



Policy & Resources  
Committee

Sir Charles Frossard House  
La Charroterie  
St Peter Port  
GY1 1FH  
+44 (0) 1481 717000  
www.gov.gg

HM Greffier  
The Royal Court  
St Peter Port  
Guernsey  
GY1 2PB

09 October 2019

Dear Sir

**Letter of Comment – Proposition No. P.2019/87 – Requête: Prohibition on importation, sale and use of glyphosate**

I refer to the above Requête which is scheduled for debate by the States of Deliberation on 16<sup>th</sup> October 2019.

Deputy de Lisle and six other Members of the States of Deliberation are seeking for the States to agree to:

1. To direct the Committee *for* Employment & Social Security, in exercising their powers under Regulation 11(8) of the Control of Poisonous Substances (Guernsey) Regulations, 2014, as amended, to revoke all existing approvals of plant protection products (pesticides) containing the active substance Glyphosate (CAS No. 1071-83-6, EU No 213-997-4), including importation and sale to professional users and the public by 31 March 2020, and final use by professional users by 31 December 2020.
2. To recommend that the Committee *for* Employment & Social Security should consider granting licensed approval for Glyphosate for the use by professional users for the control of noxious weeds in Guernsey.
3. To direct the Committee *for* Employment & Social Security to review any licensed approvals for the use of Glyphosate for noxious weeds control by the end of 2022.

The Policy & Resources Committee acknowledges that these issues have wide-ranging implications and in accordance with Rule 28(2)(b) of the Rules of Procedure of the States of Deliberation and their Committees, consulted with the various Committees mandated with responsibility for the matters set out in the Requête.

The Committee understands the motivation underpinning the Propositions set out in the Requête. It also acknowledges the Requêteants' concerns following the publication

of various research reports which suggest that the use of this pesticide may have significant health risks, including safety concerns centred on the impact of residual levels in the soil following its use.

It further notes that a number of studies on the toxicity of, and potential carcinogenic risks associated with, the use of glyphosate for both humans and animals have been published. Furthermore, much of the medical and scientific evidence around these health concerns has produced contradictory findings.

Before considering the specific Propositions set out in the Requête, it is important to bear in mind that Glyphosate is the most frequently used herbicide worldwide and has been used for several decades. Despite the concerns that have been raised about health-related issues linked to the use of glyphosate, including the impact of residues on food safety and the environment, glyphosate is a licensed pesticide and is not subject to any international restrictions of trade. At EU level, EU pesticide legislation requires that the approval of all active substances such as glyphosate must be periodically reviewed, starting with a scientific assessment by a rapporteur Member State, which is followed by a peer-review process overseen by the European Food Safety Authority (EFSA). On 15 April 2019, the EU endorsed a Commission's proposal to appoint four Member States (France, Hungary, the Netherlands and Sweden) acting jointly as 'rapporteurs' for the next assessment of glyphosate – this group of Member States will be known as the Assessment Group on Glyphosate (AGG). The Assessment Group on Glyphosate (AGG) will assess the application dossier and prepare a draft renewal assessment report to be reviewed by EFSA in 2021. The current approval of glyphosate expires on 15 December 2022. In the meantime, at EU level, glyphosate can be used as an active substance in Plant Protection Products (PPPs), until 15 December 2022, subject to each PPP being authorised by national authorities following an evaluation of its safety.

Against this backdrop, the Policy & Resources Committee has considered the implications of the Propositions of the Requête, if approved by the States of Deliberation, in relation to Guernsey's:

- domestic legislation and policies;
- existing obligations under Protocol 3 to the UK's Act of Accession to the European Economic Community in 1972; and
- position in respect of its prospective membership of the World Trade Organisation ("the WTO").

### ***Domestic legislation and policies***

The States of Guernsey model litigant policy<sup>1</sup> directs that appropriate consideration must be given to whether decisions of the States may expose the States to legal action and whether such action would be damaging to Guernsey's international reputation,

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<sup>1</sup> The States of Guernsey Model Litigant Policy – April 28<sup>th</sup> 2009  
<http://bridge/law/Model%20Litigant%20Policy/Model%20Litigant%20Policy.pdf>

as well as the likely costs of defending the action and, if successful, the costs of any awards for damages. The policy seeks to provide that the States will act in the public interest in contemplating, commencing and continuing, or defending litigation.

