

HEALTH AND SAFETY EXECUTIVE
AGRICULTURE INDUSTRY ADVISORY COMMITTEE
REVIEW OF THE AMENITY/LANDSCAPING SECTOR

**Paper prepared following a presentation to AIAC on 3 February 2010
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Issue

1. Members report issues and concerns in this sector, primarily relating to the management of contractors and falling standards of competence, e.g. in relation to the control of operations such as mowing on slopes, health issues and the use of pesticides.

Recommendations and actions

2. Members are invited:
- (i) to note and comment on the paper;
 - (ii) to read associated papers [available on the Agriculture Industry Advisory Committee (AIAC) website and elsewhere via the links provided] which provide information on alleged bad practices and cost-cutting, and outline some of the efforts being made by the industry and HSE to rectify these issues; and
 - (iii) to suggest further solutions.

Background

3. This paper has been produced following a presentation to AIAC members on 3 February 2010 and subsequent discussion with and comments by industry and other stakeholders.

4. It expands upon the report tabled at the AIAC meeting in June 2009 by the National Association of Agricultural Contractors (NAAC), entitled "Weed Control in Public Spaces - Bad Practice but No-one Cares", available on the AIAC website at: <http://www.hse.gov.uk/aboutus/meetings/iacs/aiac/290609/weed-control.pdf> and AIAC paper 091205 "Amenity/Landscape Sector Update", which outlined emerging issues and current and proposed activities in the sector and was presented at the AIAC planning meeting on 18 December 2009. This is available at: <http://www.hse.gov.uk/aboutus/meetings/iacs/aiac/181209/landscaping.pdf> .

5. The NAAC's paper focussed on the use of pesticides, primarily by local authorities (LAs). It described examples of bad practice and highlighted the implications of the 'Best Value' tendering process leading to a disparity in estimates for work and consequent fall in standards. However, the evidence was not sufficiently compelling to allow HSE to commit additional resource to the issue, especially as few complaints or cases of suspected ill health have been reported. Written from the contractors' perspective it did not address wider health and safety issues, or represent the views of other relevant industry organisations.

6. The AIAC agreed that a more comprehensive paper should be produced. The industry bodies were invited to produce a more detailed analysis of the industry, identifying the issues and presenting an evidence-base to support the alleged correlation between price undercutting and health, safety and environmental shortcomings. This was to be produced in discussion with HSE and make recommendations to the AIAC.

7. This paper provides a more detailed analysis of the industry and its problems, based on information supplied through the recently-formed 'Amenity Health and Safety' sub-group of Lantra's 'Horticulture, Landscaping and Sports Turf' Industry Group. It also includes a summary of incidents and ill health, based on the detailed analysis of injury statistics, presented to members on 3 February 2010.

8. The paper also reviews relevant initiatives and available guidance produced by HSE and the industry to help address the problems highlighted. An industry Workshop is being organised (now scheduled on 28 July 2010) to initiate engagement with individuals and organisations that have expressed interest in contributing to this work.

Scope and Size of the Industry

9. Lantra, the Sector Skills Council for the land-based industries, defines the 'amenity' sector (subsequently described as the 'landscaping' industry' in deference to the changes in SIC codes which will incorporate other related activities under the umbrella title of 'Landscaping') as including:

- Hard, soft and interior landscaping
- Sports turf maintenance
- Private heritage and botanic gardens
- Commercial grounds
- Public parks and green spaces

10. However, 'amenity/landscaping' work is also carried out in a wide range of other industry sectors, e.g. construction, highways and railways line-side maintenance. The industry comprises many different types of business, ranging from public and private sector workers involved in local authority green space management, to state-owned and private historic and heritage gardens. It is therefore difficult to state the numbers working in the industry with any degree of accuracy or certainty.

11. This sector also includes all forms of sports turf management and maintenance - from local sports grounds and golf courses to the high profile national stadia and racing venues. Sports facility provision is a highly technical/high value/high quality industry, which is expanding and is particularly subject to political and media interest in the build up to the 2012 Olympics.

