

OSPAR CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE
NORTH-EAST ATLANTIC
MEETING OF THE OSPAR COMMISSION
COPENHAGEN: 26-30 JUNE 2000

OSPAR Recommendation 2000/2 on Best Environmental Practice (BEP) for the Use of Pesticides on Amenity Areas

RECALLING Article 2(1) of the Convention for the Protection of the Marine Environment of the North-East Atlantic (“OSPAR Convention”);

RECALLING the OSPAR Strategy with regard to Hazardous Substances (reference number: 1998-16);

RECALLING that the OSPAR Action Plan 1998-2003 requires, *inter alia*:

- a. the development of descriptions of Best Available Techniques (BAT) and/or Best Environmental Practices (BEP) for certain identified sectors, sources and substances, *inter alia*, pesticides from the amenity sector;
- b. the adoption of appropriate programmes and measures (including BAT/BEP) for these sectors, sources and substances with a view to continuously reducing discharges, emissions and losses of hazardous substances;

RECALLING that the OSPAR Commission published in 2000 a background document on the Development of a Best Environmental Practice to Help OSPAR Contracting Parties to Reduce Inputs of Amenity Pesticides to the Marine Environment;

RECOGNISING that the use of some amenity pesticides, although necessary, can pose threats to the marine environment;

RECOGNISING that reducing the risks to the marine environment can be achieved through the adoption of improved practices by pesticide users.

THE CONTRACTING PARTIES TO THE CONVENTION FOR PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST ATLANTIC RECOMMEND:

1. Definitions

1.1 For the purpose of this Recommendation:

- a. **"Pesticides"** means biocidal products intended to protect areas for designated uses, including prevention of the growth of undesired vegetation;
- b. **"Use of pesticides on amenity areas"** means the application of a pesticide to any area which does not bear produce intended for human or livestock consumption or for use as a raw material in any process;
- c. **"Managed amenity turf"** meaning frequently mown, intensively managed turf. This includes turf in public parks, golf courses, and sports fields where the grass is frequently mown;
- d. **"Amenity grassland"** meaning semi-natural or planted grassland with minimal management. This includes minimally managed areas such as found on some railway

embankments, motorway verges or embankments, airfields and grassland nature reserves which are not intended for grazing;

- e. **"Amenity vegetation"** meaning areas of semi-natural or planted herbaceous plants, trees and shrubs. This includes vegetation, or an area of land bearing such vegetation and the surrounding soil, it can include small grassy areas mixed with other vegetation. It may also include planted areas such as rose beds, ornamental gardens and tree and shrub plantings, as well as semi-natural areas such as heathland as long as they are not intended for grazing;
- f. **"Land not intended to bear vegetation"** meaning soil or man made surfaces where it is intended that no or minimal vegetation will be grown for several years. This may be bare soil but is often covered by a surface such as gravel, hard-core, tarmac, concrete or railway ballast. It includes public access areas such as pavements and tennis courts, industrial areas such as pipelines, or any other area where no or minimal vegetation is required. Land between rows of crops, between plants in row crops and between trees in orchards is excluded from the scope of the definition;
- g. **"Green cover on land taken out of production"** meaning fields covered by natural vegetation or by a planted green cover crop which will not be consumed by humans or livestock or used as raw materials for any process. This does not apply to land lying fallow as part of a cycle of production.

2. Purpose and Scope

Purpose

2.1 The purpose of this Recommendation is to prevent and eliminate pollution of the marine environment by the application of best environmental practice for the use of pesticides on amenity areas.

Scope

2.2 This recommendation applies to the use of pesticides on amenity areas. In particular it relates to the use of pesticides on:

- managed amenity turf;
- amenity grassland;
- amenity vegetation;
- land not intended to bear vegetation;
- green cover on land taken out of production.

This list is not exhaustive. The general principles of this Recommendation should also be applied to the use of pesticides on other amenity areas.

3. Programmes and Measures

3.1 The factors listed in the following paragraphs are regarded as key elements of BEP for the use of pesticides with a view to reducing inputs of pesticides to the environment resulting from their use on amenity areas and need to be considered when determining the appropriate strategy for reducing this use in such areas.

Risks associated with Pesticide Use, Handling and Assessment

3.2 An assessment procedure, which analyses the need for, and the risks involved in the use of pesticides on amenity areas should be carried out prior to the use of pesticides in line with the format presented in Table 1. This will help to ensure that pesticides are only used where a clear need has been identified and will prevent the unnecessary use of pesticide that could potentially represent a risk to the marine environment.

Table 1.

Assessment procedure	Questions to address	Explanation
<i>Establish the need for control</i>	<ul style="list-style-type: none"> • What is the objective behind the need to control a problem? 	The purpose of this question is to formally identify the intention of the control operation.
	<ul style="list-style-type: none"> • Is that need justifiable in terms of safety, environment, aesthetics or suitability for use? 	Often operations within the amenity sector are carried out according to a set schedule as part of standardised operational procedures. For example, local/municipal authorities may apply pesticides to all footpaths twice yearly. Justification of the need for control will help highlight whether the routines adopted are actually necessary.
<i>Check statutory restrictions</i>	<ul style="list-style-type: none"> • Are there any statutory restrictions in the area concerned regarding the application of the selected pesticide? 	
<i>Define the standard to be met.</i>	<ul style="list-style-type: none"> • Is total control necessary or will partial control suffice? 	Having identified the need for control, the next stage in the assessment is to ascertain the degree of control required. In many instances, such as in certain industrial situations, full control is not required. This may consequently influence the type of product to be applied and the number of applications carried out.
	<ul style="list-style-type: none"> • For how long a period is the control required? 	Unlike in the agricultural sector, the situation may arise where control may only be required for a short period of time. Where only short-term control is required, it may be more appropriate to use alternate methods of control or, for example, a non-residual pesticide in place of one which is residual, or a non-chemical method such as flaming.
<i>Identify whether alternative control/ prevention methods may viably be used in place of pesticides.</i>	<ul style="list-style-type: none"> • Can action be taken to prevent the problem in the first place, thereby removing the need for control? 	In some situations, it is possible to take preventative action to stop the problem occurring in the first place.