As glyphosate is not subject to any prohibitions similar to those proposed in this Requête either in the UK or the EU (although it is recognised that some Member States have prohibitions on certain glyphosate products such as Round-Up™), if supported, Guernsey would be prohibiting importation and sale of this pesticide to members of the public and professional users from, at the latest, 31<sup>st</sup> December 2020, notwithstanding that this is a pesticide that is approved by and in free circulation in the EU and so, at present, can be freely traded and used. Such prohibition could lead to a legal challenge from the manufacturers and serious consideration must be given to the States of Guernsey's potential exposure to (and defence of) any such legal claim in accordance with the principles of the States model litigant policy. Legal advice would need to be sought on this issue.

Further, the Control of Poisonous Substances (Guernsey) Regulations, 2014 are made under section 1(1) of the Poisonous Substances (Guernsey) Law, 1994. Therefore the proposed ban on the importation, sale and use of glyphosate, as set out in the Requête, would not apply to Alderney or Sark. This may present difficulties in enforcing the ban on importation.

### ***Protocol 3***

Under Protocol 3, Guernsey is part of the EU Customs Union and is able to trade in goods and agricultural products as if it were part of the EU. This means that trade is unrestricted by tariffs, quotas or other barriers (except VAT). Any traded products must meet the relevant standards and requirements of the EU. In other words, Guernsey is "within" the EU for most of the purposes of the free movement of goods and further, in relation to free movement of goods issues, Guernsey and the UK are treated as a single Member State. In other words, Guernsey is to be treated as part of the UK for certain Protocol 3 purposes such as free movement of goods and yet, if this Requête is approved, the UK (which is not known to be banning glyphosate imports) and Guernsey would not be acting uniformly which might breach the applicable Treaty provisions – detailed legal advice would need to be taken in relation to these more complex aspects.

As noted above, under current EU pesticides legislation, glyphosate can be used as an active substance in Plant Protection Products ("PPPs"), until 15 December 2022, subject to each PPP being authorised by national authorities following an evaluation of its safety.

Although the UK's BREXIT negotiations remain uncertain, when this Requête is debated Guernsey will remain subject of the terms of Protocol 3 and so must continue to comply with its terms, including in respect of its obligations to allow the free movement of goods.

## ***World Trade Organisation***

In February 2019, the States of Deliberation agreed that the UK's membership of the World Trade Organisation ("the WTO") should be extended to Guernsey. It was further agreed to:

"Commit to meet the UK's World Trade Organisation obligations, on an ongoing basis, and to resolve any issues or disputes promptly in a manner which is consistent with the States of Guernsey's extant policy with regard to international standards, the 2008 Framework for developing the International Identity of Guernsey agreed with the UK Government and protecting the Bailiwick of Guernsey's international reputation."

The negotiations with the UK are ongoing and the agreement is due to be signed in the near future.

Under the UK's WTO Membership, Guernsey will have committed to the WTO's global trading rules including the Agreement relating to Technical Barriers to Trade. This Agreement aims to ensure that technical regulations, standards, and conformity assessment procedures are non-discriminatory and do not create unnecessary obstacles to trade. At the same time, it recognises WTO members' right to implement measures to achieve legitimate policy objectives, such as the protection of human health and safety, or protection of the environment. However, these measures are in general aligned to international standards and need to be defensible internationally if challenged.

Currently glyphosate can be traded freely within the UK and certain EU Member States. Should the States of Guernsey proceed with a prohibition of the importation, sale and use of glyphosate (or any associated product such as Round-Up™) then a full legal analysis and risk assessment would need to be carried out. If the States proceeded with a prohibition on the importation of glyphosate, not only would it potentially not be adhering to international trade rules, but, if an international complaint was made, and the prohibition deemed non-compliant under WTO rules, the States would have to remove the ban immediately. There could also be other additional impacts such as reputational risk and damages in relation to trade policy compensation for any trade injury caused.

The Policy & Resources Committee therefore firmly believes Guernsey should not seek to introduce any prohibition on the importation, sale or use of glyphosate until either the UK (assuming the UK does leave the EU as planned) or the EU Commission makes such a move.

## ***Conclusions***

In conclusion, as set out in the Requête, the States could amend the Regulation 11(8) of the Control of Poisonous Substances (Guernsey) Regulations, 2014, as amended, to revoke all existing approvals of plant protection products (pesticides) containing the

active substance glyphosate, including importation and sale to professional users and the public. However, such a decision would not accord with Guernsey's international obligations and may result in the manufacturers' threatening and/or commencing legal action against the States of Guernsey. Also, the scientific evidence relating to glyphosate is not wholly consistent.