12. Sports turf surfaces account for approximately 0.6% of the total UK land mass and provide significant ecological benefit. They are often the main photosynthetically active surfaces in urban environments and occupy areas of high monetary land value. Hard surfaces including roads, car parks, retail/business parks etc, as well as sports and leisure facilities are also maintained and treated with pesticides by amenity contractors. Run-off from these areas is a significant cause of water pollution and has led in recent years to the withdrawal of approval for a number of active

ingredients and pesticide products available to the wider land-based sector, including farming.

13. Landscaping may be interior or exterior and includes all aspects 'soft' and 'hard' landscaping, involving live or artificial plant materials, from agricultural processes through to construction activities. Businesses engaged in the industry range from small contracting firms to large integrated and multi-national companies engaged in design, build, construction and/or maintenance schemes.

14. Lantra has recently carried out research into the size and nature of the industry. Analysis of the activities listed in para.8 suggests ~16,500 businesses whose main business is in this industry, employing ~172k people. These represent more than 15% of those working in the land-based sector. 81% of these businesses employ <10 people and 44% of the workforce are self-employed.

15. A review by HSE in 2006 suggested there were ~115k people employed as "gardeners" or "groundsmen" across all industries, together with a further ~44k employed as 'private gardeners', etc. This is broadly comparable with the estimates from the more recent Lantra research. However, Lantra accepts that this is only a 'best guess' at the size of the sector as it is difficult to determine accurately the number of businesses and workers involved. Many workers are hidden in the various Standard Industry Classification codes (SICs) and although these are being rationalised and reduced, the revised categorisation will not be fully implemented until 2011. Even then, many people working in this sector will not be identifiable as they will be hidden within the classification 'public services' or because their employers are engaged in delivering multiple services, e.g. facilities management companies, operating across a wide range of industries.

16. Further information is available in Lantra's "Labour Market Information Sheet" for the "Horticulture, Landscaping and Sports Turf" industry; one of 17 Fact Sheets covering each of the land-based industries comprising the sector. Copies of the Fact Sheet were provided to members in February and it is available at: <http://www.lantra.co.uk/stakeholders/research-documents/skills-assessment/report/> .

17. CABE-Space [the Commission for Architecture and the Built Environment - the Government's advisory body on architecture, urban design and public space] has sponsored research by Pye Tait, in association with English Heritage to identify the size of the sector. This is because of increasing contracting-out and dual-roles within the sector. This project is due to be completed at the end of March 2010. Another research project, again led by Pye Tait is looking at management of safety on construction sites, where landscaping is becoming an integral part, subject to arrangements imposed by companies to comply with the Construction, Design and Management Regulations (CDM). The Lantra Industry sub-group is being used as a focus group for the industry.

Accident and ill health history

18. A detailed summary of relevant incidents and an analysis of the statistics for fatal and non-fatal injuries was presented at the AIAC meeting on 3 February 2010. This slide presentation is now available on the AIAC webpage at: <http://www.hse.gov.uk/aboutus/meetings/iacs/aiac/030210/amenity-landscaping.pdf> This also illustrated the scope of the industry and its problems. The statistical analysis was based on injuries reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) between 2001 and 2008, and included a breakdown by type and cause of accident. Whilst it is believed there

is significant under-reporting, reported injuries in the amenity/groundcare sector reflect the typical pattern across most industries. Fatalities by contrast most commonly involve mower over-turns or the operator being struck against objects (signs, tree branches, etc). Notably, in relation to ill health, cases of Hand-Arm Vibration Syndrome (HAVS) are increasingly being reported.

