

PESTICIDES- LEGISLATION

Topics covered in this section

- Pesticides and the law (The Food and Environment Protection Act, (1985), Control of Pesticides Regulations, (1986), Control of Substances Hazardous to Health Regulations, (1994), enforcement of pesticide legislation)
- Pesticide labelling • Pesticide approval status • Retail storage of pesticides and spillage procedures

Pesticides and the law

Pesticide legislation has changed considerably within the past decade. These changes have had a significant impact on commercial farmers and growers, but they also affect gardeners and retail outlets, as well as garden product manufacturers.

The following sections give an outline of the current legislation and how it affects garden product retailers and their customers.

The Food and Environment Protection Act. (1985) (FEPA)

The aims of this Act are to ensure that pesticides are used without causing harm to animals, humans or the environment. It is a legal requirement that pesticides are used in compliance with the Regulations introduced under FEPA (i.e. the Control of Pesticides Regulations, (1986)).



A VAST AMOUNT OF DATA IS REQUIRED BEFORE A PESTICIDE IS APPROVED BY GOVERNMENT

Control of Pesticides Regulations. (1986) (COPR) and the Plant Protection Products Regulations (1995)

Suppliers and sales outlets must:

- **ONLY SELL APPROVED PESTICIDES.** Only approved pesticides may be recommended for the control of pests. Beer, methylated spirit, salt, soapy water, boiled up cigarette ends(!) and other home made concoctions used in the past by gardeners are not approved pesticides.
- **NEVER REPACK.** Retailers may not sell or supply to end users an approved pesticide in anything other than the container supplied by the manufacturer who holds approval for that product.
- **ONLY GIVE RECOMMENDATIONS FOR USE OF PESTICIDE PRODUCTS WHICH ARE IN STRICT ACCORDANCE WITH LABEL RECOMMENDATIONS.** This includes advice on dilution rates, crops sprayed, mixing of pesticides with other pesticides or additives, harvest intervals and any other precautions or advice given on the product label. (If in doubt, consult the manufacturer).
- **TAKE ALL REASONABLE PRECAUTIONS,** particularly with regard to storage or transport, to protect the health of human beings, creatures and plants and to safeguard the environment.

Amateur Users:

- **USERS OF PESTICIDES MUST TAKE ALL REASONABLE PRECAUTIONS TO PROTECT THE HEALTH OF HUMAN BEINGS, CREATURES AND PLANTS, TO SAFEGUARD THE ENVIRONMENT,** and, in particular, to avoid the pollution of water.
- All pesticides are approved for amateur or professional use (ie agriculture, commercial and amenity horticulture or forestry) by the government. It is legal for professionals to use amateur products, provided a COSHH assessment is conducted, but **IT IS ILLEGAL FOR AN UNCERTIFICATED AMATEUR TO USE PROFESSIONAL PRODUCTS.**
- **LABEL RECOMMENDATIONS MUST BE ADHERED TO.**

Plant Protection Products Regulations (1995 as amended)

The UK approvals system is gradually being replaced by arrangements based on EC requirements. These regulations implement the Authorisations Directive (91/414/EEC) into UK legislation; The Regulations implementing 91/414/EEC were made under FEPA (1985) and the European Communities Act (1972).

PESTICIDES - LEGISLATION

Control of Substances Hazardous to Health Regulations, (1994) (COSHH)

These regulations were introduced under the Health and Safety at Work etc., Act (1974). They are designed to protect anyone coming into contact with potentially hazardous substances. The regulations require that assessments are made in the workplace to evaluate potential risks to health from these substances.

If the assessment identifies a risk to health, appropriate action must be taken in order to eliminate exposure. Responsibility for these assessments lies with the employer. Employers also have responsibility under COSHH for all visitors to the establishment, including the general public. Spillages and medical emergencies must be dealt with in the appropriate manner. Advice on these is given on the Material Safety Data Sheets (MSDS) for each product. Retailers should obtain and retain copies of Material Safety Data Sheets (MSDS) for all garden care products and should be prepared to issue copies on request.

Material Safety Data Sheets (MSDS) are available either direct from suppliers or through distributors.

