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Public consultation of the Scientific Panel on Plant Protection Products and their Residues (PPR) regarding the development of a new guidance document on emissions from protected crop systems (e.g. greenhouses and cultivations grown under cover) for assessments under Council Directive 91/414/EEC

The NFU represents some 55,000 growers and farmers, including growers of protected crops with which this consultation is concerned. We have consulted with our members and the following represents the consensus reached as a result of the opinions that have been expressed.

Our comments on the chapters/sections of the Draft project plan for the development of a new guidance document on emissions from protected crop systems are as follows (our comments follow the same numbering system as the draft project plan):

0 General comments on the project plan

In identifying potential emission routes, the UK horticultural industry has funded some work in the past looking at irrigation (and hence pesticide) run-off from brassica propagation glasshouses (concrete and polythene covered floors). The study was unable to detect significant levels of run-off solution, so the risk of any potential problem was considered to be very low in this particular situation. This report should be available from the Horticulture Development Company (<http://www.hdc.org.uk/>).

2.2 Relations to other projects and external partners

Lines 41-43 refer to consultation and communication with stakeholders. The NFU represents the interests of more than 1,100 grower businesses using protected crop systems in the UK. As such, the NFU would like to be a part of future EFSA consultation and communication with stakeholders on this issue.

2.4.1 Background

Lines 50-54, and 57-59, make reference to the Directive 91/414/EEC. The project Working Group will need to keep up to date on the current form of the proposed Regulation Placing Plant Protection Products on the Market, which is set to replace the existing 91/414 Directive. While these proposals may not impact upon the focus of the project directly, they will certainly impact upon the relevance of this work, as they could result in the loss of all the 'protected crop only' active ingredients which have prompted this project to be undertaken.

2.4.3 Aim of the project

Line 76 comments on what is and what isn't a covered cropping system. The project plan does not make the excluded practices as clear as in the 'Supporting document for background information: Examples of protected crop systems'. To clarify, the NFU supports the comments in the supporting

document, and considers that crops grown under floating fleece or perforated polythene temporary covers (as widely used on many UK vegetable and some soft fruit crops) should not be included as part of this project.

Lines 78-79 talk about identifying the relevance of emission routes for 'classes of covered systems'. When determining these 'classes', the Working Group must take into account the wide variation in the performance of constructions. For example, there will be new glasshouses that are effectively closed systems, and there are older glasshouses that could not be considered closed systems.

Line 97 makes reference to the distinction between permanent and temporary structures. In the UK there has been considerable discussion in recent years regarding the issue of 'permanence' of polytunnel structures (walk-in tunnels). This discussion has formed part of a wider UK debate on agricultural planning policy.

Whether or not a polytunnel is treated as a temporary or permanent structure is always a matter of fact and degree, which would be determined on the particular circumstances of each case. The determination is made on the basis of a few factors, including size, permanence, degree of physical attachment, and physical alteration to the land.

In general, the majority of polytunnels in the UK are judged to be temporary structures. However, there are some circumstances where growers would seek for polytunnels to be regarded as permanent structures, such as when the extent of the infrastructure and degree of physical attachment is significant, e.g. some substrate systems (soilless/bag culture systems).

Clearly, from a UK polytunnel perspective, it would not be possible to apply a definitive 'permanent or temporary' classification, as this varies from case to case. This is supported by the UK Government's (Department for Communities and Local Government) current position that states that the planning status of a particular polytunnel (i.e. whether or not it is a permanent structure) should be assessed on a case by case basis.

Clearly, the degree of permanence of any structure will have a direct impact on extent of the potential risks to the environmental compartments surrounding it. So the length of time it is *in situ* is an important consideration for the purposes of this project. However, the example above shows how the label of 'permanent' or 'temporary' can to be applied on a structure by structure basis.

Line 103 comments that organic and 'conservation' agriculture practices are not to be considered within this project. Considering that organic production uses Plant Protection Products covered by Directive 91/414/EEC, and that these products are used with the same kinds of constructions, cultivations systems, and application methods as with non-organic crops, the NFU can see no justifiable reason not to include organic practices within the scope of this project. We do not understand what is meant specifically by the term 'conservation agriculture', but would expect the comments given above with respect to organic practices would also apply.

2.4.4 Deliverables of the Working Group

This project aims to provide competent authorities with the practical information they require to be able to make judgements on the inclusion of pesticides in Annex I (Directive 91/414/EEC) and national authorisations (lines 84-86 refer).

Considering the aim of this project is to understand the environmental fate of Plant Protection Products (and not the exposure of operators, residents or bystanders), and that the project outputs will impact upon the future availability of Plant Protection Products, the NFU believes the project

Working Group must ensure all their guidance (as referred to in lines 108-109) is based on demonstrable risk, and not theoretical hazard.

In the context of guidance made on the basis of risk-based judgements, the NFU considers the Working Group should also recommend that when implementing the outcomes of this project, competent authorities ensure their actions are fit-for-purpose, and undertake cost-benefit analyses where relevant.

We hope these comments are useful to the consultation process.

Yours sincerely

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