19. Very few pesticide complaints are now received by HSE (from any sector) and only 2 cases were recorded in the HSE Pesticides Incidents Report for 2008-09 (<http://www.hse.gov.uk/fod/pir0809.pdf>). LAs are involved in a number of environmental incidents investigated by CRD each year, although most relate to rodent control rather than the application of herbicides. The new EU Directive on the sustainable use of pesticides (SU Directive or SUD) requires Member States to put in place systems to gather information on human health incidents attributable to these chemicals. The UK already has a number of information gathering and monitoring systems in place, including: the Pesticide Incident Appraisal Panel (PIAP); returns to CRD from approval holders who are required to log all reports of this nature, and data provided by the National Poisons Information Service. However, the consultation on implementation of the SUD acknowledges there is potential to improve, better integrate and improve accessibility to these information sources and invites stakeholders views on how this might be done. The Advisory Committee on Pesticides has established a sub-Group to consider this.

20. It is suggested that given the number of injuries in relation to the estimated working population (~1500-1600/yr), the incident rates may be quite high, relative to the all-industry average; however, further analysis is needed. Accurate statistics are required to enable meaningful comparison of incidence rates between industry sectors and to prioritise this sector in relation to other industries, but it is difficult to establish the total number of employees and others working in this industry because they are spread across a range of SICs.

21. The most recent HSE search for injuries searching on the terms “gardener” and “groundsman” identified relevant injuries reported from a wide range of industry categories/SICs and a wide range of other occupations such as managers, administrators, designers, construction workers, as well as ground care staff. These activities also overlap with other sectors e.g. public utilities (including maintenance of dams and waterways), transport (including highways and rail-side maintenance), maintenance at sites of specialist industries (e.g. petroleum and nuclear) etc. many of which impose additional requirements on landscapers to demonstrate competence in construction tasks, for example through ‘Skills Card’ schemes (see below.)

22. Many relevant work activities are enforced by the LAs, including golf courses, sports grounds and leisure areas etc, except where they are owned and managed by LAs, in which case HSE is responsible for enforcement.

23. A more detailed analysis of current and emerging issues is set out at Annex 1. These include:

- The competence of contractors
- Use of pesticides
- Health and safety issues
- Conflicting pressures
- Training
- Self-regulation and enforcement.

24. AIAC paper 091205 outlined a range of activities – current and in planning – which will help to support the industry together with a number of other ‘solutions’ either already available or under development within the industry. Further information on these is set out at Annex 2.

Next Steps

25. **Amenity Industry Workshop** - These various developments and proposals are to be discussed at a workshop proposed for leading players in the sector. This event is intended to identify the key technical and legal issues facing the industry, specific skills and knowledge gaps, and any available guidance and good practice developed by companies and organisations. The aim is to share this information and ultimately provide a mechanism to do this electronically. Many specialist consultants and leading organisations have expressed a desire to be involved. This topic is also relevant to rail and utility companies, waterways, etc and representatives are keen to attend. The Workshop is being organised through Lantra and the Horticulture, Landscaping and Sportsturf Industry Group. To ensure key speakers are available, the Workshop has been delayed and is now scheduled for 28 July 2010. AIAC members will be informed.

26. **Website** - The proposed Workshop is an important first step, but the industry has called for the development of suitable web-based guidance, to be hosted on an industry-specific website. Further discussions are needed with the industry to identify how this may be produced, established and maintained.

CURRENT AND EMERGING ISSUES

1. Competence of contractors

1.1 The goal to reduce costs has led to increasing contracting out of services by LAs and other major clients, as well as smaller businesses and organisations. It is alleged this process has in turn led to some companies under-cutting estimates to win tenders and gain contracts; to the point that it is not feasible to deliver services in compliance with the requirements of the wide range of legislation which applies. The industry bodies have tried to raise their concerns about LAs through Defra and the Local Government Association (LGA), but believe this has not had any significant effect. The situation is allegedly getting worse. They are also concerned that unless standards are improved, the gap in compliance is going to increase when the new EU legislation on use of pesticides is implemented, as this will be placing additional requirements on clients, users and others.

1.2 The expansion of “passports” and “skills card” schemes, particularly in construction is causing increasing concern to businesses engaged primarily in landscaping. They consider these an unfair barrier to trade as they are an impediment to gaining access (and work) at construction and other specialist sites. Whilst this is not a health and safety regulatory matter, the plethora of different schemes and standards is causing confusion across a wide range of industries. Qualifications considered adequate and appropriate for the land-based sector (including statutory training requirements, e.g. for the use of pesticides and chain saws) are often not accepted by construction site managers. In order to overcome this landscaping companies are having to undertake additional irrelevant (and costly) construction-specific management training.

