



Ref; APHA reply to “Consultation Document on the implementation of Directive 2009/128/EC, establishing a framework for a community action to achieve the Sustainable Use of Pesticides” issued by Dept of Agriculture, Food and Marine.

Quote’s from Consultation document introduction;

“Plant protection products (PPPs) are used to protect crops and plants from harm caused by diseases, insect pests and weeds and other harmful organisms. Without their use crop yields would be greatly reduced (50% or more) and quality would be reduced.”

“The regulatory system is designed to ensure a very high level of protection for man, animals and the environment. As part of the licensing system, risk assessments are carried out to ensure that there are no harmful effects for spray operatives, other workers, bystanders or consumers, consequent on their (responsible) use. Risk assessments are carried out to ensure that no unacceptable impact on non-target species occurs (e.g. birds, fish, wild mammals, bees or other insects, earthworms and soil macro- and micro-organisms). In addition risk assessments are undertaken to ensure that surface and ground waters are protected.”

It is imperative that these assessments and contribution to agriculture are recognized and appreciated in all the proposals outlined for possible legislation purposes in the consultation document. The proposals need to be appropriate in the context to achieving the stated Directive requirements and should not place unnecessary administrative or exceptional additional measures to any specific aspects of the Directive. Account of the proposals of other member states in relation to the transposition of all articles should be balanced with the proposals for Ireland.

Article 1 No comments at this time

Article 2 No comments at this time

Article 3 No comments at this time.

Article 4. - National Action Plan

Proposal 2.- It is essential that APHA as the representative body of pesticide manufactures and distributors in Ireland are viewed as a key stakeholder and should be included in any body set up to formulate a National Action Plan by 31st Dec 2012. Contributions from all stakeholders and achieving a consensus is the way to effective implementation of the Directive. One of the main stakeholders should not be excluded from meetings to formulate any action program.

Proposal 3. - The product information to be placed on the website are registered and approved by PCRD. However, the relevant companies should be made fully aware of any details in relation

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to their own product information as it will appear on a web site. Again, it would be beneficial to all concerned that APHA would be part of any review of future web site development.

Proposal 6- APHA recommends that a certification/registration/licensing system should be applicable to all retailers premises of pesticides both amateur and professional pesticide products. This requirement should be specific to each location/building type approved and specify the “distributor” or “distributors” working at these premises. Such a licensing system is already well established in the veterinary medicine regulations. This certification system shall include requirements and procedures for granting, renewal and withdrawal of certificates. This equates with the specific proposals required for training (Article 5).

Article 5-Training.

Professional End Users - We support the NFQ Level 5 requirement for professional end users. It would appear that a formal register of all “professional end user’s” will be required. This will need to be readily accessible by “Distributors” to ascertain if they may supply professional registered products to these individuals. These distributors will need to know if individuals hold or may have held and have had their “professional end user” certification withdrawn. Is it the responsibility of the individual “distributor” to ascertain the client/customer particulars? For example;- In the tobacco legislation the responsibility in relation to supplying cigarettes to minors lies with the individual employed by the company rather than the company itself. The inclusion of;-

Grassland Farming (where PPP use on the farm exceeds 20 litres per annum) we find an inappropriate provision. 20 litres of one product may cover a small number of hectares whereas 20 litres of an alternate product may be applied on a substantial number of hectares. Does this mean that a grassland farmer using less than 20 litres will be excluded from being a professional end user and may only purchase amateur registered products?

It should be noted that when professional end users are to be registered/licensed following training then the present system of potentially restricting product sizes is excessive and restricting product sizes can led to an increase in waste product as users will be unable to match requirements to supply through size combinations. There may also be an increase use in the use of knapsack sprayers as professional users move to spot treatment on farms and the flexibility of small sized packaging will be an advantage.

Additional training. - APHA recommends that there should be a minimum requirement for CDP or recognized need for up skilling every 3- 5 years or so, prior to granting renewal of certification. There is no mention of certification renewal.

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Distributors. - We support the introduction of the NFQ Level 5 certification. We also recommend that all retailers premises of PPP's should have a requirement to be registered/licensed and include the names of the relevant "distributor" on there registration.

Additional training. - APHA recommends that there should be a minimum requirement for CDP or recognized need for up skilling every 3-5 years or so, prior to granting renewal of certification. IASIS as one of the registered competent bodies could fulfill this role of CPE recording. There is no mention of certification renewal.

Advisors.-We support the introduction of a Level 8 Agricultural Degree/ Life Science (with crop protection component or completed NFQ Level 6 crop protection) as the new required standard for entry level as recognized "Advisor" following transposition of the Directive. However, we recommend that all current persons operating in the crop protection trade in an advisory capacity and having completed the NFQ Level 6 crop protection course should be deemed as qualified advisors without the need for a supervisor.

Many of these individuals have up to 20 years experience of recognizing weeds at cotyledon stage, have the ability to recognize disease and disease pressure in canopy's of various crops and give appropriate advice to professional end users. Many of these personnel have had specialized in house company training, specifically, on herbicides, fungicides, insecticides and various specialized application equipment. Also, many of these personnel have demonstrated their commitment to maintaining a high standard of educational expertise in this particular field, through having membership of IASIS/BASIS since 1996 onwards and registered CPE with IASIS, whilst many degree qualified personnel would have let this knowledge and expertise lapse over the past years through working in other areas, but would under this proposal still qualify as advisors.

Whilst the "supervised advisor" may be presented on a register as an "advisor" the fact that there are a relatively small number of persons specializing in this niche advisory area that all compete with each other in a commercial environment that in the few weeks since the publication of the "consultation document" many individuals that would be deemed "supervised advisors" are being demeaned and presented by competing business as second rate advisors. The experience, knowledge and know-how of these individuals gained over a lifetime of practical work and on the job training is being compromised in favour of an academic qualification.

