

## RESPONSE TO QUESTIONS PURSUANT TO RULE 14 OF THE RULES OF PROCEDURE

<b>From</b>	President, Committee <i>for</i> Employment & Social Security
<b>To</b>	Deputy Lester Queripel
<b>Subject</b>	Glyphosate
<b>Date of response</b>	16 December 2022

### Question 1:

**Can you tell me please which areas of the island have the highest readings of glyphosate in the water?**

### Response:

This is a matter for the States Trading and Supervisory Board, however they have provided the following answer:

“If Guernsey is divided into two different topographical areas, the north of the island has the highest readings of glyphosate in streams. Out of the catchments in the north, streams in the Vale Pond catchment have the highest readings of glyphosate. Readings in treated drinking water supplied to customers in all areas of the island consistently comply with the European drinking water standard for glyphosate.”

### Question 2:

**Can you tell me please if professional use of pesticides containing glyphosate is monitored and if so, how is it monitored?**

### Response:

[The Control of Poisonous Substances \(Guernsey\) Regulations 2014, as amended](#) (‘the Control of Poisonous Substances Regulations’) provide the legal framework for the import, advertisement, sale, supply, storage, use and transportation of poisonous substances such as pesticides.

Regulation 16 of the Control of Poisonous Substances Regulations authorises the Committee *for* Employment & Social Security (‘the Committee’) to recognise competence schemes for the transportation, sale, supply, storage or use of poisonous substances leading to a certificate of competence for the relevant activity. Under Regulation 16, the Committee requires professional users to have obtained a certificate of competence in the safe use of pesticides (known as a City & Guilds NPTC certificate).

Regulation 17 of the Control of Poisonous Substances Regulations requires the Committee to maintain a public register of approved substances. This register is available on [www.gov.gg/hazardous](http://www.gov.gg/hazardous)<sup>1</sup> and is maintained by the Health & Safety Executive (HSE). Separately, professional users must maintain a register of the use of every poisonous substance: this is known as a PS3 register. The HSE carries out annual audits of pesticides

<sup>1</sup> The list of approved substances and pesticides is found at <https://gov.gg/CHttpHandler.ashx?id=156347&p=0>

storage and checks of PS3. In addition, Guernsey Water undertakes risk-based sampling of streams to ascertain the presence of pollutants, including glyphosate.

With effect from 28 May 2023, a person must not, amongst other things, discharge polluting substances (including pesticides<sup>2</sup>) into a surface water drainage system, or apply or store pesticides unless carried on in accordance with all the requirements specified for those works in column 2 of the table in Part I of Schedule 2 of [the Environmental Pollution \(Water Pollution\) Ordinance, 2022](#). With effect from 28 November 2022, the Director of Environmental Health and Pollution Regulation has the power to issue compliance notices in relation to the provisions of the Environmental Pollution (Water Pollution) Ordinance, 2022 and to take action in relation to water pollution under [the Environmental Pollution \(Enforcement and Appeals\) Ordinance, 2019](#), as amended.

**Question 3:**

**Can you tell me please why there hasn't been a complete ban on the sale of pesticides containing glyphosate here in the island?**

**Response:**

The Health & Safety Executive is responsible for the regulatory approval of poisonous substances, including pesticides, within the policy framework approved by the Committee *for* Employment & Social Security, which is set in accordance with the policy objectives articulated in Regulation 1 of the Control of Poisonous Substances Regulations:

*“The purpose of these Regulations is –*

- (a) to protect the health and safety of human beings, animals and plants, and*
- (b) to safeguard the environment, and in particular, to avoid pollution of water.”*

In 2019, a Requête, laid by Deputy De Lisle, which proposed a complete ban of glyphosate in Guernsey, was rejected by the States. At that time, the Committee *for* Employment & Social Security, together with the Committee *for* the Environment & Infrastructure ('CftE&I'), agreed to keep the use of glyphosate under review and to undertake work to reduce the use by States Works, in particular. The Committee *for* Employment & Social Security tasked the HSE to review the EU renewal dossier<sup>3</sup> for glyphosate (which would otherwise expire in 2022 in the EU). The HSE were further tasked to adopt a three-step approach based on the scientific evidence contained in the EU dossier and any other evidence considered by the UK. If there was evidence of harm to people or the environment, a gradual approach would be adopted:

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<sup>2</sup> 'Pesticide' means (in this context) any pesticide or other substance declared to be a poisonous substance under regulation 2 of the Control of Poisonous Substances (Guernsey) Regulations, 2014.

<sup>3</sup> European Chemical Agency (2022) Glyphosate renewal documents – pre decision, [available at <https://echa.europa.eu/registry-of-clh-intentions-until-outcome/-/dislist/details/0b0236e185e41a77>].

- a. Restrict use to professional users only;
- b. Licensed use to further restrict to a handful of professional users, in specified locations, to control specific weeds (noxious and invasive species);
- c. Complete ban of glyphosate in Guernsey.

The HSE is implementing this gradual approach, and restricting use as the first step. This phased approach aligns with and supports the phased approach that had already been adopted (before the Requête was laid in 2019) by the *CftE&I* to reduce pesticide use in the island overall.

On consideration of the current available evidence, the Committee maintains that the “professional-only” classification for glyphosate is proportionate and should remain in place until further evidence becomes available to enable an informed decision to be made about whether a wider ban should be implemented.

The Committee notes that there are risks associated with the proposed ban on importation, sale and use of all glyphosate-containing products. These risks include potential difficulties in controlling invasive species (such as Japanese Knotweed); an increase in the use of other herbicides by professionals with different risk profiles as a substitute to glyphosate with potential to adversely impact upon water quality; and resulting changes in costs and yields for local farmers and growers, placing an increased burden on an already struggling sector. As such, the Committee considers it appropriate to maintain the current position at this time and monitor its impacts before making any decisions on the nature and timing of next steps.

The Committee, along with the *CftE&I*, has given its endorsement to a proposed multi-agency study, led by the University of Bristol, which would be aimed at assessing the local impact of pesticides on biodiversity, subject to the academic funding being approved. The Committee notes that the *CftE&I* is also implementing its own 5-step plan to investigate and reduce pesticide usage. Both of these pieces of work will provide further evidence regarding the impact of glyphosate and other pesticides locally, and the effects of the recent restriction to glyphosate use. Once this further evidence has been received, or should any other relevant evidence be provided in the interim, the Committee would consider it appropriate to review the classification and usage of glyphosate.

**Question 4:**

**Were traders who sell pesticides containing glyphosate consulted about the possibility of their no longer being permitted to sell those pesticides to amateur users?**

**Response:**

The HSE has been in regular contact with retailers since before the 2019 Requête was laid. Traders were supportive of the gradual approach outlined in the answer to question 3. The timetable to phase out the non-professional use of glyphosate was developed in liaison with the retailers with a view to ensuring that they did not purchase stock for 2023 that could no longer be sold following the implementation of the ban on amateur use.