1.3 Lantra has been liaising recently with HSE’s Construction Sector, to examine the plethora of ‘Skills Card’/‘Passport’ schemes - estimated at 45+ and currently issued by 15 different Awarding Bodies - with the aim of promoting greater consistency and transparency in approach and acceptance of common standards, to facilitate greater freedom of movement of staff between industry sectors without the need for additional specific re-training, or training in irrelevant or unnecessary skills. This will also significantly reduce costs.

2. Pesticides

2.1 The Government’s regulatory regime for pesticides administered by HSE’S Chemicals Regulatory Directorate (CRD) is designed to ensure these products are used in way that does not pose unacceptable risks to human health or the environment. This is done principally through risk assessment of proposed uses. The process identifies potential risks and imposes mitigation measures (e.g. restrictions on dose rates, timings of application, situations in which use is permitted, protective clothing, etc) to ensure the degree of risk is reduced to acceptable levels.

2.2 The assessment process assumes that products will be used in a responsible fashion and includes assumptions that operators will be trained or possess the knowledge to enable them to identify and mitigate local risks; store, handle and dispose of products in an appropriate fashion; and minimise use and the risk of off-site contamination. If products are not used responsibly this has the potential to undermine any assessment of risk. Controls on use are being reviewed as part of the consultation on the new SU Directive.

2.3 Failure to store or use pesticides safely are offences under the Food and Environment Protection Act 1985 (FEPA) which is enforced by LAs as well as HSE. Now that Pesticide Safety Directorate (PSD), as was, is integrated in HSE within the CRD, HSE's remit now clearly extends to environmental as well as human health issues. CRD commit resources to investigations through the National Pesticide Enforcement Team. The Health and Safety at Work etc Act 1974 (HSW Act) and the Control of Substances Hazardous to Health Regulations 2002 (COSHH) also apply to the use of pesticides.

2.4 The NAAC report presented to AIAC in June 2009 highlighted problems encountered by contractors in the tendering process and as a result, poor awareness and management of pesticide application by clients; particularly by LAs which are responsible for approximately two-thirds of the volume of amenity pesticides used. The paper also outlined the implications of action being taken by the EU to reduce the risk of environmental pollution and improve water quality. Evidence of shortcomings in practice within the sector was corroborated by CRD's research into techniques of application, a survey and case studies. The full report is available at: http://www.pesticides.gov.uk/uploadedfiles/Web_Assets/PSD/RPA_Amenity_Report_2008.pdf .

2.5 Work to address the findings of this research is being taken forward as part of the Government's Pesticides Strategy Amenity Action Plan Implementation Group (AAPIG). The Group has identified a range of measures to help deliver the necessary behavioural change including:

(a) Enforcement/compliance activity - Industry organisations have expressed their concerns at the AIAC, the National Amenity Forum and Northern Amenity Forum, BCPC conference, etc about a perceived lack of enforcement. Whilst HSE's Field Operations Directorate and CRD do act on complaints (subject to published criteria), the nature of enforcement activities and the often lengthy investigation process mean that details of any action taken cannot always be fed back to the complainant. Where appropriate, details of enforcement activities are posted on the CRD website and reported in HSE's annual Pesticide Incidents Report.

(b) Provision of guidance - to ensure that users and those who contract the services of users are fully aware that:

- the law requires that everyone who uses pesticides professionally must have received adequate training in their safe use..
- those in LAs who contract weed control services need to ensure they possess the necessary expertise - through training or buying in advice - to enable contracts to be specified and managed in an appropriate fashion.
- an integrated approach towards management of vegetation is good practice and a necessity given restrictions in the number of available pesticide products.

