

Health and Safety Commission Paper		HSC/05/41	
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HEALTH AND SAFETY COMMISSION

Revision of the Code of Practice for the Safe Use of Pesticides on Farms and Holdings

A Paper by Garry Wiles, Band 4, DR5 Biocides and Veterinary Medicines Unit
(responsible Board Member Jane Willis)

Advisor(s): Joan Reeves, Pesticides Safety Directorate

Cleared by Jonathan Rees on 22 February 2005

Issue

1. Publication of the Code of Practice for the Safe Use of Plant Protection Products at **Annex B** (a revision of the Code of Practice for the Safe Use of Pesticides on Farms and Holdings).

Timing

2. HSE and Defra are keen that the revised version of the Code is published in the summer of 2005. The version currently available is out of date and misleading in parts. As some of the Code is approved under HSWA, the Commission's formal approval is required before the final text can be released for publication.

Recommendation

3. That the Commission write to Jane Kennedy with proposals to approve the relevant parts of the code set out in the Notice of Approval on numbered page 10, so that it can be approved by Defra Ministers and published. A draft letter is at **Annex C**.

Background

4. The Commission agreed at the 9 March 2004 meeting (HSC/04/34) to the consultation on the revisions to the Code. The main points are set out below for ease of reference:
 - the current publication is known colloquially as the 'Green Code' and is a joint HSE/Defra publication containing guidance on the safe use of pesticides by professional users in agriculture and horticulture.

- It was first published in 1990 and comprises a Code of Practice issued under the Food and Environment Protection Act 1985 (FEPA), an approved Code of Practice under the HSWA giving COSHH guidance, and general guidance on good practice in the use of pesticides. The statutory base for the revised Code includes the Groundwater Regulations 1998 also.
- The Code has been re-titled the Code of Practice for the Safe Use of Plant Protection Products. A general title of 'Pesticides' will also appear above this on the front cover.
- The main changes this time include widening the scope to include areas such as amenity horticulture and commercial forestry, and detailed updates reflecting developments in legislation and good practice. Annex A of HSC/04/34 outlines the changes in greater detail. The Code of Practice for the use of approved pesticides in amenity and industrial areas (the 'Orange Code') will be withdrawn when the Green Code is published.

Argument

5. Defra officials will seek ministerial approval by both Alun Michael for sustainable farming and Elliot Morley for environmental issues once the Commission has signalled its approval.
6. The text is also going to the Plain English Campaign to achieve the Crystal Mark. This may mean that some small changes to wording may be made but no substantive changes will be made to the text. It is also to be indexed by professional indexers.
7. HSC approved a separate Code of Practice for the safe use of pesticides for non-agricultural purposes (L9) in 1995. The scope of the revised Code now overlaps that of L9 (both, for example, apply to forestry) but the two are fully consistent. Decisions will need to be taken at a later date about the future of the non-agricultural Code of Practice.

Consultation

8. The draft Code of Practice has been seen for comment by a wide range of individuals, government departments, the devolved administrations and other stakeholders. A list of those consulted is attached at **Annex A**.

Presentation

9. The Code is written for professional users of pesticides and is unlikely to arouse much general interest. It also simply updates a previous and well-established edition.
10. Defra consulted separately in 2004 on the issue of bystander and neighbour exposure to pesticides during crop spraying, and explored the possibilities of mandatory buffer zones around residential property and formal notification of neighbours about forthcoming spraying operations. Some of the views expressed by respondents were re-iterated in the consultation for the draft Code. The consultation did not change the current position on mandatory buffer zones and formal notification of neighbours, and so the main change to the Code of Practice is reflected in paragraph 330, which advises that "Record keeping of pesticide treatments is not a legal obligation at time of publication, however it may become so in the future."

11. The new Code will be announced via a Defra press release, and the Defra and HSE websites.

Costs and Benefits

12. The new Code introduces no new controls and so there are no new associated costs. Users will benefit from a Code that is clearer, more focused and up to date.

Financial/Resource Implications for HSE

13. The Code is published by Defra. No additional costs will be incurred by HSE.

Environmental Implications

14. The Code covers protection of wildlife and the environment as well as human health. The Environment Agency, English Nature, Defra Waste Management Division and Defra Water Quality Division have contributed to the original text and the consultation.

Other Implications

15. Devolution:

- Scottish Executive Environment and Rural Affairs Department are issuing their own version of the Code of Practice. They have been consulted.
- The National Assembly for Wales Agriculture Department has been involved in the drafting of the Code and its consultation and is identified on the Code.
- Department of Agriculture in Northern Ireland are considering issuing their own code under NI legislation in the future.

Action

16.

a) HSC Chair to write to the Minister to propose approval of the relevant parts of the Code. A draft letter is at Annex C;

b) Once the Minister has signalled consent, PSD and Defra will take the necessary steps to publish the Code. The published Code will contain a notice of Approval on numbered page 10 signed on behalf of the Commission by the HSC Secretary.

