

- A 2 stage review system as now with actives reviewed at a European level and products at a Member state level. This is similar to the existing Directive EC/91/414
- Active ingredients reviewed using a mixture of hazard based cut-off criteria and risk assessments and placed on a central list if accepted (as in Annex 1 for EC/91/414) with a 10 year approval period normally being given.
- Hazard based assessment covers carcinogens, mutagens, substances which are toxic for reproduction, endocrine disruptors and some environmental criteria e.g. persistent organic pollutants (POP).
- Most of these use accepted international definitions except endocrine disruptors for which no accepted international definition currently exists
- For endocrine disruptors a temporary definition has been accepted for up to 4 years whilst a new definition is developed.
- The only exceptions to the cut-off criteria would be in cases of negligible exposure and a possible derogation for 5 years at Member State level
- Derogation would only cover selected cut-off criteria, be renewable but require Council agreement.
- Risk based assessments for immunotoxicity, neurotoxicity and bee safety
- Products reviewed at Member State level.
- However now a zonal system with 3 zones has been adopted. Once approved within 1 Member State in the zone it will be approved in all countries within the zone except if a MS has specific reasons to opt out. .
- A second new step in the process where products containing active ingredients judged to be higher risk are then compared with the alternative control methods (chemical and non-chemical) and if safer options are available will lose their approval.
- In this process the actives identified as higher risk, which must happen within 4 years, would receive approval for 7 years only.
- Then any product containing one of these actives would need to go through the comparative assessment process at MS level. How this process will happen is still being determined but cost, efficacy and risk of resistance must be considered in the process. As a different comparison will have to be done for each use (e.g. crop or pest) the total number of comparisons is potentially huge. An additional problem is the lack of data on non-chemical methods.
- Specific rules for basic and low risk substances i.e. easier registration
- Some measures e.g. extended data protection to support minor uses as the concern over lack of product availability has been recognized for minor crops.
- More strict timelines and a faster and more harmonised registration process

2. Sustainable Use Directive

This covers the pesticide sale and use phase and is the first European legislation covering this area.

Areas covered in the Directive include:

- Requirement for a National Action Plan setting out targets and plans for risk (or use reduction) – CRD have clearly indicated the UK will use risk reduction.
- Sprayer testing with a requirement for a tests every 5 years up until 2020 then every 3 years. Knapsacks and small sprayers may be exempt from this.
- A requirement for spray operators to undertake both initial and continual training
- Aerial application – with further restrictions on this but no outright ban
- Notification of neighbours – at Member State discretion
- Increased use of Integrated Pest Management
- Requirement for staff selling pesticides to have a relevant certificate
- Minimization or prohibition of use of pesticides in areas used by the general public e.g. parks and sports grounds

What happens next?

We are now in to the implementation phase. A very heated debate took place during the development of the legislation and the end result was a compromise. The Regulation applies equally throughout Europe but the Directive can be implemented in different ways. A consultation is expected now shortly on how the UK will meet the requirements of the Directive.

1. Timescale for the legislation to enter force

The Regulation enters force 18 months after publication e.g. May 2011

For the Directive, Member States have a maximum of 2 years to introduce measures to meet the requirements of the Directive. Although it is possible that this would happen before the 2 year period in the UK this is unlikely to be the case.

2. When will products be lost?

Each active reviewed under 91/414 was given a 10 year approval. They will then be reviewed under the new system at the end of the 10 year period. As most actives went through 91/414 in 2006-08 this means that most will be reviewed in 2016-18. However some important actives come up earlier in the process e.g. pendimethalin in 2013. Additionally it is possible that some actives will be reviewed together (e.g. triazoles) which may alter the timing.

3. What will the Impacts be?

- a) **The Registration Regulation:** the switch to the hazard based system and the comparative assessment process will lead to the loss of further actives ingredients. It is not possible to know exactly which ones will be lost until each individual active goes through the new review process. Estimates of the substances most likely to be lost have been made by PSD (see [http://www.pesticides.gov.uk/uploadedfiles/Web_Assets/PSD/Revised_Impact_Report_1_Dec_2008\(final\).pdf](http://www.pesticides.gov.uk/uploadedfiles/Web_Assets/PSD/Revised_Impact_Report_1_Dec_2008(final).pdf)) and a table based on this is attached. The best estimate for the number of substances likely to be lost is 15-25% in the UK.
- b) **Sustainable Use Directive:** the requirements for this are already largely met in the UK by existing legislation and voluntary measures. The exact requirements of this have yet to be finalised and will be influenced by the forthcoming consultation. However some farmers who have not participated in voluntary measures may now have to undertake measures like sprayer testing and spray operator training.

What did the NFU achieve in the lobbying process?

Among the proposed measures thrown out during the process were:

- Usage cuts of 50% within 10 years
- A pesticide tax
- Requirement for large buffer zones alongside all residential areas
- A total ban on spraying in all public areas
- Large buffer zones alongside watercourses
- Additional cut-off criteria covering bee safety, neuro and immunotoxic substances etc
- Removal of the derogation
- Candidates of substitution approved for 5 years only and non-renewable

There is no doubt that without co-ordinated lobbying by the entire food chain in the UK things would have ended up far worse.

Why was more not achieved?

Despite widespread support across the whole food chain and excellent support from the UK government the biggest problem was the lack of support in other Member States. The reason for this are numerous and complex but include political situation in countries (France has a current environmental agenda, Denmark has gone down a pesticide reduction route for many years), power of the supermarkets and NGOs in some countries (e.g Germany), lack of awareness of the impacts (some southern Mediterranean states) and combinations of these.

What is the NFU doing now?

As we are now in the implementation phase the focus has switched away from lobbying MEPs and UK representatives on Council to ensuring the legislation is implemented in the most sensible and practical way as possible and ensuring funding is found and work co-ordinated to find replacement control methods, be they chemical or non- chemical options, for those key pesticides which are likely to be lost.

Specific Examples:

Working with AHDB and its sector companies identify the gaps in the existing armoury and priorities research work to identify options. This will focus on horticultural crops working closely with HDC. Working to ensure voluntary measures are accepted as the key measures for meeting the requirements of the Sustainable Use Directive by working closely with CRD and Defra. Ensuring the requirements for Integrated Pest Management remain practical and do not exceed the requirements of the Directive.