2.6 The AAPIG has therefore tasked the Amenity Forum (the industry stakeholder body) with developing guidance on these (and other) good/best practice issues. In addition to activities being developed under the Government's Pesticides Strategy, work to implement the new SU Directive will provide further opportunity to address these issues. For example, there are requirements for Member States to:

- provide access to initial and on-going training for pesticide users, distributors and advisors. From December 2013 (at the latest) all users, distributors and advisors will be required to hold a certificate demonstrating that they have undergone training. Distributors will only be able to sell professional pesticide products to those who hold the certificate. In the UK initial training is (to all intents and purposes) a statutory requirement whilst on-going training is provided on a voluntary basis; and
- ensure all professional pesticide users adopt an integrated approach to pesticide use by January 2014. The consultation document specifically proposes that public bodies be required to take advice from a suitably qualified advisor to inform the production of tender documents or in-house work programmes.

2.7 The reduction in levels of professionalism exhibited within the sector also manifest themselves in other ways. For example, complaints have also been made to HSE and LAs about the increasingly common method of spraying herbicides on public footpaths and pavements using a hand-held lance from a vehicle (e.g. by the operators of ATV's or mini-tractors). This is not a method taught or approved as part of any training or assessment for a nationally-recognised Certificate of Competence for application of pesticides and it also contravenes HSE's guidance on use of ATVs (AIS 33). There may also be implications under the Road Traffic Act.

2.8 The diverse nature of the amenity sector presents a challenge to communicating key 'good practice' messages to all users or those who contract the services of users. Industry bodies have advised that LAs need unequivocal guidance on this issue and are looking for some leadership from Government bodies. The CRD research indicated that, taken as a whole, their understanding of risk, practice of users and management of contracts lagged behind other amenity stakeholders.

3. Health and Safety Issues

3.1 There is an increasing awareness of exposure to noise and vibration, and civil claims for noise induced hearing loss and cases of Hand-Arm Vibration Syndrome (HAVS) are increasing. Concerns are also being expressed about significant exposures to Whole Body Vibration (WBV), which is not well understood by the industry.

3.2 Fatal and serious injuries are related to mowers overturning when working on slopes, or other equipment is being used. It is suggested that this may increase as more work is carried out in areas where pesticides might have been used previously. Unsafe treework being carried out by landscapers/amenity sector workers is also causing incidents. By the nature of this work, this may expose the public to risk. High standards of training and Certificates of Competence (CoC) are required under the Provision and Use of Work Equipment Regulations 1998 (PUWER) for the safe use of chainsaws (in any industry). Other machines causing concern include woodchippers, which also generate very high noise levels. The industry is also seeking guidance on the management of trees, particularly in public areas.

3.3 This activity is also relevant to new controls introduced by the Highways Agency under the "Highways Sector Scheme 18". This specifies standards of training required for highways maintenance and is based on the system of CoC Units specified in relevant guidance issued by the HSE/AIAC Arboriculture and Forestry Advisory Group (AFAG).

4. Conflicting pressures

4.1 The industry bodies claim that standards are falling due to the reduced number of staff, unsuitable or poorly maintained equipment, combined with inadequately trained/inexperienced operators, and inadequate time for proper planning, management & supervision. There may also be conflicting pressures on employers/ contractors to improve outputs and performance from:

- **Clients** - aiming to reduce costs
- **Pesticide legislation** - the increasing level of protection has resulted in a restricted range of products being available to users, and these are expected to be reduced further;
- **Insurers/Legal Advisors** - seeking evidence of poor practice to justify the increasing number of civil claims for ill health (eg HAVS), and
- **Prosecutions** – cases taken by HSE (particularly against LAs) in recent years, relating to inadequate risk assessments and management of employees and contractors operations.

4.2 These factors impose pressure on management and staff to get the job done on time, to acceptable quality, on (reducing) budget, but with increasingly limited resources available. However, to ensure that work is done effectively and safely and without unacceptable risk to the environment, it is argued that 'Best Value' is not the same as 'cheapest'. Cutting corners does not represent value for money for clients when a repeat application or remedial work has to be carried out.

