CHEMICALS REGULATION DIRECTORATE

ZONAL HARMONISATION: SUMMARY OF RESPONSES TO NON-FORMAL CONSULTATION ON PROPOSALS FOR AUTHORISING USE OF LOW-DRIFT NOZZLES WITH HORIZONTAL BOOM SPRAYERS
(10th SEPTEMBER – 21st OCTOBER 2013)

Background

The non-formal consultation sought views on proposals for introducing use of drift reduction technology (DRT) into the authorisation process for plant protection products as a risk mitigation measure to protect surface water. It was launched on 10th September by Regulatory Update 16/2013 and closed on 21st October 2013.

Summary of responses

Ten responses were received from organisations, companies and individuals representing application equipment manufacturers, product manufacturers, distributors and advisers, users, and science and research (listed in the Annex). Respondents were generally supportive of the intentions, but suggested various changes to the proposals. These have been considered and some adjustments have been made for the final scheme in consequence. They can broadly be grouped into five principal themes, each of which is considered below.

1. Consolidate the measures with the main LERAP and Interim Schemes

Respondents suggested that the proposed scheme should be combined with the existing scheme for Local Environmental Risk Assessments for Pesticides and the interim extension to it. Adding a third strand to these two extant schemes risks adding a further layer of complexity and increases the potential for confusion among users.

HSE response

We accept that consolidation is desirable. It would, however, require not only the assimilation of these various strands into a single coherent whole, but also the introduction of more recent spray drift data. Such an exercise should, moreover, run in parallel with a review of the main aquatic risk assessment process, so that both would be updated on the basis of common, modern data. That would take significant time and resources, far exceeding what could be achieved under the limited remit of this project, which aimed to introduce DRT into authorisations quickly.

We therefore intend to proceed with separate arrangements for authorising use of DRT. Consolidation remains a longer term aim when resources are available to conduct a comprehensive review of all LERAPs arrangements.
2. **The scheme should extend to all three star rated equipment**

The consultation paper referred specifically to three star nozzles, but respondents urged that other sorts of three star DRT should be included in the arrangements. Some also suggested including lower star rated equipment and higher levels of drift reduction.

**HSE response**

Reference in the consultation paper to three star nozzles was an unintended artefact of drafting, not a deliberate intention. Other three star rated DRT is available and we intend to include it in these arrangements so that the scheme will apply to all horizontal boom spraying equipment recognised as having LERAP three star low-drift status.

It would, however, be difficult to include lower star ratings. They would add further complexity for users for little benefit, since lower rated equipment would not be suited to the sort of products which are most likely to benefit from this scheme. Neither can we extend them to higher levels of drift reduction, since LERAPs does not extend beyond 75% drift reduction and we do not have data to verify higher levels.

3. **Base the scheme on German data**

Some respondents queried our intention to use the van der Zande (Dutch) data set, given that our standard risk assessment model uses Rautmann/Ganzelmeier data from Germany.

**HSE response**

Our choice of data stemmed from concerns that Germany’s scheme is very complicated and requires extensive labelling information. This raised doubts as to the feasibility of mutual recognition and of explaining the requirements to users even if it were possible. The Netherlands’ scheme is more straightforward and using van der Zande data appears to offer improved scope for mutual recognition of Dutch authorisations. We therefore intend to base our arrangements on the van der Zande data. We will use potatoes, which provide the worst case in this data set to improve confidence that they will be protective.

A future comprehensive review of all LERAP arrangements would be based on more recent drift data generated in the UK and other member States.
4. **Specify different increments for buffer zones**

We originally proposed specifying buffer zones at 10, 15 and 20 m increments, avoiding 5 m to reduce the risk of confusion with 5 m LERAPs B buffer zones. That was also consistent with separate proposals from the agrochemicals industry. Respondents, however, called for alternatives based on 4 m or (the more popular choice) 6 m increments, which would better match the 6 m sections of most current boom sprayers. There was also a suggestion to move to 1 m increments.

*HSE response*

Our scheme will specify buffer zones at 6, 12 and 18 m increments. These will fit with most boom sprayers and reduce the area left unsprayed without creating confusion with standard LERAPs B buffer zones. We do not favour moving to 1 m increments, which would add complexity to the arrangements with little benefit to users, since drift reduction per metre is not very significant.

5. **Allow greater flexibility**

With a view to simplicity and reducing the scope for error, our proposals envisaged requiring three star DRT for all uses authorised under this scheme at all times. Buffer zones could, however, vary depending on the specific crop being sprayed. Respondents, on the other hand, requested greater flexibility, particularly to allow for dose reduction/smaller buffer zones.

Respondents also wanted the scheme to allow use of standard spraying equipment and practices away from surface water. Requiring three star DRT at all times would impose restrictions on users (for example on boom height and driving speed) which are unnecessary further away from surface water.

*HSE response*

We do not consider that dose reduction would work in this scheme, since buffer zones will be specified as conditions of authorisation. Calculating reduced buffer zones by dose reduction could be considered as part of a comprehensive review of LERAPs.

Allowing use of standard spraying equipment and practices away from surface water will come at the cost of increased complexity. We accept that it should be possible, but authorisations will need to specify a second buffer zone beyond which the requirement for three star DRT will not apply. Based on a worst case assessment, authorisations will specify that standard spray equipment can be used 30 m from watercourses.
Annex

Alphabetical list of respondents

Adviser (individual)
Agricultural Engineers’ Association
Agricultural Industries Confederation
British Crop Protection Council
Crop Protection Association
Horticultural Development Company
Horticultural Trades Association
Micron Sprayers Ltd.
National Farmers’ Union
National Institute for Agricultural Botany