In light of the above and, whilst fully acknowledging the genuine concerns of the Requêteurs centred on health implications from the use of glyphosate, the Policy & Resources Committee recommends that the States not support the Requête. However, it commends the States to endorse the early decisions of the Committee *for the Environment & Infrastructure* and the States' Trading Supervisory Board to phase out their use of glyphosate-based pesticides and for this commitment to form part of a States policy on the use of pesticides.

The Policy & Resources Committee acknowledges that it is not necessarily inappropriate for a small jurisdiction, such as Guernsey, to lead by example in matters where health and/or environmental protection are involved. Indeed, Guernsey was one of the first jurisdictions to ban smoking in certain public places and thereafter in licensed premises and all public buildings. Notwithstanding that, in this instance the Policy & Resources Committee believes that the recommendation to introduce a ban on the importation, sale and use of glyphosate is a matter where the practical implementation and the wider risk of harm to Guernsey's international reputation outweigh the perceived benefits of banning its use in the Island.

The Policy & Resources Committee thanks the committees of the States for their contributions and recommends that the Requête should not be supported, but suggests that the Committee *for the Environment & Infrastructure* may wish to consider this matter further:

- if further IARC or WHO research comes to light;
- if the UK leaves the EU;
- in 2022 when the EU and UK's current approval of this product has expired and the outcome of the EU's further review of the safety of glyphosate is known; or
- if the UK introduces a prohibition on the importation, sale and use of glyphosate.

Yours faithfully



**Deputy L S Trott**  
**Vice-President**  
**Policy & Resources Committee**

Enclosed consultation responses:

- the Committee for Economic Development;
- the Committee *for Education, Sport & Culture*;

- the Committee *for the* Environment & Infrastructure;
- the Committee *for* Employment & Social Security;
- the Committee *for* Health & Social Care;
- the Committee *for* Home Affairs; and
- the States' Trading Supervisory Board.



Deputy St Pier  
President  
Policy & Resources Committee  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
Guernsey  
GY1 1FH

Level 4  
Market Building  
PO Box 451  
Fountain Street  
St Peter Port  
GY1 3GX  
[www.gov.gg](http://www.gov.gg)

17<sup>th</sup> September 2019

Dear Deputy St Pier

**Requête - Prohibition on the importation, sale and use of Glyphosate (P.2019/87)**

Thank you for your letter of 3<sup>rd</sup> September 2019 referring this matter to the Committee *for* Economic Development for comment. The Committee notes that the requête is calling for a prohibition on the importation, sale and use of Glyphosate – a herbicide used in many weed killer products used by amateur and professional horticulturalists, including the local horticultural industry. Deputy de Lisle and Deputy Dudley-Owen are signatories to the requête and have therefore recused themselves from the Committee's response on this matter.

The Committee is conscious of public concern about the potential damage to the environment and human health from insufficiently controlled use of agricultural chemicals. However in the case of Glyphosate, authoritative international bodies do not consider that the evidence is clear cut in respect of this material when used correctly.

The requête proposes a timeline for an outright ban but it has not allowed for a wider impact assessment to be carried out or to evaluate if that timeline is reasonable. In addition, it does not allow for the public and business to be informed as to why access to Glyphosate needs to be restricted at short notice without the opportunity to either comment or to develop safe, commercially viable, and effective alternative techniques for weed and crop management.

The Committee is concerned that there appears to be no evidence of consultation with Bailiwick businesses and consumers who would be directly affected by an outright ban, including farmers, gardening and landscape companies, agrichemical suppliers, garden centres, and the public. Such an exercise would provide valuable information on the potential impact both in financial and environmental terms on island businesses and consumers. It would appear to be a matter of good governance to conduct a consultation with businesses and consumers in the Bailiwick before any decision on restrictions to the use of Glyphosate is made.

The Committee is also aware that there are concerns over whether an outright ban of Glyphosate would be consistent with the Bailiwick's ability to comply with international trade agreements. Legal advice should be sought on this point before the States of Deliberation takes any decision to ban or restrict the use of Glyphosate.

In summary, the Committee is unable to support the requête and is concerned that the approach proposed by the requête will not allow consideration of either the potential impact on the local businesses and consumers who would be directly affected or the Bailiwick's wider trading relationships.

Yours sincerely

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**Deputy Charles Parkinson**  
President  
Committee *for* Economic Development



Deputy G A St Pier  
President  
Policy & Resources Committee  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
Guernsey  
GY1 1FH

23 September 2019

Dear Deputy St Pier,

**Re: Requête: P.2019/87; Proposal: Prohibition on importation, sale and use of glyphosate**

Thank you for affording the Committee for Education, Sport & Culture the opportunity to comment on the potential prohibition on the importation, sale and use of glyphosate.

