

## **APPENDIX II**

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### **Briefing Note Weed Spraying**

#### **Background**

Weed growth on the Public Highway is unsightly and can result in damage to the surface of the carriageway or footway. It can also impede the flow of surface water into the highway drainage system. To address this issue, Denbighshire County Council undertake a programme of weed spray treatments 3 times a year usually in March, June and September on all urban roads throughout the County. Occasionally the scope of the works will increase to include weed spraying of a proportion of the Principal road network.

The weed spray application is undertaken by Empire Groundcare Ltd who are contracted to the Authority until April 2020 with the option to extend the contract to April 2022.

The chemical used to treat the weeds is Rosate 360TF which contains 360g/litres of Glyphosate mixed with Humimax Oil which is used to aid adherence of the Rosate to the weeds.

Glyphosate is the primary ingredient of a number of weed killing products which has recently been in the news in America. Dewayne Johnson, a 46-year-old former groundskeeper, was successful in a court case recently, with the jury determining that Monsanto's Roundup weed killer caused his cancer and that the corporation failed to warn him of the health hazards from exposure. The principal ingredient of Roundup is Glyphosate. However, It should be noted that Monsanto have contested this judgement and intend to appeal against the recent court ruling.

Glyphosate is the active substance in many herbicides and is widely used around the world. All pesticide active substance approvals are subject to periodic review and the approval of glyphosate has recently gone through this process. In November 2017, the European Union re-approved the continuing use of glyphosate from 16 December 2017. Reviews of the scientific data by the European Food Safety Authority (EFSA) and the

European Chemicals Agency's Committee for Risk Assessment have found no safety concerns that would prevent continuing approval, and UK scientists agree with this assessment. The new approval lasts until 15 December 2022; use beyond that date would be subject to a further decision.

Welsh Government have also issued a recent briefing note following on from the recent legal challenge in America which stipulates that Glyphosate is still an approved product. Refer to Appendix A.

## **Current Position**

As a consequence of the recent court decision and subsequent publicity in America, Denbighshire has received a number of enquiries in respect of our weed spray policy, programme and the chemicals used.

### 1. Legislation

The use, storage and disposal of Plant Protection products are derived from EU Legislation (Directive (EC) No. 2009/128). See [this link to the EU website for details of the legislation](#). The legislation applies in all EU Member States.

[The Plant Protection Products \(Sustainable Use\) Regulations, 2012](#) help implement this legislation in the UK.

The [UK National Action Plan for the Sustainable Use of Pesticides](#) details legislation applicable to users, those who cause or permit use and distributors. It also details other mechanisms and measures we use to ensure products are used, stored and disposed of in a sustainable fashion.

### 2. Compliance

All suppliers that are appointed to undertake weedspraying works on the Public Highway are vetted to ensure compliance with current legislation, codes of practice and Health and Safety. Any supplier using pesticides as part of their professional activities must (including those previously operating under grandfather rights) hold a [recognised specified training certificate](#). Empire Groundcare Ltd are an Amenity Assured Compliant Contractor. The Amenity Assured standard has been developed by key UK organisations which have the responsibility to address the concerns of government, local authorities and many other amenity organisations with regard to amenity weed control.

The aim of the standard is to:

- Set standards
- Audit contractor performance
- Certificate staff and businesses
- Award on merit the associated qualifications

Empire Groundcare Ltd have also attained the following qualifications and competencies:

To comply with legislation, all weed control operatives must have;

- PA1 Handling of pesticides
- PA2 Boom applicator
- And / or
- PA6 hand held applicator

All Empire Ground Care Limited operatives are qualified with PA1 and PA2, four of which have PA6 and PA6AW (on or near water)

To ensure compliance, all companies must have ;

- At least one person with BASIS Nominated Store Keepers licence to control storage and stocks of pesticides
- Each sprayer unit must have been tested under NSTS, National Sprayer Testing Scheme, which ensures all equipment is fit for purpose and operates according to legislation, manufacturers leaflet, codes of practice and best practice.
- Registration with NRoSO, National Register of Sprayer Operators
- Nick Bateman, The Director of Empire Groundcare is a member of the BASIS Training Register

### 3. Chemical Application and rate of spread

All persons applying pesticides in a professional capacity are required to conform to the following;