5. Training

5.1 The main factor identified in causing or increasing the risk of incidents and ill health is the failure to carry out a suitable and sufficient risk assessment (particularly dynamic, site-specific assessments when necessary). This results in a lack of appreciation of risk and appropriate mitigation measures; often compounded by a lack of training and competence amongst users or those who contract the services of users (including managers and supervisors).

5.2 There is a close and clear relationship between standards of application of pesticides and other maintenance operations carried out by contractors. The NAAC's paper highlighted the risk posed by inadequately trained or non-compliant contractors working for LAs. This is exacerbated by the lack of experience of those letting and monitoring contracts. It is also alleged that unscrupulous contractors know they can get away with bad practices and still get paid.

5.3 For example, a significant case was published on the BASIS website in 2005. Although no enforcement action was taken as it was dealt with as an internal disciplinary matter by BASIS, alleged contraventions of legislative requirements highlighted by the case included:

- Using uncertificated operators
- Using non-registered products, ie cheaper 'agricultural-only' equivalents
- Inadequate PPE
- Poorly maintained spray equipment and support vehicles
- Application from ATV/quad bikes using hand-lances, whilst in motion, and
- Little or no consideration of weather conditions.

5.4 Landscapers and grass cutting contractors are also increasingly undertaking pesticide applications; all too often from mowers and other vehicles. Weed control is often not a major part of their normal work and thus the necessary precautions are perhaps not fully understood or taken as seriously as they should be. Such contractors are responsible for many thousands of sites, including national bodies, supermarkets, etc where they pick litter, cut hedges, mow grass and apply pesticide as required, but often well below the legal and industry-accepted standards.

5.5 Industry bodies also claim that many employers at sports facilities are unaware of the full extent of their duty to provide a safe working environment for staff. Some employers and management staff are not aware of the serious implications for breaches of the regulations relating to issues such as the contamination of water courses, eg if adequate wash down facilities are not provided; there is no system to manage empty containers, or the need to maintain and correctly calibrate spray equipment.

5.6 In contrast, the golfing sector claims to have made significant improvements in this respect in recent years, e.g. in the provision of storage for equipment and materials, and staff facilities. This improvement has been achieved through ongoing support of the industry's employer-led body, the Greenkeepers Training Committee (GTC) promoting training and establishing a certificated operator scheme.

5.7 However, the uptake of good practice in the amenity sector is relatively limited, compared to the agricultural sector. For example, the National Register of Sprayer Operators (NRoSO), which has resulted in over 80% of the sprayed area in agriculture being treated by users/advisors who have participated in this industry-led CPD (continuing professional development) based programme. Industry bodies have already proposed a similar CPD-based scheme for amenity users and one is now in place for those providing advice or specifying use, including those in LAs and other public bodies.

6. Equipment

6.1 The Agricultural Engineers Association (AEA) National Sprayer Testing Scheme (NSTS) has also been widely adopted in agriculture as a means to demonstrate good practice under the Voluntary Initiative. Over 80% of the sprayed area in the UK is treated by equipment which has been tested annually. However knapsack sprayers are not covered by NSTS, and there is little incentive to develop a scheme for these whilst the cost of a new sprayer is less than that of a test.

7. (Self) Regulation and Enforcement

7.1 In agriculture, uptake of many of the above (and other) measures has essentially been driven by the need to meet the standards demanded by Crop Assurance Schemes. However, there is no equivalent driver in the amenity sector.

7.2 Industry bodies also consider that the lack of external 'policing' and monitoring of the 'amenity' industry has meant little or no enforcement of the legislation. Access to pesticide products is easy and consequently lawn care companies are springing up all over the country using 'professional' products. It is reported that examples of non-compliance have been passed on to HSE and LAs, but no action has been taken. As previously explained, complaints are prioritised using set criteria. Restricted resources mean that proactive policing and monitoring of this sector by Government is difficult and this is often compounded by the peripatetic and mobile nature of the work.