The external areas of the majority of the sites overseen by the Education section of the Office of the Committee for Education, Sport & Culture are maintained by States Works under contract. Although the level of glyphosate usage is unknown in term of volume, I believe it is widely used across our education estate, both by States Works and our own premises staff. I understand that States Works' Land Management staff are investigating the potential implications with other interested parties and also considering whether alternative approaches might be appropriate, which may include elements such as tolerating higher levels of weed growth, the use of non-chemical treatments, manual intervention and natural alternative solutions. We will, therefore, need to be guided by States Works (and potentially other parties) in respect of evaluating how we might tackle the management of weed growth in future on our school sites.

In terms of our responsibilities under Sport and Culture I can advise that our staff use about 40 litres of glyphosate each year to kill weeds at various premises including Beau Sejour, Footes Lane, Delancey Park and many historic sites including Castle Cornet. If there were to be a ban on the use of this product, it is not immediately clear as to what alternatives we would be able to use and what (if any) the additional cost would be in terms of a suitable replacement product and additional labour if more frequent spraying

were required. Whilst detailed research on alternative products has not been undertaken, the general understanding amongst staff responsible for its acquisition and use is that currently there are no other weed killers that are anywhere near as effective as glyphosate. In addition to this, staff overseeing work on the historic sites have also cautioned about the use of 'emerging products' on or near some buildings given the potential for irreversible damage should some form of chemical reaction and/or staining result.

If necessary we believe we would be able to continue operations without the use of glyphosate. However there would almost certainly be additional costs which, at this point in time, are impossible to quantify. We would, therefore, respectfully suggest that further detailed research on the availability and effectiveness of alternative products is undertaken before a final decision is made.

Yours sincerely,

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**Deputy Matt Fallaize**  
President  
The Committee *for*  
Education, Sport & Culture



Committee *for the*  
Environment & Infrastructure

Raymond Falla House  
PO Box 459  
Longue Rue  
St Martin  
Guernsey  
GY1 6AF  
+44 (0) 1481 234567  
environmentandinfrastructure@gov.gg  
www.gov.gg

Deputy G St Pier  
President  
Policy & Resources Committee  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
Guernsey  
GY1 1FH

26 September 2019

Dear Deputy St Pier

**Requête - Prohibition on the importation, sale and use of Glyphosate (P.2019/87)**

Thank you for referring this matter to the Committee *for the* Environment & Infrastructure for comment in the light of its responsibility for the agricultural industry and environment and particularly the protection of natural habitats and biodiversity.

The requête proposes a relatively swift removal of glyphosate formulations from the market by the end of March 2020 and a ban on its use by the end of 2020, albeit with a licensing system that can make it available to professional users for “noxious weed control”.

The Committee is unanimous in being very sympathetic to the underlying aim of the requête to bring about a reduction in the use of herbicides and pesticides on the Island because of the impact they can have, directly and indirectly, on our natural flora and fauna. This principle is implicit in the States-approved Biodiversity Strategy.

Furthermore, the Committee supports the widely-held view that the unnecessary addition of potentially toxic chemicals to the environment should be avoided as much as is reasonably practicable to reduce and, ideally, eliminate damage to ecosystems and avoidable risks to human health.

The Committee has taken a keen interest in this topic for some time. Members and officers from relevant operational units across the States of Guernsey are aware of public concern and have kept abreast of the issues and evidence in this field. The subject has been discussed at both political and officer level and a working party was recently established to progress this work.

In July this year, the Committee initiated a review to explore glyphosate’s use, its impacts on the natural environment, and the options for an evidence-based plan for a broad, balanced, and staged reduction in its use. The Committee intended to use the results of this review to propose future steps and firmly believe that this would be a more effective and sustainable approach than that proposed in the requête.

Members consider that the requête's approach would have problematic unintended consequences. Removing glyphosate would be likely to precipitate a switch to the use of other chemicals, possibly in greater quantities, which could be more environmentally damaging, have higher health risks and be less easily removed from drinking water. Therefore, despite being sympathetic to its aims, the Committee will not support the requête.

The Committee notes that there is a lack of approved non-selective (broad-spectrum) systemic (translocated) herbicide alternatives to glyphosate. This means that in agricultural and professional settings (for example farms and gardening services), if the use of glyphosate were restricted in the way suggested by the requête then it would, in all likelihood, be substituted by glufosinate-ammonium, the only other approved product of this type. This herbicide has a different risk profile, including, for example, skin sensitisation. Because it does not translocate as well as glyphosate (in other words, it doesn't act on the whole plant as comprehensively) it is less effective on perennial weeds, meaning greater quantities of this chemical would be used compared with glyphosate. This would result in an overall increase in the use of herbicides in Guernsey.

