be being implemented. This legislation could result in significant changes to the way pesticides are used in the UK and lead to better protection for the public and the environment from the negative effects of pesticides. Nick Mole reports.*

Two main pieces of pesticide legislation were agreed on at the EU Council of Ministers in September 2009: a Regulation on the Placing of Plant Protection Products on the Market, and a Directive on the Sustainable Use of Pesticides. The Regulation is a binding piece of EU law that must be adhered to by all Member States without change. It lays out the requirements for approval of active substances at EU level. It introduces a hazard-based approach to approvals and will eventually lead to the removal of some of the most hazardous pesticides from use within the EU.

The Directive lays out a number of requirements that all EU Member States must implement within a set time frame. The Directive is mainly concerned with how pesticides can be used in EU Member States. Since it is a Directive and not a Regulation there is room for each Member State to

implement the requirements as they see fit, so long as their plans meet the spirit of the Directive. Member States are free to decide which implementation measures are put in place as voluntary guidelines, statutory requirements or a mixture of the two approaches.

## Public consultation

On 9 February the UK Government launched a public consultation<sup>1</sup>. The public consultation is predominantly focused on the implementation of the Directive. The chief requirement is for the creation of National Action Plans (NAPs) to guide the pesticide policies of Member States in the coming years. The UK already has a pesticides strategy and a number of implementation groups working on key areas of the strategy. It is likely that the new NAP will in

essence be a revamped version of the current national strategy with some additions to include extra requirements from the Directive<sup>2</sup>.

The consultation is clearly presented and allows stakeholders to respond to all of it or just the parts that particularly concern them. Each of the Articles of the Directive that require implementation have been presented separately with details of the requirements, a note on the present situation in the UK, three options for implementation (do nothing, make some minor changes or 'gold plate' existing measures), a set of questions relating to the Article and space for any other comments. Consultation responses can be submitted online or by post, but must be received by 4 May 2010.

PAN UK has identified four key points which, if implemented fully, will increase public and environmental protection.

## Key points

### Prior notification of the public

Chapter 6 of the consultation which deals with a provision under the Regulation rather than the Directive gives Member States the option to implement a system to notify the public in advance of spraying. A compulsory advance notification scheme has been discussed for many years in the UK and was suggested by the Royal Commission on Environmental Pollution report on crop spraying and the health of residents and bystanders published in 2005<sup>3</sup>. The UK government has consistently avoided developing such a system mainly on the grounds of possible costs to farmers and a lack of interest from the public.

However, PAN UK believes that in the interests of transparency, fairness and common decency it should be mandatory that the public is informed about what, where, when and why pesticides are being sprayed in areas where they may come into contact with them. A system to give people prior notification should not apply solely to agricultural settings but be mandatory for all spraying.

The public should also have full access to information regarding past spraying events. This could help in determining acute and chronic ill health effects of pesticide exposure if the person affected could provide details of what they have come into contact with and when it happened to medical professionals.

### Pesticide use reduction targets

Article 4 requires Member States to: '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'.

This would allow the UK to set reduction targets for specific pesticides with potential health or environmental effects. An approach of this nature, rather than an overall target for reduction of use of all pesti-

areas and, in contrast to western populations the rate is higher among women than men<sup>10</sup>.

The results from this study come from a survey carried out in China, but the pesticides themselves are widely available in many countries and the issues arising apply just as strongly elsewhere. More research is needed in this area – in particular, studies which include direct measures of a person's exposure (such as, from blood tests) and environmental levels (such as, from soil samples or water samples)

## References

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4. Fleming L, Mann JB, Bean J, Briggie T and Sanchez-Ramos JR, *Parkinson's disease and brain levels of organochlorine pesticides. Annals of Neurology* (1994) 36: 100-103.

5. Stallones L and Beseler C, *Pesticide poisoning and depressive symptoms among farm residents. Annals of Epidemiology* (2002) 12:389-94.

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More detail of the research is available at: <http://www.who.int/bulletin/volumes/87/1/0/08-054122/en/index.html>

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cides, would be the most effective way to reduce the potential for harm from those substances thought to be most hazardous.

In the first instance the UK should agree to an accelerated phase-out of those actives identified by the EU Commission as being carcinogenic, mutagenic, reprotoxic or endocrine disruptors. These actives will eventually be taken out of use as a result of the EU Regulation but from a precautionary standpoint an accelerated phase out would help in protecting the public.

A target should also be set for reducing the use of any active that is thought to have the properties mentioned above but has not been identified as likely to be taken out of use as a result of the new Regulation.

There should also be targeted use reductions for actives thought to be detrimental to biodiversity. In particular reduction targets for the use of actives that harm pollinators should be a priority target for the UK.

### Protection of specific areas

Article 12 requires Member States to: '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.'

PAN UK believes that this was one of the most important inclusions in the Directive. If implemented by a complete ban on the use of pesticides in places such as parks, schools and hospitals this could significantly reduce exposure to pesticides of vulnerable groups.

