

Consultation on the Thematic Strategy for Pesticides

Response from The British Crop Production Council

Proposal for a new Directive on the sustainable use of pesticides

The introduction of a pan-European framework encompassing all aspects of the practice of crop protection and its consequences focuses attention on the issues of scale and local freedom of action.

Recognition of the challenges posed by scale in turn focuses attention on the need for efficient knowledge and information transfer together with an effective programme of continuing professional development (CPD) for all involved with crop protection and crop production.

The UK is well placed with regard to best practice achieved by reasonable balance between voluntary measures and science based regulation so it is essential that this balanced approach is not lost. It is also important to recognise that in practice many issues and decisions are best addressed **locally** rather than regionally or nationally. While a typical chemical store can be defined by regulation there is no such thing as a typical farm or even a typical field. This means that while certain parts of the proposal could be applied on a pan-European basis quite satisfactorily, others most certainly could not.

With the provisos given above, the introduction of a national action plan, soundly based on risk assessment and the possibility of further risk reduction, is supported provided that local discretion is favoured over national prescription.

Testing of application equipment

Do you have any comments on the proposal for compulsory testing of application equipment and accessories (for example, the principle, implications of definitions used, implementation timescales, lack of any reference to re-testing and appropriateness of the requirements listed in Annex II)?

The **principle** of compulsory testing of application equipment at regular intervals in all member states is, at first sight, persuasive and supported, but boom and air assisted sprayers are the only types of equipment properly covered in Annex II of the proposal. Any attempt to include all types of application equipment in a compulsory testing scheme would be time consuming (including the need to develop appropriate standards) and disproportionately costly.

Within the UK, the National Sprayer Testing Scheme is working well (but equally does not aim to cover all sprayer types) and would stand as a good model for other member states.

The need for readily accessible testing facilities for sprayers is important, but any move toward compulsory use of laboratory patternation as a key test measure is viewed as impractical.

Training of users, distributors and advisors

Do you have any comments on the proposal for compulsory training and certification of all users, distributors and advisers (for example, imposing new requirements on those selling both amateur and professional products, definitions used, lack of any reference to continuing professional development, implementation timescales and appropriateness of training requirements listed in Annex I)?

Within the UK, distributors selling pesticides and giving advice are already trained and certificated as a requirement of their employment, as are the majority of pesticide users. While certification is not a requirement for advisors and consultants, the majority do participate in training and certification programmes. The proportion of pesticide users that is not certificated will continue to diminish so that the making of training mandatory would be a comparatively small step and is supported.

The proposal as it stands would set standards below those currently achieved in the UK by training certification and a well established system for CPD.

Additionally what is your view on the possible phasing out of 'grandfather rights'?

The phasing out of 'grandfather rights' would be a comparatively small step and is supported.

Special measures to protect the aquatic environment and sensitive areas

Do you have any comments on proposals to protect the aquatic environment (for example, more flexible use of buffer zones where pesticides are used and stored (in particular on safeguard zones established under the Water Framework Directive) and possible measures to limit aerial drift and minimise applications in higher risk amenity situations)?

Any such measures must be based on risk reduction with due provision for necessary control of noxious or invasive weed species, pests and pathogens, particularly in buffer strips. Considerable attention needs to be paid to point source pollution which has emerged as a more serious threat to water quality than spray drift.

Do you have any comments on proposals to minimise or prohibit use in public spaces and special conservation areas?

The use of terms such as "prohibited" and "restricted" cause concern because the UK has adequate Acts and Regulations to provide effective protection in such areas and the focus should be on well trained advisors and operators using properly maintained, correctly calibrated equipment to apply approved products.

Lack of access to a range of appropriate products could lead to major problems in the control of aggressive or even resistant weeds, e.g. Japanese Knotweed. The measures proposed could lead to monocultures of aggressive weeds. Maintenance costs for weed control in many public areas could become unacceptably high.

Promotion of Integrated Pest Management (IPM) techniques

Do you have any comments on the proposal to promote greater use of low input/integrated pest management (IPM) techniques?

BCPC is, and always has been, thoroughly supportive of IPM techniques in terms of both science and practice over a long period. For the UK a considerable body of scientific and technical information is available through a variety of channels including decision support systems, assured produce schemes and crop specific IPM protocols.

Promotion of IPM to farmers and growers is, therefore, already established.

Promotion of the concepts and practice of IPM to a public accustomed to think in only in terms of conventional (intensive) farming versus organic production is a considerable challenge which requires resources on a much larger scale.

Monitor progress through the calculation of risk indicators

The establishment of properly calculated risk indicators *de novo* (as opposed to adapting or adopting existing or easily collected data sets) that generate relevant outputs at an appropriate scale is supported, but any attempt to develop pan-EU harmonised indicators would serve no useful purpose. The same stricture would apply to any resort to aesthetics or nostalgia.