List of Recipients

4Farmers

Aberystwyth University

ADAS

Agricultural Engineers Association

Agricultural Industries Confederation

Agri-Environment Directorate

Amenity Forum

Association of Applied Biologists

Association of Independent Crop Consultants

Bangor University

Barbera Robinson

BASIS

BCPC

BIBRA International

Biotechnology and Biological Sciences Research Council

Brecon Beakons National Park

British Association of Landscape Industries

British Beekeepers Association

British Driving Society

British Horse Society

British Pest Control Association

British Retail Consortium

British Trust for Ornithology

British Waterways

Byways and Bridleways Trust

Campaign for the Protection of Rural Wales
Campaign to Protect Rural England
Cardiff University
CBI
Central Council of Physical Recreation
Centre for Aquatic plant Management
Centre for Rural Economy
Chartered Institute of Environmental
Chartered Institute of Waste Management
Chemical Industries Association Ltd
Christian Salvesen Plc
Civil Aviation Authority
Coed Cymru
Complete Weed Control Ltd.,
Consumers Association
Convention of Scottish Local Authorities
Coppins
Corporate Information Officer
Council for National Parks
Country Land & Business Association
Country Landowners Association
Countryside Agency
Countryside Commission
Countryside Council for Wales
County Surveyors' Society
Mr Coyte
CSC Crop Protection Ltd

CWS Agriculture
Cyclists' Touring Club
Defra
Department for Transport
Department of Health
Department of Trade and Industry
Deputy Secretary
Dove Associates
English Nature
Environment Agency
Environmental Practices Advisor
European Adjuvant Association
Farmers Union of Wales
Farming and Wildlife Advisory Group
Farming Online
Fieldfare Trust
Food and Drink Federation
Forestry and British Timber Association
Forestry Commission
Fresh Produce Consortium
Friends of the Earth
Game Conservancy Trust
Glenn Consultants
GM Free - Cymru
RJ & AE Godfrey
Green Network
Greenkeepers Training Committee

Greenpeace
Hardi International
HSC
HSE
Heli Lift
HFI Helicopters
Highways Agency
Home-Grown Cereals Authority
Horticultural Development Council
Horticulture Research International
Humber Authorities Scientific Services
Independant Agriculture Ltd
Industrial Pesticides
Inland Waterways Association
Institute of Biology
Institute of Ecology and Environmental Management
Institute of Fisheries Management
Institute of Freshwater Ecology
Institute of Grassland and Environmental Research
Severn Trent Water
Silsoe Research Institute
Mr J Skinner
Snowdonia National Park Authority
Soil Association
Soil Survey and Land Research Centre
University of Southampton
Specialist Helicopters Ltd

Sports Turf Research Institute
University of Sussex
Swansea University
Thames Water
Mr D Thurnell-Read
Transport and General Workers Union
University Of Wales
Wales Countryside And Wildlife Link
Wales Tourist Board
Wales Tuc Cymru
Wales Young Farmers' Club
Waste Framework Directive
Water Quality Division
Water UK
Welsh Beekeepers' Association
Welsh Consumer Council
Welsh Council for Voluntary Action
Welsh Counties Committee
Welsh Development Agency
Welsh Food Alliance
Welsh Institute of Rural Studies
Welsh Local Government Association
Wildfowl and Wetlands Trust
Wildlife and Countryside Link
Wildlife Trusts
Willmot Pertwee Limited
Women In Agriculture

Women's Food and Farming Union National Office

Woodview

WRc plc

WWF

DRAFT LETTER TO THE MINISTER OF STATE FOR WORK

Jane Kennedy MP
Minister of State
Department for Work and Pensions
Richmond House
79 Whitehall
London
SW1A 2NS

March 2005

APPROVING THE RELEVANT PARTS OF THE CODE OF PRACTICE FOR THE SAFE USE OF PLANT PROTECTION PRODUCTS

I am writing to seek your consent for the Health and Safety Commission to approve the relevant parts of the Code of Practice for the Safe Use of Pesticide Products, as set out on numbered page 11 of the Code of Practice. The Code of Practice will be adopted by virtue of section 16(1) of the Health and Safety at Work etc. Act 1974 (HSWA).

The Code of Practice revises and updates the Code of Practice for the Safe Use of Pesticides on Farms and Holdings, which now is out of date and misleading in parts. It will be published by Defra, and officials there will be seeking Ministerial approval by both Alun Michael for sustainable farming and Elliot Morley for environmental issues once HSC has signalled its approval. As some of the Code is approved under HWSA, the Commission's formal approval is required before the final text can be released for publication.

BILL CALLAGHAN

Chair, Health and Safety Commission