7.3 When complaints are made to HSE or LAs it is important that sufficient details are provided to allow for investigation; including accurate information as to the contractor, the equipment being used and the location. All too often verbal complaints are made with no supporting evidence or alternatively the complainant does not want to be involved further. In some cases this limits the action that can be taken. If an investigation is proceeding with a view to formal enforcement action being taken then this will also restrict the feedback that can be provided to a complainant.

POSSIBLE SOLUTIONS

AIAC paper 091205 outlined a range of activities – current and planned – which would help to support the industry. These and a number of other ‘solutions’ are available or being developed, including:

1. Changes in culture, custom and practices

1.1 This might be encouraged by new systems of work and appropriate methods being specified in tender documents and contracts. It would require a greater awareness of the legal requirements and good practice, to be promoted through training and publicity. The benefits this can bring to businesses, LAs or other organisations also need to be promoted, not just the potential penalties. Whilst many of the commercial competition matters are matters to be pursued by and through the industry, there are implications for health, safety and the environment.

1.2 The industry itself needs to identify and ‘sell’ the advantages of compliance in doing the job more effectively and efficiently, with the added bonus of being ‘safer’. This is to be explored through a proposed industry Workshop which is also intended to identify available guidance and knowledge gaps and to promote sharing of good practice between businesses.

2. Guidance

2.1 The only guidance specifically for the amenity industry published by HSE relates to pesticides, although there are several useful documents produced by industry bodies. Key topics identified by consultees and for which information is lacking include mowing on slopes, managing health issues such as noise, hand-arm vibration and whole body vibration, and the use of pesticides. Many of these issues relate to poor tender specifications and management of contracts, contractors and employees.

2.2 Relevant guidance includes:

(a) “Health and Safety in Golf Course Management“, was published in 2008 by the Greenkeepers Training Committee (GTC), who funded the revision and updating of HSE’s out-of-print publication HSG79. Produced with input from HSE’s Agriculture and Food Sector, the foreword acknowledges its wider relevance to the amenity sector. It is only available in hard copy (price £20), from the GTC.

(b) The main guidance specifically on use of pesticides is contained in the Approved Code of Practice for Using Plant Protection Products: http://www.pesticides.gov.uk/safe_use.asp?id=64 or, for Scotland, see <http://www.scotland.gov.uk/Publications/2006/12/19110050/20> .

(c) CRD have also issued guidance specifically for the amenity sector, available on the CRD website at: http://www.pesticides.gov.uk/amenity_users_home.asp and http://www.pesticides.gov.uk/amenity_users.asp?id=1934

(d) The Crop Protection Association leaflet “Amenity Best Practice – Using Pesticides in the Community 2009” highlights the importance of pesticides and outlines the implications of current and forthcoming EU legislation.

(e) Guidance on managing pesticide contracts produced by the industry's Amenity Forum, is available in the form of 'model specifications' at: <http://www.amenityforum.co.uk/Downloads/amenityforum-modelspecification.pdf> .

(f) An article providing guidance for LAs on writing contracts was also published in the BALI Membership Directory (2008), but this is not currently available electronically.

3. 'Amenity' Website

3.1 The industry is concerned that there is no website providing a central point of reference for guidance for the industry to obtain or share information. HSE's website does not have a webpage dedicated to the amenity/landscaping sector and it is difficult to find relevant guidance. It was hoped that the industry's existing Amenity Forum website could be expanded to host this wider range of information, but this is now

4. 'Amenity Health and Safety Forum'

4.1 A sub-group of the Lantra 'Horticulture, Landscaping and Sportsturf' Industry Group was set up to identify relevant legal requirements and demands for training and certification and to review the many 'card/passport' schemes imposed by various industries. Members of this Group have provided information on the industry and this Group could form the nucleus of a 'Health and Safety Forum'.

5. Safety & Health Awareness Days (SHADs)

5.1 These have been proposed for the amenity/groundcare sector in a number of areas following several successful events organised by HSE, LAs and the industry over the past year or so. There is a demand (from the industry and LAs) for similar events to be organised around the country, e.g. a joint BIGGA/LA/HSE initiative has been requested, based on back to back half-day SHADs for golf course managers and landscapers/LAs.