Proposal for a Regulation on pesticide authorisations (plant protection products)

Directive 91/414/EEC is based on sound science, is soundly drafted and comprehensive with respect to human and environmental safety. There would thus be considerable merit in using 91/414/EEC as a core document and incorporating necessary changes rather replacing it totally with a new instrument. The proposed simplified provision for the approval of certain 'low risk' and 'basic' substances is one such addition that would be welcomed.

The creation of three authorisation zones covering all member states

Do you have any comments on the proposal to replace national authorisations for plant protection products with three authorisation zones covering all member states?

Zonal and Mutual Recognition should reduce the workload of Regulatory Authorities and Crop Protection Companies and at the same time allow Member States to take national environmental conditions into account. The duration of the authorisation procedure is likely to decrease.

However, we have serious reservations about the assumption that three zones could adequately represent the underlying complexities inherent in crop protection in practice across the EU, given that even the UK is far from homogenous in this respect. The principle is attractive, but the devil will be in the detail of its implementation.

The Draft Regulation replacing 91/414/EEC reinforces Mutual Recognition at re-registration stage after Annex 1 inclusion. The holder of an authorisation could apply for an authorisation **for the same plant protection product and for the same use** in another Member State in the same zone (and in the EU for post harvest uses and glasshouse use) under the Mutual Recognition procedure. Mutual Recognition would not apply to plant protection products containing a candidate for substitution.

Mutual Recognition will be helpful where products containing Annex 1 active substances are registered for the crop/use combination in EU Member States in the proposed Central Zone, but not in the UK. The number of pesticides available would increase, particularly for minor uses. Mutual Recognition is part of 91/414/EEC and its use is increasing as confidence in evaluations by regulatory authorities in other Member States builds. In the UK, Crop Protection Companies report that the system is efficient.

Member States may grant an extension of authorisation for pesticides already authorised for a minor use on a crop that is not widely grown in that Member State or on a widely grown crop to meet an exceptional need (Article 49) and this would not change under the new proposed regulation.

This provision will continue to be very useful to the UK and help other Member States that have not had the benefit of a similar system to UK Specific Off-Label Approvals (SOLAs). The MS List of Minor Uses could also help to identify sources of residue data for minor crops and the possible potential for data sharing.

New criteria for approval of active substances including toxicity and environmental ‘hazard triggers’

Can you support the introduction of hazard triggers for active substances provided the approach is proportionate?

Soundly based scientific risk assessment should remain sacrosanct and totally immune from any use of hazard based cut-off criteria no matter what the drivers behind them might be.

The introduction of provisions on ‘comparative assessment and substitution’ of products

Can you support the introduction of comparative assessment and substitution of products provided the rules are clear and the approach is proportionate?

These proposals provoked strong reactions from all sectors.

Comparative assessment at farmer level does not appear to be an option in the draft regulation, but is preferred by both the UK Advisory Committee on Pesticides and by organizations representing farmers and growers. Farmers are in the best position to assess local conditions and decide on the most appropriate crop protection solution. There are label warnings and EIS sheets and UK users are already required to do assessments including those imposed by retailers, particularly for fruit and vegetable production.

Comparative assessment and substitution will be based on pesticide and not on crop/use combination. The minor crops, particularly fruit and vegetables, are dependent on several ‘older’ pesticides developed for niche markets - these products are likely to be candidates for substitution when new actives are developed for the

large cereal market. The costs of generating residue data for new substituted actives where they are safe (borne by the UK industry through HDC) and metabolism studies for different crop groups will be considerable.

It is not clear whether the candidate for substitution would be withdrawn from use on all crops or whether an economic/resistance case could be made for certain crops if there were no alternative and if, for example, there could be crop rejection resulting from reduced quality. Clause 5 of Annex IV of the Draft Regulation regarding 'significant practical or economic disadvantage to the user' and 'minimise occurrence of resistance' **appears** to be helpful to minor uses where no new alternatives are available for control. **However, it is very unlikely that manufacture would continue where a candidate product for substitution is withdrawn from a major use.**

There will be increased reliance on, and use of, fewer remaining products with increased environmental and human exposure. For example, this may lead to increased levels of individual substances in drinking water (e.g. replacement of triazine use on rail-tracks by diuron has replaced one problem with another).

New provision that users may have to inform neighbours before a product is applied

Do you have any comments on the provision that users may have to inform neighbours before a product is applied?

A general requirement to inform neighbours **before** sprays are applied is not seen as a practical measure bearing in mind the activity is weather dependent and often timed for very early morning. There is, however, considerable scope for developing better communication with neighbours and for greater openness when operated at the local level.