Non-selective contact herbicides (in other words, herbicides that work on a wide variety of plants but kill only the part directly exposed to the chemical) are available, but they require repeated applications, again increasing the overall volume used. Herbicides based on acids present acute risks of burns to those handling it and require substantial PPE use.

Selective systemic herbicides (in other words, herbicides that kill the whole plant but work only on specific species) are available but are inherently more limited in terms of their effectiveness across the weed spectrum. Again, any increase in the use of such herbicides is likely to lead to an overall increase, because multiple chemicals will be probably be used to treat the same area of land. In addition, the use of flazasulfuron, metsulfuron-methyl, sulfosulfuron and tribenuron-methyl are prohibited near or on edible crops (including fodder), as they cause hypoglycaemia (some of the sulfonylurea are used as antidiabetic drugs). They also have an unfavourable environmental risk profile, being particularly detrimental to aquatic life.

Even non-chemical alternatives to glyphosate could potentially be damaging. Glyphosate is the most effective way of treating Japanese Knotweed, for example: without access to glyphosate there is a danger that islanders could attempt to dig up this highly invasive non-native plant, which would have the unfortunate effect of making the problem worse.

Members of the Committee have been particularly keen to be kept up to date regarding the use of glyphosate on managed States land and for the clearing of roadside weeds. They have been very clear that they would support effective proposals for the early adoption of environmentally safe alternative methods for weed control. However, the Committee is aware that at the present time, UK local authorities have struggled to find a suitable alternative, with trials of other substances and methods proving to be more expensive and far less effective: while they do deal with annual weeds and top growth, they do not deal with most perennial weeds, and therefore regrowth continues.

The Committee is aware that there is a range of views in the community on what extent of plant growth is and is not acceptable, and indeed what is and is not a weed. The Committee is keen to better define the principles that guide the States' land management,

mindful that a different approach could potentially reduce the level of weed control needed.

While adjustments to land management policy in some areas could reduce the interventions required, and therefore the associated costs, effective weed control in other areas – such as roads – will always be necessary. Without such treatment, weed growth will in due course damage the road surface and potentially affect surface water drainage as well. Studies by DEFRA suggest that stopping the use of glyphosate and switching to non-chemical methods to achieve the same outcome could raise the annual cost of road treatment by up to eight times. Clearly the financial cost should not be the sole determining factor in deciding on a management regime, but it is a relevant factor to consider alongside others.

Information provided to the Committee by the Guernsey Farmers' Association shows that glyphosate, which is primarily used for the pre-cultivation clearance of weeds/vegetation, is very valuable in dealing with perennial grasses, giving a clean start to the season's farming. Using glyphosate in this way allows a low tillage land management regime to be used, which has several environmental advantages: reduced CO<sub>2</sub> release from the soil, retention of soil humus and structure, and fewer tractor hours, meaning less fossil fuel use. Application in this form is low risk as it is directed very close to the soil where the chemical breaks down relatively quickly. It is applied many months before harvest, so it is unlikely to affect the crop.

The requête quotes incorrectly that the half-life of glyphosate in soil of 47 days. This is an average figure; figures vary based on soil and climate conditions which affect its persistence in soil.

While the Committee is sympathetic to public concerns over the safety of glyphosate, it considers that the risks associated with a complete ban at this stage outweigh the risks of its current use. Its categorisation by the International Agency for Research on Cancer as a group 2A carcinogen ranks it alongside hot drinks, red meat and shift work. Glyphosate received a five-year approval in Europe in 2017: France, Hungary, the Netherlands, and Sweden will conduct the risk assessment to consider whether approval should be granted after 2022. The Committee will of course continue to keep a close eye on international regulatory developments regarding the use of glyphosate and additions to the body of scientific evidence regarding its health impacts.

Turning to the requête process itself, the Committee notes that there is no proposal to consult with interested groups such as farmers, gardening and landscape companies, agrichemical suppliers, garden centres, other commercial users, and the public. The Committee considers an informed consultation an important way to understand, and where possible mitigate, any negative environmental or financial consequences of potential changes to the regulation of glyphosate. Initial indications are that the use of substitutes are likely to have a greater detrimental effect cumulatively than the current use of glyphosate. Not only is this an issue of good governance, but it would help to inform decisions on the implementation of any restrictions, exploring for example the merits of a phased approach. It would also help to establish a reasonable timescale allowing for adjustment and the testing and uptake of new management techniques.