- Codes of Practice – legislation that specifies training, method of application, environmental protection, record keeping and permissible pesticides to ensure that pesticides are applied whilst achieving the following;

1. Control the weeds in a safe and controlled manner
  2. Protect the public, pets, wildlife, environment and operator
  3. Minimise the amount of pesticides, where possible
  4. Recorded disposal of containers, packaging and pesticides via registered recycling and disposal companies
  5. No weedspraying is undertaken during rainfall and windy conditions.
- Best Practice – guidelines to be applied, where necessary, as an addition to Codes of Practice
  - COSHH Control of Substances Hazardous to Health – A system of controlling the use of any substance in all industries

Products used are Rosate 360TF and Humimax. Humimax is sourced naturally and used as a fertiliser. It is used to aid adherence to and uptake of the herbicide.

- Application rate of Rosate/Humimax solution is 3.75 litres / hectare (10,000sq.m)
- Tank mix ratio of 3 litres of Rosate to 50 millilitres of Humimax.
- Rosate contains 360g/litre of Glyphosate, so the amount of Glyphosate actually applied is 1,350 g/hectare which equates to 0.135g/sq.m
- Best Practice requires operators to apply herbicides as a spot treatment and not broadcast, where possible, therefore the 0.135g/sq.m only applies to areas with weeds present.

#### 4. Equipment

- Low pressure pump
- Five individually controlled nozzles to enable efficient and effective spot treatment
- Very Coarse air induction nozzles are used to apply the droplets and have the lowest drift potential available.

## 5. Exposure

By adhering to legislation, guidelines, manufacturer's labels, training and applying common courtesy to the public, there is an extremely low risk of the public being exposed directly exposed to Glyphosate, particularly when considering the extremely low application rate per square metre of weeds.

### **Alternative Methods of Weed Control**

There are several methods of alternative weed control being put to trial. Listed below are some of the available options:

- Hot foam
- Steam
- High pressure hot water
- Flame gun (gas)

All four of the above will give a rapid kill of the foliage with little or no sustainability, but they will have a limited effect on the roots of smaller grass weeds, chickweed etc., but deeper-rooted weeds such as nettles, docks and dandelions will regrow rapidly after treatment.

Disadvantages of the alternatives above are listed below:

- They are not regulated and do not require certificates of competence, training or registration.
- Using products at 100 degrees in a public environment gives serious cause for concern in terms of the public and third-party property.
- In the case of hot foam, this product will be washed down the drainage system and into water courses.
- Work rates are very slow and the labour cost element is high making the cost to benefit ratio non-viable.

A further alternative is a vinegar and salt solution. The vinegar effectively 'burns off' the foliage and the salt acts as a growth retardant.

- This solution does give fast results and the salt provides a short-term residual effect. In a dry season this effect could be extended, but following any significant rainfall, the salt would be washed away.
- Household vinegar is approximately 5% acetic acid, relatively harmless. To achieve desirable results, it is necessary to use commercial grade vinegar of 20% acetic acid, which becomes a caustic solution.

- As these products are freely available and the solution is not a herbicide, there is no regulation for its use and operatives have no formal training, creating a potential health and safety hazard.
- For the salt to be effective, large quantities in high concentration (to saturation) are required. This may create potential Environmental issues by entering the sub soil in much the same way as nitrates are a current problem.

## **Conclusion**

The existing arrangement is the most economical and effective treatment for killing weeds on the Public Highway. There are other alternatives which do not use Glyphosate based products but there are limitations in terms of effectiveness, speed of treatment, regeneration of weeds and ultimately cost.

Extensive consultation has been undertaken with other authorities in conjunction with the Association of Public Service Excellence (APSE), which clearly indicates that virtually all councils plan to continue using glyphosate based products for highways weed killing on their road networks. Further details are available upon request.

At the present time, there are no European or domestic based restrictions on the use of Glyphosate based products and the recommendation of the report is that the weed spray operation continue in accordance with current guidelines and constraints.

## **Appendix A**

### **Welsh Government Glyphosate Information Note– August 2018**

It is the policy of the Welsh Government to reduce to the lowest possible level the effect of pesticide use on people, wildlife, plants and environment while making sure pests, diseases and weeds are effectively controlled. All pesticide products available in the UK have to meet strict regulatory standards to ensure they do not pose a threat to human or animal health and the environment. The regulatory authorities undertake ongoing scientific research to make sure such chemicals are safe to use and have no long-lasting effect on the environment.

