

Chemicals Regulation Directorate

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Local Authority Chief Executives

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Dear Sir/Madam

THE PLANT PROTECTION PRODUCTS (SUSTAINABLE USE) REGULATIONS 2012

I am writing to advise you that new regulations relating to the use of pesticides recently came into force. This letter is for authorities that use pesticides or appoint contractors to manage vegetation or control pests, weeds and diseases on their behalf. If this is the case, it is important you comply with the legal requirements and ensure safe use of pesticides.

The law includes requirements that anyone who uses, or causes or permits others to use pesticides must ensure that:

- all reasonable precautions are taken to protect human health and the environment;
- the application is confined to the area intended to be treated; and
- when used in public spaces that the amount used and frequency of use is as low as is reasonably practicable.

If your authority is using pesticides it is important that your control programmes are overseen by suitably trained and competent advisors/officers. This will help secure legal compliance, deliver best value for money and ensure efficient and effective use of the products. It will also ensure that those who manage spray operations or advise, specify and manage contracts in your authority are competent to do so.

Where pesticides are used this should be part of an integrated programme whereby suitable alternative methods of control are considered and used where appropriate to help minimise your use of chemicals. This not only helps reduce the risks to human health and the environment but minimises the risk of pest, weed and disease resistance emerging. The avoidance of water pollution through inappropriate pesticide use is vital and storage of pesticides to appropriate standards is a key part of this objective.

The range of pesticides available to manage vegetation and control pests and weeds in amenity situations is already limited. Failure to meet legal requirements may result in the withdrawal of authorisations for use which could result in an increasing reliance on potentially less cost-effective methods of control for your authority.

If your authority carries out amenity management work or uses contractors to carry out amenity management work you will need to be satisfied that staff/contractors are competent and have the sufficient skills and knowledge to do the job safely. Attached to this letter is a list of questions you could use to establish contractor competence to carry out such work. Initiatives such as the Amenity Assured Standard and the National Amenity Spray Operators Register (NASOR) provide some assurance of compliance for registered members. HSE guidance, [INDG368](#) 'Use of contractors: a joint responsibility' provides general health and safety advice on how to specify a safe contract, select a suitable contractor and have arrangements in place to monitor and review the contract.

If you have any questions relating to the contents of the letter please contact Nigel Chadwick at the Health and Safety Executive's Chemical Regulation Directorate (tel: 01904 455723 or email: nigel.chadwick@hse.gsi.gov.uk). Guidance on complying with pesticide legislation and contract specification and management is available on the website of the [Chemicals Regulation Directorate](#) and the [Amenity Forum](#).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rob Mason', with a stylized, cursive script.

Rob Mason
Director of Regulatory Policy
Chemicals Regulation Directorate

SOME SUGGESTED QUESTIONS TO ASK POTENTIAL AMENITY CONTRACTORS (similar principles can be applied to in-house services)

Experience

- What experience does the contractor have in this type of work (are they a member of a trade association such as the National Association of Agricultural Contractors, scheme such as NASOR or standards initiative such as Amenity Assured)?
- Does the contractor know and understand all relevant laws and codes of practice relating to supplying, storing and using pesticides?
- Does the contractor intend to sub-contract any of the work? If so, how will the contractor appoint and ensure any sub-contractor is suitably experienced and qualified?
- Does the contractor/sub-contractor and their staff hold a relevant training certificate appropriate to the pesticide advice given and the type of equipment to be used?

Objectives

- What will the work deliver (does it define the areas to be treated and performance standards which will be met)?

Policy on vegetation management

- Have they considered alternative methods of control?
- How will they ensure appropriate products are used and the minimum amount of pesticide is applied?

Safe storage, use and disposal of pesticides

- What arrangements do they have for managing health and safety and protecting the environment? (do they know where sensitive and vulnerable areas are located? Can they provide sample generic and site specific assessments)?
- What is the contractor's health and safety record? (do they hold accident records? Have they had enforcement action taken against them on health and safety matters?)

Monitoring and Reporting

- How will performance be monitored by the client. (for example, how frequently will the contractor be expected to provide a report to the client? Will client inspections be undertaken?)
- Are there arrangements for client and contractor to meet, review the contract and share experience and expertise?
- What records will be kept by the contractor? (for example, risk assessments, weather conditions, incident data, etc?)

Review

- For long-term contracts, how will the contractor ensure they keep up to date with any changes in policy, laws or other factors likely to affect the contract?

Insurance

- Does the contractor have: public liability; professional indemnity; and employer's liability insurance?