This proposed "supervised advisor" is unreasonable and excessively punitive and will be viewed in the context of what educational requirements/level of knowledge and experience will be considered acceptable as an "Advisor" in the other 27 Member states. Legal action by all affected persons is a likely considered option. This would not be in the best interests of either the PPP industry or the government and would deflect from the benefits of this legislation.

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Additional training. - APHA recommends that there should be a minimum requirement for CDP or recognized need for up skilling every 2 years or so, prior to granting renewal of certification. IASIS as one of the registered competent bodies could fulfill this role of CPE recording.

Register.- While APHA accept that the register/licence should be administered by the Dept of Agriculture, Food and Marine we respectfully submit that IASIS as a voluntary non profit body should be deemed a competent body to record and administer CPE for both Advisors and Distributors on behalf of its members.

While the training requirement completion dates are specified in the Directive these timelines may be difficult to achieve for “Distributors” training.

Article 6. - Requirements for sales of Pesticides.

Proposal 1. APHA support this proposal. However, further details will be required as to its operation. For example,

Do you need a physical presence on the premises?

What is the status of telephone helplines for both “Advisors” and “Distributors”?

What is the status if these are situated outside the Member State?

Proposal 3. Please specify what general information on risks to the user and the environment and information on safe storage exposure, hazards and safe disposal.

Proposal 4. While we support that professional use products shall only be sold to professional end users, a system must be in place to enable the outlet to verify the status of a professional user.

Article 7. Information and Awareness raising.

Proposal 3. Please specify what information should be included on displays, pamphlets, leaflets?

We assume this does not refer to “Safety data” sheets, as these are not easily understood by members of the general public. We suggest that such information could be available on website displays such as “company” and “representative body” websites but also on the website mentioned in Proposal 1 referring to this Article 7.

Article 8. - Inspection of Equipment.

Proposal 6. - APHA supports the view that sprayers that have passed a test in another member state will be deemed to satisfy the Irish MS requirements. Will the same facility be available to personnel that have completed the professional end user, distributor and advisor status where the training complies with the standards of another member state?

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Article 9. Aerial Spraying.

APHA support the proposals as outlined.

Article 10.-Information to the public.

APHA support the proposals as outlined.

Article 11. - Specific measures to protect Aquatic environment and drinking water.

Proposal 1. We fundamentally disagree with the opening line of this proposal and request its removal. "In relation to article 2(a) above, end users shall wherever possible give priority to non chemical methods" This is not what is expressed in Article 2 (a). Article 2(a) specifies "giving preference to pesticides that are not classified as dangerous for the aquatic environment pursuant to.....Directive 2000/60/EC. The directive is not giving priority to non chemical methods. This statement should also be removed from Proposal 6 and also in Article 12, proposal 3. It is incorrect for the National Action Plan to promote non chemical methods over alternative methods if both are not classified as dangerous for the aquatic environment. This proposal goes much further than the Article 2 (a) requires where the word priority is used rather than preference and the inclusion of specific reference to R50 products. We request that this entire proposal is removed for the document.

Proposal 4. - Manufactures require further elaboration on risk assessment to reduce the extent of buffer zones?

Proposal 6. This proposal should be deleted as again it uses the wording priority to non chemical methods and refers to R50 products which are not mentioned in the Directive.

Article 12.-Reduction of pesticide use in Specific areas.

Proposal 3. Please remove the reference "give priority to non chemical methods" The directive requests that preference is given to pesticides that are not classified as dangerous.

Article 13. - Handling, Storage, Packaging and Remnants.

Proposal 1. Reference should be made at this point that minimum storage standards for premises will be required and will be developed the National Standards Authority. All applications for registering as sellers of PPP's should be made aware of this proposal.

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Proposal 3 & 4. In relation to triple rinsing of PPP, the industry has through product literature, presentations and advertising consistently promoted triple rinsing at time of use. APHA recommends recycling into non food plastic uses. This is successful in other member states where Triple rinsed recycled PPP containers are the raw material for plastic items such as plastic road barriers, plastic guttering for rain water, wheelie bins, etc. All stakeholders should work with the EPA and DOE to provide a framework for such a recognised procedure rather than just Guidance.

New Proposal 6. With the increasing growth in home/allotment type gardening, small pack sizes for products such as blight PPP needs to be considered.

Article 14. - Integrated Pest Management.

Proposal 1. We would view the introduction of reduced fees to biological PPP's as anti competitive and favouring one segment of an industry in preference to another.

Proposal 3. It would be incorrect to promote low pesticide input farming which may adversely affect crop performance and viability at farm level for little environmental benefit. APHA would support the promotion of low risk to environment products that are appropriate to disease pressures whilst maintaining the viability and long term sustainability of the agri food sector in Ireland.

Proposal 5. Any incentives to farmers would need to be appropriate and not give advantage to any one PPP sector over another.

Article 15. Indicators.

Include Proposal 5. The introduction of any risk indicators should be discussed with stakeholders (incl APHA) prior to their introduction.

Article 17. Penalties.

APHA suggest that penalties should also include loss of certification to sell/supply PPP. This is included in the animal remedies legislation for registration of licensed merchants supplying veterinary medicines.

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APHA as the representative body of the manufacturing and distribution of the PPP industry is fully supportive of all appropriate measures to protect water and the environment whilst allowing the agri food sector to develop and compete in world markets and remain profitable. We are available for any further discussion and clarification within this document and we consider that the National Action Plan committee should include the manufacturing industry as a major stakeholder in any future discussions.

Regards

Brendan Barnes, Animal and Plant Health Association. 26th August 2011.

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