The absence of consultation with those likely to be affected, consideration of the effects on farmers (amongst others), the potential net-negative impact on the environment, and the short timescale for the introduction of restrictions set against the currently relatively undeveloped alternative weed control techniques available mean that the Committee would favour a more carefully considered, properly planned and more inclusive approach to reducing the use of glyphosate.

As previously explained, the Committee is committed to the protection of the environment and enhancing the island's biodiversity. It supports the reduction of herbicides, pesticides and other chemicals that can damage the environment and risk human health and is keen to play a leading role in delivering this. However, the Committee is of the view that reducing the use of glyphosate (and other chemicals) needs to be done in partnership with the community. Members are very concerned that the approach proposed in this requête is short-circuiting processes of good governance and properly informed and evidenced decision-making.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Barry Brehaut', written over a horizontal line.

**Deputy Barry Brehaut**

President

Committee *for the* Environment & Infrastructure

Deputy G A St Pier  
President  
Policy & Resources Committee  
Sir Charles Frossard House  
La Charotterie  
St Peter Port  
GY1 1FH

Date: 18 September 2019

**By email**

Dear Deputy St Pier

**Requête P.2019/87 - prohibition on importation, sale and use of glyphosate**

Thank you for your letter of 3 September 2019, inviting the comments of the Committee for Employment and Social Security on the Requête lodged by Deputy De Lisle and other signatories.

The Committee for Employment and Social Security has political responsibility for the control of poisonous substances legislation in Guernsey. This includes glyphosate.

Having reviewed the Requête, the Committee for Employment and Social Security wishes to express concerns about the tight timescale, which has not enabled Officers to properly consult with the appropriate stakeholders (including farmers, growers or gardeners).

In addition, there has been no assessment of the impact of the proposed changes on important local industries and on the control of invasive weeds.

The Committee is also concerned that the requête as worded would fetter its discretion to properly and lawfully exercise its statutory powers under the Control of Poisonous Substances (Guernsey) Regulations, 2014 (as amended) when considering the approval of glyphosate-based products in Guernsey.

While the Committee makes no judgement on the desirability of a reduction in the use of pesticides in our community – a matter which falls within the remit of the Committee for the Environment and Infrastructure – we are not in a position to support the requête in its current form.

The Committee would support a delay to enable an appropriate review of the scientific evidence on the risks of glyphosate, to meaningfully engage with local stakeholders to understand the potential impacts of any restrictions, and to better assess the benefits of

alternative chemicals, physical controls and land management techniques before a decision is taken.

The Committee asks the Policy & Resources Committee to consider whether such a review should be established through a sursis motivé.

Yours sincerely

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Deputy Michelle Le Clerc  
President



Deputy G A St Pier  
President  
Policy & Resources Committee  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
Guernsey GY1 1FH

24 September 2019

Dear Deputy St Pier



**Re: Requête – Prohibition on the importation, sale and use of glyphosate**

Thank you for your letter of 3<sup>rd</sup> September 2019, seeking views from the Committee for Health & Social Care on the Requête submitted by Deputy de Lisle and six other members on the subject of the importation, sale and use of glyphosate.

The Committee acknowledges that the purpose of The Control of Poisonous Substances (Guernsey) Regulations, 2014 is defined within section 1 of the Regulation as “to protect the health and safety of human beings, animals and plants, and to safeguard the environment, and in particular, to avoid pollution of water.” There is therefore a clear link to the work of HSC and in particular environmental health and public health.

As such, in any event where there was concern about the safety of a particular substance, the Committee’s officers would work closely with colleagues within Employment & Social Security to explore the clinical evidence available in order to support the making of evidence based recommendations. On this occasion officers have advised that glyphosate has been classified as a class 2A carcinogen (probably carcinogenic to humans) by the International Agency for Research on Cancer (IARC). This category is used where there is limited evidence of carcinogenicity in humans and sufficient evidence of carcinogenicity in experimental animals (that is a positive association has been observed between exposure to the agent and cancer but other explanations for the observations cannot be ruled out) or where there is limited evidence of carcinogenicity in humans and strong data on how the agent causes cancer.

Following the IARC classification, the World Health Organisation reviewed the same data as the IARC and dismissed the findings and decided the risk was sufficiently low to not establish an acute toxicity reference dose. In 2016, a joint WHO and Food & Agriculture Organization of the United Nations report found no link between glyphosate and cancer.