5.2 This approach could also involve IoG and BALI as a route to reach smaller employers. HSE also runs a limited number of 'Engaging Arboricultural Contractors' SHADs each year aimed at LAs and other major clients, e.g. construction companies, national organisations, highways authorities, etc. SHADs for 'Rights of Way' contractors have also been suggested.

6. Shows and other events

6.1 HSE will be working with the IoG and other leading industry organisations, training providers, colleges and national contracting companies in a new joint-venture at **Saltex 2010** – the major national event for this industry. A new 'Skills and Learning Zone' is being developed, based around a central demonstration area. This will feature practical SHAD-type demonstrations of good practice and new techniques, eg avoiding overturns on slopes (including use of mowers fitted with slope sensors, remotely-controlled 'robot' mowers, etc); manual handling; pesticide safety; working near power lines and reducing noise and vibration (promoting HSE's "Buy Quiet" initiative). A small seminar area is also proposed within the 'Zone', for current topics and good practice to be discussed in more detail throughout the Show

7. HSE Inspection Initiative

7.1 HSE is developing a cross-sector project on procurement of services by LAs in 2010-11 which it is hoped will encompass this activity, at least in some areas. This will build upon local 'amenity' SHADs and SHADs for arboriculture clients.

8. 'Approved Contractor' Schemes

8.1 There are a number of schemes set up by industry bodies to help clients select 'competent' contractors, eg BALI's Register of Landscape Operatives (ROLO), and the NAAC's Assured Land-Based Contractors (ALBS) scheme. In addition local authorities have their own 'Contractors Health and Safety Scheme' (CHAS) and there are various others, eg Artemis, etc.

9. Highways Sector Scheme 18

9.1 This is one of many 'Sector Schemes' introduced in recent years by the Highways Agency, in conjunction with industry bodies. These schemes are intended to improve the quality of work and competence of contractors commissioned to carry out work by local Highways Authorities, ie including LAs. 'Sector Scheme 18' specifies training requirements for highways maintenance involving treework and is based on NPTC/C&G CoCs. The associated contractor's registration scheme is administered by BALI on behalf of the Agency. Guidance is being issued to HSE and LA inspectors on the implications of the scheme for LAs and contractors.

10. Research

10.1 There are a number of recently commissioned research projects which should provide useful information; in particular, the research by CRD into techniques of application and alternative weed control methods. This anticipates further potential restrictions in pesticides approved for use and the wider implications of the SU D. The EA are also monitoring pesticide residues under the Water Framework Directive. These will have implications for training (see below). HSE has also commissioned research jointly with Construction Skills (SSC), looking into training requirements and the use of 'Skills Cards' in the industry. In addition, 'Go Skills' (the SSC for government) have recently carried out a consultation on the NOS (National Occupational Standards) for 'Procurement in the Public Sector'.

11. Training

11.1 In addition to the needs identified elsewhere in this paper the SUD requires Member States to introduce systems so that users have access to 'initial' and 'ongoing' training. Where spraying is still carried out in-house specifically by LAs there will also be training requirements for those buying pesticides for LA use, to ensure they are competent.

11.2 Novel forms of induction and 'updating' training are also being developed e.g:

- (a) "**Skills Sharpener**"- A 'toolbox-talk' based training package developed by BIGGA (with input from HSE's Agriculture Sector) launched at the BIGGA Exhibition in January 2010. This currently provides a series of four short (one hour) practical talks covering working on slopes, slips trips and falls, machinery checks (including noise and vibration) and hazards on golf courses/incident reporting and analysis. Designed to be delivered to staff by

managers as part of new employee induction programmes they can also be used for updating existing staff.

(b) **“Safe Learner”** – A recent proposal for a computer-based interactive learning package designed for 14-19 year olds entering work for the first time, e.g. on the new Apprenticeships. The GTC hoped to adapt this package for the golf industry and it might have a wider appeal and application, across the sector.

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