Advertisements

All advertisements for pesticides must carry the phrase "Always Read The Label. Use Pesticides Safely", and declaration of the active ingredients in each product. An example is given at the bottom of the last page of this Course Note. This requirement applies to retailers own adverts in the local press and media. Ensure that trade names are accurately quoted and acknowledged. For more guidance contact the product manufacturer.

Enforcement of pesticide legislation

As of April 1992 the government authorised local government (ie local authorities) to enforce the advertising, storage, sale and supply aspects of FEPA and COPR. A special section has been set up within the Local Authority Unit of the HSE to provide liaison, facilitate training and give guidance to local authority staff enforcing pesticide legislation. Local authority enforcing officers will be either a Trading Standards Officer or an Environmental Health Officer. Retail premises have been highlighted as one of the areas for local government enforcement. A good understanding of the law affecting the advertising, sale, careful storage of garden pesticides, and correct advice given to customers are the features a local authority enforcement officer will be looking for.

Pesticide labelling

Introduction to labelling

The best advice you can ever give a consumer is **READ THE LABEL** and **FOLLOW THE DIRECTIONS FOR USE**. Note that new guidelines are being prepared for garden product ("amateur") labels.

Pesticides are only granted approval under the Control of Pesticide Regulations, (1986), if the product label is acceptable; the main requirement of this is to ensure that any risks are clear and that the appropriate precautions are given on the label.

The labels are designed to be durable and easy to read. The safety information is repeated on all parts of the packaging. For example, if a bottled chemical is sold in an outer box, the precautions and appropriate application information must be on both the bottle and the box.

All pesticide labels must carry the following information:

1. The trade name
2. The active ingredient
3. The quantity of the product (e.g. 250ml)
4. Name, address and telephone number of marketing company
5. A restriction of use phrase (e.g. For use only as a home garden weedkiller)
6. Brief statement about use of product (e.g. "For the control of all foliar insect pests")
7. MAFF number or HSE number
8. Directions for use and any other relevant information regarding its use by the consumer
9. Precautions. Safety precautions are highlighted through being displayed in a box
10. Storage information (e.g. "Protect from frost", "Do not store in direct sunlight")
11. Hazard symbol, if appropriate. These symbols are black on an orange background. Not many garden chemicals carry them but ones that may be seen on some garden chemicals are 'IRRITANT', 'HARMFUL', and 'OXIDISING'. Examples of these are shown below.



IRRITANT



OXIDISING



HARMFUL

NOTES

Statutory Conditions of Use

To clarify this information, labels of pesticides must carry a highlighted section containing the **Statutory Conditions of Use**. This may be presented as a statutory box, or it will be highlighted in some other way. This information includes:

1. Field of use restrictions (e.g. 'For use only as a home garden weedkiller')
2. The crops or situations which may be treated
3. The maximum individual dose/application rate
4. The maximum number of treatments
5. The maximum area or quantity which may be treated
6. The latest time of application
7. The harvest or re-entry interval
8. Environmental protection requirements (e.g. dangerous to bees)
9. Any other specific restrictions which ministers may require.

Not all of this information will be relevant to every product, but if it is, it will either be displayed in the statutory box or, if there is not enough room for a separate box, it will be highlighted to set it apart from the surrounding text by means of asterisks or other form of acceptable marking.

Pesticide approval status

All garden pesticides sold in the UK must have an HSE, MAPP or MAFF No. This number indicates that the products have passed through the government's pesticide regulatory scheme. However just because a product has MAFF/HSE number it does not necessarily mean that it is still approved and approval can be revoked at any time.

Changes to approval status

Garden retailers need to be aware that approval can be revoked for a number of reasons. These include change in approval holder/ marketing company, changes in product name, commercial withdrawal of a product for a number of reasons (product/market too small, too costly to support additional regulatory data, loss of manufacturing facilities/key ingredient). It is likely that the number of products being commercially withdrawn will increase. This is due to the increasing costs of obtaining re-registration under European legislation.

Sell out periods

When approval is revoked the Pesticides Safety Directorate (PSD) will usually give manufacturers, wholesalers and retailers specific sell out periods.