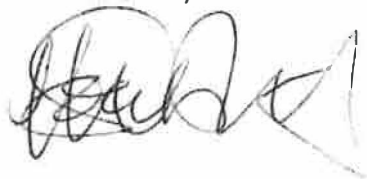
The approach adopted by jurisdictions in respect of glyphosate differs. Within the European Union, it is approved for use as a herbicide, with its current approval due to expire on 31 December 2022 at the latest. The EU pesticides legislation requires that the approval of all active substances must be periodically reviewed, starting with a scientific assessment by a rapporteur Member State, followed by a peer-review process overseen by the European Food Safety Authority (EFSA). Three years before expiry of the approval (i.e. by 15 December 2019), companies wishing to maintain the approval of glyphosate will have to submit an application for renewal.

On 15 April 2019, Member States in the Standing Committee on Plants, Animals, Food and Feed endorsed the Commission's proposal to designate four Member States as joint rapporteurs for the next assessment of glyphosate. This Assessment Group on Glyphosate (AGG) comprises France, Hungary, the Netherlands and Sweden. It could be argued that the Committee *for* Employment & Social Security would be better placed to make an informed decision in respect of the use of Glyphosate once this work was concluded.

That being said, the Committee has no strong views either way in respect of the appropriateness of the Committee *for* Employment & Social Security making Regulations at this stage should they consider that there are grounds to do so and are confident that doing so would not have any unintended consequences, for example the adoption of alternative substances which may be more harmful to human health and the environment.

The Committee would additionally wish, given limited resources across the States, to understand the impact that prioritising this workstream would have on other ESS workstreams and the subsequent progression of initiatives which would have a more positive impact on the social determinants of health.

Yours sincerely

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**Deputy Heidi Soulsby**

President

Committee *for* Health & Social Care



Committee for  
Home Affairs

Sir Charles Frossard House  
La Charroterie  
St Peter Port  
Guernsey  
GY1 1FH  
+44 (0) 1481 717000  
homeaffairs@gov.gg  
www.gov.gg

Deputy G St Pier  
President  
Policy & Resource Committee  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
GY1 1FH

18<sup>th</sup> September 2019

Dear Deputy ~~St Pier~~ *Govin*

**Re: Requête – Prohibition on importation, sale and use of glyphosate**

I refer to your letter dated 3<sup>rd</sup> September 2019 relating to the Requête – Prohibition on importation, sale and use of glyphosate.

The Committee for Home Affairs considered the Requête at its meeting of 16<sup>th</sup> September 2019.

The role of the Committee in this matter primarily relates to the application of the import controls. The Committee noted that the Requête proposes a prohibition which includes importation as well as sale and use. Presumably specific legislation would be enacted for this matter and would include an importation prohibition which would be assigned to Customs to enforce at the border. Alternatively an import ban could be achieved by including reference to the product in Schedule 6A (Specific substances of concern) to the Import (Control) (Guernsey) Order, 2010 and the equivalent Schedule in the Alderney Import Control Order.

The Committee was informed by the Guernsey Border Agency (GBA) that any ban or non-standard import control requirements was unlikely to create any significant additional burden on the GBA staff, provided that the operation of such a ban will not be unduly complicated. It would be expected that, if approved, any person importing Glyphosate would have to hold an import licence (or equivalent) issued by the appropriate Committee with expertise in such matters. Customs would then be able to take action on any Glyphosate found on importation by way of seizure and subsequent enforcement action, including prosecution, where appropriate. Customs would expect the

Committee/department with the relevant expertise to have appropriate arrangements in place with Customs to handle any imported glyphosate immediately after its identification. This would include storage facilities for detained items and for any appeal period following seizure. Thereafter the destruction of the product should also be undertaken by that department.

It should be noted that whilst Customs would be able to deal with any obvious imports of glyphosate identified on importation, proactive profiling and searches for such, along with retrospective investigations into 'potential' imports could not be a priority matter without additional resource.

Should an import prohibition be decided upon, the relevant Committee would need to retain responsibility for proactively informing known importers of the new restrictions to minimise any unintentional importations. On balance the Committee for Home Affairs was of the view that, if there was to be a ban, it would be more straightforward for it to be a complete one rather than a partial one.

It is noted however that the Requête is quite forthright in its assertions about the need for the product to be banned. While such assertions may have validity it must be questionable whether it is wise for decisions on import regulations to be made through a Requete and without the States being presented with copies of the advice from the States own technical specialists who deal with the product both from the regulatory and the operational perspective.

