

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 2 times a year usually in March/April and July/August on all urban roads throughout the County. This was previously carried out in March, June and September when the contract was for 3 sprays per annum. Occasionally the scope of the works will increase to include weed spraying of a proportion of the Principal road network.

The weed spray application will be undertaken on the urban network by Mancoed Ltd in 2021. A tender process was undertaken to procure a new supplier which resulted in Mancoed being appointed after a competitive tender process with effect from April 1st 2021 for a period of up to 5 years, with an annual review to address supplier performance and effectiveness of the treatments.

The chemical used to treat the weeds is Mentor Herbicide (Monsanto Europe) MAPP No. 16508, **reference appendix D** which contains the following chemicals in the concentrations stipulated:

Glyphosate – 300ml per litre of water.

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 Plant Protection Products (Sustainable Use) Regulations, 2012

Part of this legislation requires the government to create a National Action Plan, for the sustainable use of pesticides. This is currently out for industry consultation. The Amenity Forum expect DEFRA will include a requirement for the Amenity Standard.

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 weed spraying 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.

Mancoed Ltd are a BASIS 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

Mancoed 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 Mancoed Limited operatives are qualified with PA1 and PA2.

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 weed spraying 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

The chemical used to treat the weeds is Mentor Herbicide (Monsanto Europe) MAPP No. 16508, **reference appendix D** which contains the following chemicals in the concentrations stipulated:

Glyphosate – 300ml per litre of water.

4. Supplier Method Statement and Risk Assessment

See **Appendices C & D** to the rear of this document

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.

Additional internal weed spraying

In addition to the urban road treatments, in-house Streetscene teams carry out ad-hoc treatments where required, details of which are included in **appendices E and F** Risk assessment and COSHH data. This is necessary predominantly within the high footfall areas and areas such as car parks and civic buildings, additional sprays have been necessary to control weeds following the reduction in frequency of the contractors' annual spray from three treatments per annum to two.

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.