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H & S Guidance - Pesticides

INTRODUCTION

Unlike industrial chemicals, pesticides are developed primarily for their ability to act on living tissues. Although sophisticated development may enable pesticides to target their effects on a limited range of plants or animals, there has been increasing concern about the hazards which pesticides present to humans and the environment. This led to the introduction of the Food and Environment Protection Act 1985 (FEPA) which was designed to ensure the safe use of pesticides in the UK. The Control of Pesticides Regulations 1986 (COPR) were subsequently made under FEPA.

A pesticide is 'any substance, mixture of substances or organism prepared or used for destroying any pest'. A pest is defined as 'any organism harmful to plants, wood or plant products, any undesired plant or any harmful creature'.

LEGAL CONSIDERATIONS

1. Prohibitions

Regulation 4 of The Control of Pesticides Regulations 1986 prohibit the advertisement, sale, supply, storage and use of a pesticide unless Ministerial **approval** has been given for these activities in respect of that particular pesticide. Unless approval has been given all activities involving the pesticide are illegal. Similar prohibitions exist unless Ministerial **consent** has been given to that activity and the relevant conditions of consent are complied with.

CONSENTS - general conditions for consent to use are:

- to take all reasonable precautions to protect human health, creatures, plants, environment and against pollution
- no unapproved mixtures of pesticide or adjuvant (additive)
- use of certain types require formal training - i.e. certification
- employers must instruct users.

APPROVALS - are specific statutory conditions of approval for use and cover:

- Fields of Use (i.e. what type of uses)
- Type of crop or situation



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- Dose Rate
- Number of applications
- Maximum area or quantity
- Time of application
- User protection
- Environmental protection
- Restricted access after use, etc.

These conditions must appear in a 'statutory box' on the approved label.

2. Sale and Supply of pesticides

For products approved for agricultural use, salespersons etc. must have a 'Certificate of Competence' (awarded by Basis (Registration) Limited) or be under the direct supervision of a certificate holder, and all other conditions of the Consent and Approval must be complied with.

NB A pesticide 'approved for agricultural use' is one approved in the following fields of use:

- agriculture and horticulture
- forestry
- in or near water (but not amateur use, public hygiene or anti-fouling products)
- industrial herbicide.

3. Storage of pesticides

For products approved for agricultural use, where more than 200 kg or 200 l are being stored for sale or supply, a storeperson must have a Certificate of Competence awarded by Basis (Registration) Limited or be working under the direct supervision of a certificate holder. Pesticides must be stored in adequate facilities and comply with the MAFF Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture and Forestry. In addition, all other conditions of the Consent and Approval must be complied with.

Where less than 200 kg or 200 l of pesticides approved for agricultural use are stored for sale or supply or where the products are not approved for agricultural use, just the conditions of the Consent and Approval must be complied with.



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4. Use of pesticides

(a) Non-agricultural pesticides

- These must be used by the correct user (i.e. professional, industrial or amateur users)
- The operator must take all reasonable precautions (ref: Consent and guidance in the Code of Practice for the safe use of pesticides on farms and holdings)
- The statutory conditions of use on the label must be complied with.

(b) Agricultural pesticides

Certificates of competence (awarded by the National Proficiency Tests Council) are required for use of the pesticide if:

(i) its use is as part of a commercial service, or

(ii) if the operator was born after 31st December 1964

OR the operator must be working under the direct supervision of a certificate holder.

- The certificate must be appropriate for the type of operation.
- The operator must take all reasonable precautions.
- The statutory conditions of use on the label must be complied with.