The Committee noted that there was no evidence of consultation with local suppliers and users to understand the impact of the States taking the decision which is proposed. As a general principle the Committee believes consultation should take place prior to the States taking such decisions. While a Requête is a legitimate tool to bring forward a matter for debate, when dealing with a matter such as import controls it is arguably better for such matters to be dealt with by the Committee with the relevant mandate or for the Requête to make it clear that the requerrants and the Committee have been unable to resolve any differences, hence the need for the matter to be brought forward in this manner.

Yours sincerely



**Deputy Marc Leadbeater**

Vice-President

Committee *for* Home Affairs

The President  
Policy and Resources Committee  
Sir Charles Frossard House  
La Charotterie  
St Peter Port  
Guernsey  
GY1 1FH

20<sup>th</sup> September 2019

Dear Deputy St Pier

### **Requête – P.2019/87**

### **Feedback on the Proposal – Prohibition on importation, sale and use of Glyphosate**

Thank you for your letter of 3<sup>rd</sup> September 2019, seeking the States' Trading Supervisory Board's (STSB's) views on the above Requête proposal, scheduled to be considered at the States Meeting on 16<sup>th</sup> October 2019.

The Requête seeks to direct the Committee *for* Employment & Social Security (ESS) to prohibit the importation, sale and use of glyphosate to professional users and the public; and to recommend to ESS to consider licensing approval for use by professional users only for the control of noxious weeds in Guernsey.

Glyphosate is a widely used systemic non-selective herbicide, which is currently approved for use in the garden (amateur use) and as a professional herbicide. The approval of this product was renewed in December 2017 by the EU and is an authorised active substance in the UK until the end of 2022. A large number of Glyphosate-containing products are approved in the UK.

The STSB supports the widely-held view that the unnecessary addition of potentially toxic chemicals to the environment should be avoided as much as is reasonably practicable, to reduce and ideally prevent damage to ecosystems and human health. The Trading Assets take their social and environmental responsibilities seriously and wish to reduce and control the use of glyphosate in carrying out their business to a practical minimum.

However, STSB is not able to support the Requête because the States of Guernsey committed to adhering to the World Trade Organisation's (WTO's) global trade

agreements in February 2019<sup>1</sup>. As such, Guernsey by imposing a ban, would be in contravention of international trading obligations (including the WTO (Technical Barriers to Trade) Agreement), as glyphosate is in free circulation elsewhere and is approved by the UK and EU regulatory bodies currently.

The Requête could be misinterpreted when considering the following statement that there are:

“.. rising levels of Glyphosate in Guernsey’s water supply..”.

The presence of this chemical in raw water is not reflected in the drinking water, as treatment processes decrease the levels to well within those determined as acceptable by industry drinking water standards.

Guernsey Water monitor water from streams and reservoirs throughout the year to determine the levels of Glyphosate and other chemicals in raw waters collected for the islands drinking water. Overall, levels of Glyphosate have increased in recent years and are more prevalent after heavy rainfall in the raw water. Guernsey Water’s treatment processes can manage current levels. However, if the levels of such chemicals rise unchecked, then treatment would be more challenging and ultimately, Guernsey Water would be unable to comply with drinking water standards without investment in more complex treatment solutions.

It should also be noted that any chemical replacement for Glyphosate may not be removed by Guernsey Water’s treatment process so easily, potentially posing a greater challenge.

A number of our Trading Assets currently use pesticides and herbicides for land management, including Guernsey Airports, Guernsey Harbours and States Works. The Trading Assets are working to minimise the use of these chemicals wherever possible. Trading Assets’ staff are highly trained in the appropriate use of these products. States Works will be arranging a series of workshops to consult with key States clients on the likely impacts of withdrawing the use of glyphosate and other chemicals in their land management processes. The likely impacts will include the need for more mechanical and manual processes to remove weeds and that will ultimately cost more, as these methods will require more repetitive application.

Guernsey Airport are minimising the use of pesticides and herbicides where possible. However, advice received from the UK’s leading authority on grass and habitat maintenance is that Glyphosate is the single most effective tool in dealing with habitats on airfields to help reduce bird strike risk.

In conclusion, STSB is of the opinion that a more comprehensive consultation and review process is carried out on the use of herbicides and pesticides, their impact and alternative options, as well as considering the environmental, legal and financial impacts of a ban, before any policy decision is taken.

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<sup>1</sup> Billet D’Etat IV, 27 February 2019

Thank you for the opportunity to submit my Board's views.

Yours sincerely

A handwritten signature in cursive script, appearing to read "P Ferbrache".

**Deputy Peter Ferbrache**  
President  
States' Trading Supervisory Board

