

Relevant Legislation

The Control of Pesticides Regulations 1986 (as amended)

The Control of Substances Hazardous to Health Regulations 2002

Poisons Act 1972 and the Poisons Rules 1986

Environmental Protection Act 1990

Environment Act 1995

Control of Pollution Act 1974

Special Waste Regulations 1996

Groundwater Regulations 1998

Pesticides Code of Practice on Use of Plant Protection Products 2006

General

Pesticides contain chemicals that kill pests or drive them away. They are designed to cause harm to living organisms and are therefore potentially harmful to people, animals and the environment.

Pesticides include:

- herbicides
- fungicides
- insecticides
- molluscicides
- lumbricides
- growth regulators.

Pesticides may be found in everyday products that are used to combat fungi, mould, insect pests and to destroy weeds. Pesticide legislation aims to exert control on both the products and the people using them whilst at work.

Very strict rules apply to handling poisons. These require additional control measures, such as a higher level of training or the need for two members of staff to be present, for example when using phostoxin for the control of moles. Detailed risk assessments are also required.

Training

Pesticides can only be applied on County Council premises by people who have received appropriate training and have obtained a Certificate of Competence or by someone who is under the direct and personal supervision of a person with an appropriate Certificate of Competence.

The National Proficiency Test Council (NPTC) or the Scottish Skills Testing Council (SSTS) are the awarding bodies for Certificates of Competence. These Certificates last a lifetime. It is also necessary to receive specific training from an awarding body such as LANTRA when using chemicals to control vertebrates. LANTRA, a sector skills council is an employer-led organisation licensed by the government to represent the interests of over 400,000 businesses in the UK. Amongst other things, it promotes the importance of training and career development opportunities.

A Certificate of Competence is a green card with a passport photograph of the operative. This must be carried when work with pesticides is being undertaken.

An HSE inspector has the power to demand that persons using pesticides produce their Certificates of Competence for inspection.

There are a number of modules for the various types of application work, as detailed below.

Certificates of Competence - Modules for Spray Operators	
PA1	Foundation module (Note - All candidates must complete a foundation module)
PA2	Ground crop sprayers – mounted or trailed
PA3	Broadcast air – blast sprayer, variable geometry boom air assisted sprayers
PA4	Granule applicator – mounted or trailed
PA5	Boat-mounted applicators
PA6	Hand-held applicators
PA7	Aerial application
PA8	Mixer/loader
PA9	Fogging, misting and smokes
PA10	Dipping bulbs, corms, plant materials or containers
PA11	Seed-treating equipment
PA12	Application of pesticides to material as a continuous or batch process

Anyone storing and/or supplying pesticides in quantities of more than 200 litres must hold a BASIS certificate. BASIS is an independent officially recognised Registration Scheme for the pesticide industry. It is responsible for ensuring competence in areas of pesticide storage and advice.

COSHH Assessment

A COSHH assessment must be undertaken on pesticides that present a significant risk. Product labels contain the safety information, as well as instructions for safe use. Products must only be used in accordance with the information on the label and there must be no unauthorised mixing of chemicals. Safety data sheets must also be provided free of charge by the manufacturer or supplier. Further information is given in the COSHH section of this policy.

Personal protective equipment needs to be identified as part of the assessment. As a minimum, this should include gloves, coveralls and a face shield to the appropriate European Standard. A limited number of products may require the operator to wear a respirator with a filter designed for organic vapours.

Storage arrangements must be recorded on the COSHH assessment. It is particularly important that unauthorised access to pesticides is prevented. Products can be stored in a fire resistant place, such as a 'chemsafe'. Measures should also be taken to contain spillages, for example by using bunds.

Empty containers should be rinsed out and the residual fluid added to the knapsack sprayer and used as part of the spray dilution.

Record Keeping

COSHH Regulations require that records of spraying pesticides and calibration of equipment be kept for three years. Health surveillance records need to be kept for 40 years.

Banned Pesticides

Under the provisions of European Directive 91/414/EEC member states were obligated to draw up a list of chemicals that must be banned from use in pesticides. This action took place during 2003.

Each substance that has now been withdrawn has its own unique registration number and it is this that should take precedence. It is possible that replacement products might retain the same name, which is why reference to the registration number is paramount when identifying substances for disposal.

Many of the products on the list are well known household applications, such as lawn treatments and weed killers. Further, detailed information is available on the Pesticides Safety Directorate's website at www.pesticides.gov.uk. The advanced search facility on this website can be utilised to identify if there are concerns about a particular pesticide. The Pesticides Safety Directorate (PSD) is an Executive Agency of the United Kingdom's Department of Environment, Food and Rural Affairs (DEFRA). This administers the regulation of agricultural, horticultural, forestry, food storage and home garden pesticides. The principal functions of the PSD are to evaluate and process applications for approval of pesticide products for use in Great Britain and provide advice to the Government on pesticides policy.

Protection of Human Health and the Environment

The introduction of the Plant Protection Products (sustainable use) Regulations 2012 PPP regs and associated code of practice formalise the need to maintain robust systems when considering the application of pesticides in work situations. This includes the application by either by our own employees or by contractors. The PPP regs and code of practice replaces the requirements contained within the Pesticides Code of Practice on Use of Plant Protection Products 2006.

Arrangements within Children's Services

Many schools use the services of the Grounds Maintenance Division via a service level agreement. The Grounds Maintenance Division employ skilled operatives who are trained to a high standard (LANTRA) and possess an extensive range of risk assessments. This enables them to undertake their activities competently and safely. In addition, they do not use or store any banned pesticides products.

However, where schools choose an external provider, it is incumbent on the governing body to verify that the contractor is fully competent and has received suitable training to enable their operatives to use pesticides safely.

The contractor should be aware that several substances have been withdrawn from use. Schools should check to see that they are aware of this and request that the contractor ceases to use them and arranges to dispose of them.

It is important that schools that opt out of the SLA and then choose to manage their own staff (such as caretakers) do not instruct them to undertake work with pesticides without providing them with appropriate training and equipment.