Glyphosate is the active substance in many herbicides and is widely used around the world. All pesticide active substance approvals are subject to periodic review and the approval of glyphosate has recently gone through this process. In November 2017, the European Union re-approved the continuing use of glyphosate from 16 December 2017. Reviews of the scientific data by the European Food Safety Authority (EFSA) and the European Chemicals Agency's Committee for Risk Assessment have found no safety concerns that would prevent continuing approval, and UK scientists agree with this assessment. The new approval lasts until 15 December 2022; use beyond that date would be subject to a further decision.

Risks associated with the use of pesticides in amenity areas, such as parks, is specifically considered as part of the authorisation process. Legally enforceable conditions of use are imposed on the way products can be applied to ensure the public are not exposed to levels of pesticides that would harm health or have unacceptable effects on the environment.

Pesticides in amenity areas should be used responsibly and only as part of an integrated programme of control. They can help deliver substantial benefits for society which include: management of conservation areas, invasive species and flood risks; access to high quality sporting facilities; and safe public spaces (for example, by preventing weed growth on hard surfaces creating trip hazards), industrial sites and transport infrastructure.

In regards to glyphosate use for controlling invasive non-native plant species you may wish to note recent research undertaken by Swansea University examining the physical and chemical control of Japanese knotweed. These were the largest field trials of their kind ever undertaken worldwide. Initial results were published earlier this year. Though no control treatment delivered complete eradication of Japanese knotweed glyphosate applied at an appropriate dose, phenological stage and level of coverage was found to



be the most effective control treatment. They made a recommendation for stakeholders to discontinue the use of other widely used herbicides for control of Japanese knotweed and unnecessary physical control methods that add equipment and labour costs and increase environmental impacts, without improving control compared to spraying alone.

The Welsh Government works with industry bodies and others to promote best practice in vegetation and weed management in the amenity sector. We support the work of the Amenity Forum in promoting the importance of sustainable pesticide use and developing user practice so that all amenity pesticide users are operating to consistently high standards. We strongly encourage engagement with the Amenity Forum, particularly at Local Authority level, so we can be assured that amenity pesticide users in Wales are conforming to the standards expected under the UK National Action Plan for the Sustainable Use of Pesticides and EU law. The Amenity Forum's main objective is to be the collective body representing the amenity industry, in relation to pesticide use and weed and pest control within the sector. To deliver on this, the Forum has developed a number of activities which include issuing guidance notes to support 'Best Practice' messages, organising conferences and workshops and working closely with the Chemicals Regulation Division of the Health and Safety Executive to ensure the amenity sector meets the requirements of the Nation Action Plan.

Please find below information from the Health and Safety Executive website regarding obligations tailored for those in the amenity sector using professional pesticide products.

Those who use, or cause or permit others to apply, plant protection products or who store and/or dispose of products are subject to a number of legal requirements. Key points to note are:

- ☐ Use of plant protection products should be considered as part of an integrated programme of control. The Amenity Forum provides practical advice on how this can be done.
- ☐ Anyone who applies pesticides as part of their professional activities must (including those previously operating under grandfather rights) hold a recognised specified training certificate.
- ☐ All those purchasing professional plant protection products must reasonably believe that products are used by someone holding a specified certificate.
- ☐ All application equipment, except knapsacks and hand-held, must possess a certificate demonstrating that it has passed an officially recognised test conducted by the National Sprayer Testing Scheme. Equipment has to be tested on either a three, five or six yearly basis thereafter depending on when



the most recent test was conducted or the type of equipment. All equipment must be calibrated on a regular basis.

- ☐ Users, or those who cause or permit use, must ensure that: all reasonable precautions are taken to protect human health and the environment; applications are confined to target areas; and in certain areas (including public spaces and conservation areas) that the amount used and frequency of use is as low as reasonably practicable.
- ☐ Priority is given to particular products where there are risks to water quality.
- ☐ Professional users and distributors take all reasonable precautions to ensure handling, storage and disposal operations do not endanger human health or the environment.
- ☐ Storage areas are constructed in such a way as to prevent unwanted releases of products.