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## **ADVISORY COMMITTEE ON TOXIC SUBSTANCES**

### **Overview of the Regulatory approach to the use of pesticides**

**A paper by Gill Smith**

#### **Introduction**

The Advisory Committee on Toxic Substances (ACTS) previously received updates outlining HSE's current position on the exposure to pesticides during the manufacturing process. ACTS members acknowledged that exposure to hazardous material during the manufacture of pesticides is covered principally by Control of Substance Hazardous to Health Regulations (COSHH) and the principles of good control practice. ACTS were content considerable control measures are already in place within the manufacturing sector.

However, ACTS raised concerns of the potential for regulatory gaps in relation to the use of pesticides. This paper aims to provide an overview of the regulatory process for the use pesticides and the current position of the advisory working groups and scientific committees with an interest in the use of pesticides.

#### **Historical approach to the use of pesticides**

Pesticides have been used for at least 2000 years to control unwanted plants and pests which could harm crops, property and human health. In the late 19<sup>th</sup> Century a more scientific approach was adopted with the introduction of lead, copper and arsenic based products.

Concerns about the risks to users, to food consumers and to wildlife led to a number of Government steps to control the way pesticides were used.

The Agricultural (poisonous substances) Act 1952 aimed to protect agricultural workers from the most toxic products by requiring that protective clothing be worn when using pesticides and restricting the hours permitted to work with them. In 1954 the Government established the Advisory Committee on Pesticides (ACP) as a principle source of advice on pesticide safety issues.

A voluntary 'clearance' scheme, Pesticides Safety Precautions Scheme (PSPS) ran from 1957 for agricultural products; non-agricultural products were included from the mid 1970s. Due to problems with products coming into the UK from Europe with illegible labels, resulting in incidents (mainly on the agricultural side), there was pressure (both from public and industry) for a statutory scheme with proper

assessments of products. The way was clear for comprehensive statutory control which was embodied in the Food and Environmental Protection Act 1985 (FEPA)

### **HSE's current role and responsibilities**

The Chemicals Regulation Directorate (CRD) in HSE aims to ensure the safe use of biocides, industrial chemicals, pesticides and detergents to protect the health of people and the environment.

HSE's CRD is responsible for the regulation of biocides, pesticides, detergents, chemicals in so far as they are regulated under REACH, and duties under the Classification and Labelling regime. CRD works closely with the Department of the Environment, Food and Rural Affairs (Defra) (which has strategic policy responsibility for pesticides, chemicals and detergents). CRD also delivers a number of other responsibilities including [Prior Informed Consent](#) (chemical imports/exports legislation).

CRD's major role is to deliver Competent Authority functions within EU legislation regulating chemicals, pesticides, biocides and detergents where HSE is the appointed authority for the UK.

The principal programmes covered are:

- The [REACH](#) (Registration, Evaluation, Authorisation and Restriction of Chemicals) Regulation;
- The [Biocidal Products Directive](#) (BPD); and also ongoing regulatory responsibilities under the UK Control of Pesticides Regulations (COPR);
- [Plant Protection Products Directives and Regulations](#);
- [Detergents Regulations](#);
- [EU Classification, Labelling and Packaging Regulation](#)

The Human Health Enquiry and Incidents Survey is an annual exercise requiring approval holding companies to submit to CRD details of any potentially dangerous effects of a product on human health and information on possible effects residues of an active substance contained in a product, on human or animal health, ground water or the environment immediately.

### **Enforcement**

Responsibility for enforcement is shared between the Health and Safety Executive (HSE), local authorities and the Agriculture Departments.

HSE is authorised to enforce controls on the storage and use of pesticides as part of the work activity such as by industrial users in the treatment of timber, in private dwellings by professional contractors, use in agriculture and the storage of pesticides by certain distributors, and use by Local Authorities and public utilities. It is also responsible for the use of pesticides as part of a work activity in private dwellings.

Local authorities enforce controls in respect of the advertisement, sale, supply, storage and use for those areas not under HSE's jurisdiction, such as wholesale and retail premises, hotels and residential accommodation, warehouses, museums, catering establishments, sports grounds (including golf courses), gardens, parks and garden centres. Local authority responsibility is usually split between trading standard officers, who are responsible for consumer aspects of advertising, sale and supply and environmental health officers, who undertake enforcement in respect of storage and use in areas not covered by the HSE. Some Local Authorities, however, combine these functions.

The [Pesticide Incident Appraisal Panel](#) (PIAP) chaired by HSE along side independent members representing, for example, Health Protection Agency, considers all investigated incidents where the agricultural use of pesticides may have affected a person's health. The Panel receives full information about each incident, including a report of the field investigations carried out by HSE together with the results of any medical investigation and the known or suspected adverse effects of the chemical involved. If evidence does emerge concerning the safety of a particular product then the approval of that product can be reviewed and could result in its approval being restricted or even revoked.

### **Pesticides - Advisory Groups**

There are a number of surveillance and monitoring operations supporting the regulatory regime for pesticides:

#### **The Advisory Committee on Pesticides (ACP)**

The ACP is an independent Scientific Advisory Committee, providing advice to Ministers and regulatory departments on any matters relating to the control of pests. Appointments to the Committee are made by Ministers, following open competition. Most members are appointed for their specialist expertise and there are also two lay members.

#### **Defra Expert Committee on Pesticide Residues in Food (PRiF)**

PRiF is a Scientific Advisory Committee that advises Ministers, the Chief Executives of the Food Standards Agency (FSA) and the Chemicals Regulation Directorate (CRD) on the UK's monitoring programme for pesticide residues in food and drink. PRiF was established with effect from 1 June 2011, when it replaced the Pesticide Residues Committee (PRC).

#### **Pesticides Forum**

The Pesticides Forum was established in 1996 and it continues to bring together a range of organisations with an interest in the use of pesticides and their impact on the environment. The Forum's remit is to support Government policy on responsible use, which aims for the reduction of impacts on the environment, whilst providing adequate protection for crops.

## **Conclusion**

ACTS members are invited to consider the information provided in the paper, and to identify whether they perceive any regulatory gaps in relation to the use of pesticides.