This is not an impossible ambition and there is growing concern about the levels of exposure, particularly for children, as was highlighted in a recent report by the Health and Environment Alliance and PAN UK on pesticide use in schools<sup>4</sup>. Non-chemical methods would be suitable for most areas and if there were a need to treat invasive species or a particular risk to public health that could not be dealt with by means other than pesticides, essential use derogations could be employed.

### Integrated pest management

Article 14 requires Member States 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 1st January 2014
- establish appropriate incentives to encourage users to implement voluntary

## Atrazine review reopens in US

Atrazine was invented by Syngenta and first marketed in the US in 1959. Since then it has become a mainstay for US corn growers. An estimated 34,700 tonnes are used in the US each year of which 86% is sprayed on corn.

However, atrazine is also one of the most commonly detected pesticides in US ground and surface water and many scientists are increasingly concerned about its human health and ecosystem impacts. Between 1998 and 2003 seven million people in the US were exposed to atrazine in their drinking water at levels above state or federal health limits. Atrazine has been found in 80% of streams and 40% of groundwater tested. It is known to disrupt hormone systems in the body.

In defence of atrazine Syngenta and its allies have attempted to undermine scientific reports related to its health and environmental impacts in an attempt to keep this highly profitable herbicide on the market. Two scientists in particular, Tyrone Hayes and Paul Wotzka, have borne the brunt of their efforts.

Meanwhile farmers in a number of countries are growing corn profitably without atrazine. In fact, since atrazine was banned in Italy and Germany in 1991 corn yields have increased. Recent analyses estimate that dropping atrazine would reduce yields by 1% at most.

Atrazine underwent a lengthy legal review during the 1990s in the US and was finally approved for continued use in 2003.

crop or sector specific guidelines.

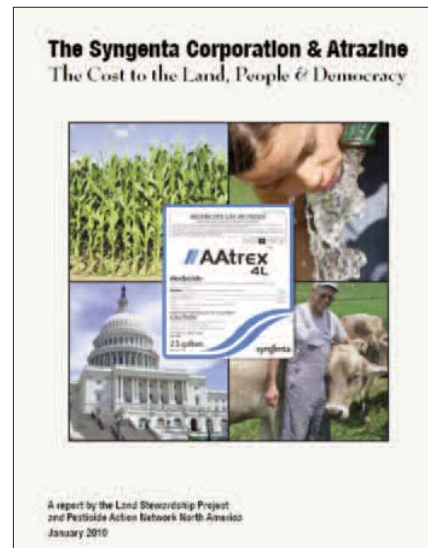
Despite some voluntary schemes in the UK such as LEAF<sup>5</sup>, integrated pest management (IPM) is not widely used in the UK. There are no incentives from government for farmers to adopt IPM practices and there is little or nothing in the way of practical research, extension services for farmers or amenity operators, or provision of information to the public on what IPM principles and best practise involves.

IPM should be at the heart of agriculture and amenity pesticide use within the EU and if adopted and supported could significantly reduce reliance on chemical pesticides.

### Conclusion

PAN UK is calling on the UK government to support IPM and to go further than the requirements of the Directive. In particular PAN UK would like to see a proactive IPM advisory and research team created and the development of training and extension services for developing knowledge and information on IPM methods for all professional pesticide users.

PAN UK welcomes this public comprehensive consultation. However, this is only the beginning of a process. Once this initial consultation has finished the government will consider the responses and present them



However, in October 2009 the US Environmental Protection Agency reopened an examination of atrazine's risks.

Two US NGOs, the Land Stewardship Project and the Pesticide Action Network North America, have produced a new report on atrazine summarising its impacts, the efforts of agribusiness to discredit science critical of atrazine, and the work of several US farmers growing corn without atrazine.

Land Stewardship Project and Pesticide Action Network North America, *The Syngenta Corporation & Atrazine*, 2001, [www.landstewardshipproject.org/pdf/AtrazineReportJan2010.pdf](http://www.landstewardshipproject.org/pdf/AtrazineReportJan2010.pdf)

to relevant Ministers for their input. Reports summarising the responses will be published by August 2010. Following this the parts that need to be transposed into law will be identified and the process for adopting them into UK law will begin. The Directive must be implemented by November 2011.

Anyone interested in UK pesticide regulation should respond to this consultation. It is an opportunity to make significant improvements to the pesticide regulatory system in the UK and to help ensure better protection for people and the environment from the harmful effects of pesticide use.

Full details of the consultation including instructions on how to respond can be found on the DEFRA website: <http://www.defra.gov.uk/corporate/consult/pesticides/>

A full copy of PAN UK's response is available at [www.pan-uk.org](http://www.pan-uk.org) (NM).

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2. [www.pesticides.gov.uk/environment.asp?id=70](http://www.pesticides.gov.uk/environment.asp?id=70)
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5. [www.leafuk.org](http://www.leafuk.org)