Table 1, continued

Assessment procedure	Questions to address	Explanation
<p><i>Assess the risk to operators and the public</i></p>	<ul style="list-style-type: none"> Does the situation where the pesticide application is to take place expose the operator to any unacceptable risk, for example where the site may be partially enclosed? 	<p>The application of amenity pesticides, particularly in urban areas, may involve additional risk to operators. It may therefore be necessary to take additional precautions or to use an alternative method of control.</p>
	<ul style="list-style-type: none"> Does the application of a pesticide present any unacceptable risk to the public? 	<p>The nature of use on amenity areas often means that applications take place in areas accessed by the general public. Use of a pesticide may therefore present an additional risk which would not be present with agricultural applications. It may therefore be necessary to take additional precautions or to use an alternative method of control.</p>
<p><i>Assess the impact on water and the environment.</i></p>	<ul style="list-style-type: none"> Are there any watercourses near to the area being treated which may be contaminated directly or indirectly (e.g. via groundwater)? 	<p>Because pesticides applied to hard surfaces present a potentially higher risk to the environment than those applied to vegetated surfaces, consideration should be given to avoiding applications near watercourses where possible. When treating hard surfaces such as streets and gullies, special consideration should be given to avoid street drains.</p>
	<ul style="list-style-type: none"> Is rain forecast closely following the application? 	<p>Because of the risk of run off from hard surfaces, applications should not be carried out if rain is forecast following the application.</p>
	<ul style="list-style-type: none"> Will the flora and fauna around the area to be treated be adversely effected by the application? 	<p>The nature of amenity applications means that they can sometimes be applied to areas not accessed by the public or intensively managed, such as railway embankments and roadside verges. Such areas are often host to rare or sensitive species of flora and fauna which may be particularly at risk from pesticide applications.</p>
	<ul style="list-style-type: none"> Can a non-residual pesticide be used rather than one which is residual? 	<p>The use of non-residual pesticide presents a lower risk to the environment. Use of such products should therefore be promoted where possible.</p>

Code of Practice

3.3 National authorities, in co-operation with interested parties, should put in hand arrangements to establish a Code of Practice for the use of pesticides on amenity areas. Any such code should be publicised and be freely available to all those that may need to refer to it.

3.4 A Code of Practice should provide guidance reflecting best industry practice covering the following areas in relation to the use of pesticides on amenity areas:

- risks associated with pesticide use, handling and application;
- legal obligations;
- environmental protection – consideration of sites of particular vulnerability / sensitivity;
- storage of pesticides;
- transport of pesticides;
- selection and use of different application techniques;
- action before/after pesticide application;
- disposal of waste pesticide and pesticide containers;
- monitoring – post application impact on environment/health;
- record keeping;
- training.

Training and certification

3.5 National authorities should consider establishing a formalised structure of training and certification to ensure that those concerned with the use of pesticides on amenity areas are competent to carry out their duties without risk to the marine environment.

Monitoring

3.6 National authorities should consider establishing a monitoring programme to review the impact upon the environment of the use of pesticides on amenity areas. Any such programme should be commensurate to the potential risk posed.

Active Management

3.7 Where the use of pesticides on amenity areas is contracted to a third party, those organisations or individuals responsible for arranging the contract should establish a programme of active management on the following lines. Procedures should be put in place to ensure that the use of pesticides on amenity areas is regularly reviewed and that the principles of best environmental and industry practice are being followed. In particular, procedures should be established to:

- ensure that there is a contractual obligation upon those carrying out the work to comply with the requirements of best environmental practice;
- monitor the work being conducted to ensure that required standards are met;
- establish a formal strategy on the use of pesticides within the relevant area of responsibility and to communicate that strategy to those on whom it will have an effect;
- consider preventative control methods at the planning stage of new project developments, thereby avoiding or reducing the need to use pesticides.

4. Implementation Reports

4.1 Reports on the implementation of this Recommendation should be submitted to the appropriate OSPAR Working Group in the intersessional period 2002/2003. Subsequent progress reports on implementation should be made on a biennial basis until this Recommendation is fully implemented.

4.2 When reporting on implementation, the Appendix should apply.

Implementation Report Formats

The format for implementation reports concerning OSPAR Recommendation 2000/2 on Best Environmental Practice (BEP) for the Use of Pesticides on Amenity Areas as set out below should be used to the extent possible.

I. Implementation Report on Compliance

Country

Reservation applies

Is measure applicable in your country

If not applicable, then please state why not-----

Means of Implementation:

Legislation	Administrative Action	Negotiated Agreement
YES / NO*	YES / NO*	YES / NO*

Please provide brief details on such means.

Please provide information on:

- a. specific measures taken to give effect to this measure;
- b. any special difficulties encountered, such as practical or legal problems, in the implementation of this measure;
- c. the reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported;
- d. if appropriate, progress towards being able to lift the reservation.

* Delete whichever is not appropriate

II. Implementation Report on Application and Effectiveness

1. Need for, and Risks Involved in the Use of Pesticides on Amenity Areas

2. Code of Practice

3. Training and Certification

4. Monitoring

5. Active Management

Additional techniques employed in promoting Best Environmental Practice for the Use of Pesticides on Amenity Areas