However PSD retain the right to revoke the approval for sale and use of any product at any time. In theory this should only happen when new data supplied by the manufacturer shows that there may be a significant risk to public health.

Checking on a product's approval status

There are a number of routes through which a retailer can check on a products approval and whether the product can continue to be sold. In practice most retailers will seek help from the manufacturer:

Manufacturers, the Crop Protection Association or the PSD are in the best position to advise the retailer of the approval status of their products. Many companies publish their current "live" MAFF/HSE No's in their product catalogue, for some products more than one number may be "live" for the retailer. Where the products MAFF/HSE No's or approval status changes manufacturers will advise retailers of these changes; additionally manufacturers' technical staff are able to give extra advice. The information section at PSD can also give product specific advice and can be particularly useful when trying to track down information on an old product. Alternatively, visit their website (www.pesticides.gov.uk).

LAWN WEEDKILLER
contains 2, 4-D and Dicamba

WEEDS CONTROLLED:
Buttercups, Chickweed, Daisies, Dandelions, Plantains, Yarrow, White Clover, Selfheal and other lawn weeds.

DIRECTIONS FOR USE:
Apply at any time when the soil is moist and the weeds are in active growth (April - September). Better results are obtained when lawn is not mown for three days before and after spraying. DO NOT apply in drought conditions.

Note: First mowings of grass after treatments should not be used for compost or mulch.

APPLICATION:
Mix with water and apply evenly using a fine rose watering can or suitable sprayer. Choose a fine still day for spraying. For heavy weed infestations repeat treatment 21 days later to ensure complete control. AVOID spray drift on to cultivated crops.

EASY MEASURE CHAMBER:
Hold the bottle upright, loosen cap and gently squeeze bottle to fill to the 15ml mark of the dose chamber. Remove the chamber cap to empty contents. Repeat if required.

DILUTION:
For application by WATERING CAN mix 15ml in 9 litres (1/2 fl oz in 2 galls) of water and apply evenly over 15m² (18 sq yds). For application by SPRAYER mix at a rate of 15 ml in 1 litre (1/2 fl oz in 2 pints) of water and apply evenly to cover 15m² (18 sq yds).

500 ml
Treats 500m² (600 sq yds).

PRECAUTIONS

- Keep off skin
- Wash hands and exposed skin after use
- Keep away from children and pets
- Apply away from fish
- Keep in original container, tightly closed, in a safe place
- Empty container completely and dispose of safely

STATUTORY CONDITIONS RELATING TO USE.
FOR USE ONLY AS A HOME GARDEN WEEDKILLER
For use on lawns: Dose 1 ml of product per m²
READ ALL PRECAUTIONS BEFORE USE. MAFF 0000

Manufacturer's name, address and telephone number

AN EXAMPLE OF THE INFORMATION CONTAINED ON A PRODUCT LABEL WITH A STATUTORY BOX

PESTICIDES - LEGISLATION

What to do next

After checking on the product's approval status, retailers are likely to be faced with three scenarios:

- I. The Product is approved and may continue to be sold
- II. Product is undergoing staged revocation:- Product may continue to be sold but ensure that all stocks of that product/approval number are sold out by the required date
- III. Product is no longer approved (eg for commercial or quality/safety/efficacy reasons or has reached end of sell out period): remove product from shelves immediately, seek advice from the manufacturer and arrange for disposal by a reputable waste disposal contractor.

Retail storage of pesticides

In order to comply with COSHH and the Health and Safety at Work Act, it is important to store and display all products, including garden chemicals, in a way that minimises risks to employees and customers.

Key points to remember about storage for retailers

- Only sell approved products (see earlier section)
- Take care when siting display areas; in particular keep garden chemicals away from foodstuffs and eating areas
- Displays should have easy and safe access for both staff and customers
- Ensure heavier containers are placed on lower shelves
- Prepare a spillage procedure and ensure staff have access to the necessary information and equipment
- Take extra fire and security measures in the stock room
- Use good management and housekeeping to ensure display areas and stockrooms meet the necessary standards.

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