Abolition of provisional authorisations for new active substances

Do you have any comments on the proposal to abolish provisional authorisations for active substances?

National Provisional Authorizations have been useful in the UK and have allowed farmers and growers to have quicker access to new, safer products – following an evaluation in line with current EU rules. The Commission deemed them unnecessary because: there are no special arrangements for provisional authorisations in some Member States where the process is less efficient, under new EC Regulation on Maximum Residue Levels (396/2005/EC) NPAs are not supported, and Annex 1 inclusion decision will be within 2 years.

The Commission's view that all the relevant active substances will be included in Annex 1 within two years is considered to be over-optimistic.

The best outcome for the UK farming industry would be to continue to allow National Provisional Authorisations after the Draft Assessment Report and temporary MRLs could be set. It would encourage continued investment in new substances. Loss of NPAs may have a negative impact on availability of pesticides by delaying decisions for new actives pending a decision on Annex I listing.

Simplified provisions on data protection and data sharing, including rules for sharing vertebrate studies

Can you support the simplified provisions on data protection and data sharing?

There is general agreement with mandatory sharing of vertebrate data.

The European Crop Protection Association had reported that there may be a reduction in pesticide development in the future as a result of cost/patent arrangements in the draft regulation and this is likely to affect all UK crops except wheat and maize. The ECPA proposed an increase in the exclusive use data protection period for both new active substances and existing active substances (so that it would be in line with the Biocides Directive and REACH). A study by Phillips McDougall for the ECPA suggested that active substances with a market value of below €20 million per annum **could** be lost from the EU market in future if the current Commission proposal is implemented. The impact appears to be greater on those substances that have their main uses in fruit and vegetables.

Data protection is essential to encourage continued innovation and investment in research and development. A revised data protection system with forced data sharing could greatly affect the willingness of companies to support active substances in the future. This could have a considerable effect on availability of pesticides for farmers and growers.

Omissions from the Draft Regulation

a) Provisions on 'parallel imports'.

b) Provisions to control pesticide treated seed.

It is vital that control will not further reduce options for growers reliant on imported seed from the EU. Many existing treatments are viewed as safer to the consumer.

c) Additional data protection for pesticide products for minor crops.

Of the 967 active substances in the 91/414/EEC Review process (as of June 2006), 45% were not supported across the EU. The impact on minor crops is considerable and the scale of the problem perhaps unforeseen by the Commission.

Inadequate data protection under 91/414/EEC is an issue for Crop Protection Companies and may restrict development. Additional data protection would encourage Companies to add minor crops to labels or generate data needed for SOLAs. The USA IR 4 project has a useful solution for minor uses, as has Australia.

Note BCPC endeavours to provide a balanced view on all issues associated with crop protection and crop production. However, in order to prevent conflict of interest, members of the BCPC Council who have direct responsibility to the Government have not been asked to contribute, as individuals or on behalf of their organisations, to the preparation of this particular communication. They will receive a copy of the final version along with all other Council and Board members.

Dr John Fisher
Chief Executive, BCPC

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Email: gensec@bcpc.org

Annex

THE BRITISH CROP PRODUCTION COUNCIL (BCPC)

BCPC brings together a wide range of organisations involved in the science and practice of crop production as a network.

BCPC represents the interests of Government departments, the agrochemical industry, farmers' organisations, the advisory services and independent consultants, distributors, the research councils, agricultural engineers, environment interests, consumer opinion, training and overseas development.

In addition a far wider range of organisations contribute to the work programmes of expert Working Groups. These currently include Working Groups focused on Weeds, Pests & Diseases, Applications, Seed Technology, and Sustainable Production Systems. A Science Strategy Group co-ordinates the work of the Working Groups.

The corporate members of **BCPC** currently are:

- Agricultural Engineers Association
- Association of Applied Biologists
- Association of Independent Crop Consultants
- Biotechnology and Biological Sciences Research Council
- Crop Protection Association
- British Institute of Agricultural Consultants
- British Society for Plant Pathology
- Campden & Chorleywood Food Research Association
- Department of Agriculture and Rural Development – Northern Ireland
- Department for Environment, Food and Rural Affairs
represented by Pesticides Safety Directorate.
- Environment Agency
- Imperial College, London
- Lantra
- National Association of Agricultural Contractors
- National Farmers' Union
- National Consumer Federation
- National Institute of Agricultural Botany
- Natural Environment Research Council
- Scottish Executive Environment and Rural Affairs Department
- Society of Chemical Industry – Pest Management Group

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British Crop Production Council
7 Omni Business Centre
Omega Park
ALTON
GU34 2QD

Tel: +44 (0) 1420 593 200
Fax: +44 (0) 1420 593 209
Web: www.bcpc.org
Email: gensec@bcpc.org