5. Advertisement and Labelling

There are requirements relating to these, but they are not enforced by Environmental Health Officers as they relate primarily to consumer protection and commercial aspects of the legislation. You should contact your local Trading Standards Department

6. Disposal

Anyone who wishes to dispose of pesticides must comply with the legislative requirements of certain Acts of Parliament etc. A number of Codes of Practice and Guidance have been issued to help such persons meet their obligations as follows:-

- Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture and Forestry - covers disposal of leaking,



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- emptied or damaged pesticide containers and spillages.
- Code of Practice for the Safe Use of Pesticides on Farms and Holdings - covers disposal of waste concentrates, dilute wastes and washings, containers, waste packaging and other contaminated materials.
- Approved Code of Practice - The Safe Use of Pesticides for Non-agricultural Purposes.

PESTICIDES FOR NON-AGRICULTURAL PURPOSES

An approved Code of Practice (L9 Rev.) has been issued which covers people exposed or likely to be exposed to a substance hazardous to health which is an approved pesticide used for non-agricultural purposes. The Code applies, for example, in the following work activities:-

- amenity horticulture
- animal husbandry (e.g. kennels)
- control of pests for public health purposes

The Code covers:-

(i) COSHH Assessments.

(ii) Prevention or control of exposure to hazardous substances.

(iii) Use and maintenance of control measures (including pesticide application equipment and PPE, and the examination and testing of respiratory protective equipment)

(iv) Monitoring exposure.

(v) Health surveillance.

(vi) Information, instruction and training. The HSE booklet 'Recommendations for training users of non-agricultural pesticides' gives guidance on what training may be required.

(vii) Keeping records (storage, application and disposal of pesticides, COSHH assessments, monitoring, RPE maintenance, health and training records).



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RETAIL STORAGE AND DISPLAY OF AMATEUR PESTICIDES

'Amateur' pesticides include weedkillers, insecticides, fungicides, weed and feed treatments, fly sprays, rodenticides, wood preservatives, pond treatments and the like. They are usually specially formulated with a lower concentration than the professional equivalent; they may be used by anyone and do not attract user certification requirements.

The British Agrochemicals Association has produced a free fact sheet covering safe retail storage and display of amateur pesticides. Its contents include:-

- management and training
- pesticide sales areas
 - siting
 - display practice
- stockroom storage
 - spillage and disposal procedures
- good housekeeping

CHECKLIST - PESTICIDES

1. Do you ensure that any pesticides used are approved? Yes No
2. Where agricultural pesticides are stored for sale or supply or used do you ensure:- Yes No
i. certification of competency, as necessary
or
ii. that persons work under the direct supervision of a certificate holder
3. Do you ensure that all reasonable precautions are taken by all users of pesticides and that the statutory conditions of use on labels are complied with? Yes No
4. Do you have safe and acceptable methods of disposal of pesticides and their containers? Yes No
5. Have you carried out COSHH assessments etc. where necessary, where persons are or may be exposed to a substance hazardous to health which is an approved pesticide? Yes No



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6. If you store and display amateur pesticides in retail premises, do you comply with the guidance issued by the British Agrochemicals Association? Yes No

REFERENCES/FURTHER DETAILS

Approved Code of Practice L9 - The safe use of pesticides for non-agricultural premises (COSHH Regulations 1994) (HSE) ISBN 0-7176-0542-6

British Agrochemicals Association Fact Sheet - Safe Retail Storage and Display of Amateur Pesticides

Agricultural Information Sheet AIS16 – Guidance on storing pesticides for farmers and other professional users.(HSE).
www.hse.gov.uk/pubns/ais16.pdf

Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture and Forestry (MAFF)

Leaflet INDG141, Reporting incidents of exposure to pesticides and veterinary medicines,

<http://www.hse.gov.uk/pubns/indg141.pdf>

INDG 257, Pesticides; using them safely
<http://www.hse.gov.uk/pubns/indg257.pdf>

Leaflet INDG 276, Feral Honey Bees
<http://www.hse.gov.uk/pubns/indg276.pdf>

Safe use of rodenticides on farms and holdings
<http://www.hse.gov.uk/pubns/ais31.pdf>

Food and Environment Protection Act 1985 and Control of Pesticides Regulations 1986 - An open learning course (HSE) ISBN 0-11-885743-6