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HEALTH AND SAFETY COMMISSION

A new Code of Practice for the Safe Use of Plant Protection Products in Scotland

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Advisor(s):

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Issue

1. Consultation on a new Code of Practice for the Safe Use of Plant Protection Products in Scotland, at **Annex A**.

Timing

2. The Scottish Executive Environment and Rural Affairs Department (SEERAD) are keen that the new Code be available to the industry by Spring 2005 to complement the England/Wales version that has already been out to Consultation. As some of the new Code is approved under the Health and Safety at Work Act (HSWA), the Commission's agreement is required before the draft can be released for public consultation. SEERAD plans a three-month consultation period between September and December 2004.

Recommendation

3. That the Commission agree to the public consultation on the new Code.

Background and Argument

4. The new Code is similar in content to the revised Code of Practice for the Safe Use of Pesticides on Farms and Holdings (known commonly as the "Green Code"). The Commission agreed at its 9 March 2004 meeting to the public consultation on the revised Green Code (HSC/04/34), which is to be retitled the Code of Practice for the Safe Use of Plant Protection Products. Paragraphs 4-7 of HSC/04/34 set out the

history of the Green Code and its various revisions. Paragraph 14 explained that SEERAD had decided to issue a Scottish version of the Code. The new Code will reflect the legal framework in Scotland.

5. The HSC will be asked to approve under s16 HSWA the relevant paragraphs of the final draft of the Code, so far as they relate to the health and safety of people at work or those who may be affected by the activities of people at work. These paragraphs are listed in the draft Code on pages 4/5.

Consultation

6. The revised Scottish version of the Code is based on the English and Welsh version produced by Defra/Pesticide Safety Directorate (PSD). Defra/PSD consulted with representatives of HSE, the Environment Agency, the National Farmers Union (NFU), the Amenity Forum, horticultural consultants, the Forestry Commission, Defra Waste Management Division, Defra Water Quality Division, a forensic meteorologist and Policy and Specialist Branches in PSD before making any changes to their Code.
7. The Scottish version has been circulated for comment to interested parties within the Scottish Executive with policy responsibility for various aspects covered by the Code e.g. Wildlife and Habitats Division, SEPA Sponsorship and Waste Division, Water Environment Division, Land Use and Rural Policy Division, who in turn have sought informal comments from the Scottish Environment Protection Agency (SEPA) and the Forestry Commission.
8. This has ensured that the Scottish version of the Code has been amended to take account of differences in legislation and practices as well as replacing any specific references in the Defra version to English and Welsh Agencies and Public Bodies with their Scottish equivalents.

Presentation

9. The Code is now well established, and the changes are unlikely in themselves to arouse a great deal of interest. However, some attention may be stimulated in the aftermath of a separate Defra consultative exercise on bystander protection/buffer zones and on information holding/disclosure and neighbour notification for operations involving pesticides sprayed on crops. The outcome of those exercises proved inconclusive. To reassure the public that no stone has been left unturned, Defra Ministers announced on 16 June that they have asked the Royal Commission on Environmental Pollution to look at the science behind bystander protection and information access. There will also be a pilot study on advance notification of spraying operations.
10. The consultations on record keeping etc, undertaken in England and Wales did not take place in Scotland and so the opportunity will be used to include questions relating to record keeping etc, as part of the consultation on the Code in Scotland.

Costs and Benefits

11. The revised Code introduces no new controls and, therefore, no associated costs. Users will benefit from a Code that is up to date, with advice that is clearer and more focused.

Financial/Resource Implications for HSE

12. None. SEERAD is responsible for publishing the Code and will meet the additional costs from reissuing it.

Environmental Implications

13. The Code covers environmental as well as human health protection. SEPA, and the Waste Management and Water Quality Divisions of SEERAD have been consulted in producing this draft.

Action

14. The Commission is invited to agree to the public consultation on the new Code