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**Report of the OECD Pesticide Risk Reduction Steering Group Seminar on Compliance and Risk
Reduction**

10 March, 2003, Paris

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**Report of the
OECD Pesticide Risk Reduction Steering Group
Seminar on Compliance and Risk Reduction**

**Paris
10 March 2003**

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OECD Guidance for Country Data Review Reports on Plant Protection Products and their Active Substances - Monograph Guidance (1998, revised 2001)

OECD Guidance for Industry Data Submissions on Plant Protection Products and their Active Substances - Dossier Guidance (1998, revised 2001)

Report of the Pesticide Aquatic Risk Indicators Expert Group (2000)

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ABOUT THE OECD

The Organisation for Economic Co-operation and Development (OECD) is an intergovernmental organisation composed of 30 industrialised countries in North America, Europe and the Pacific. The OECD works to co-ordinate and harmonise government policies, address issues of mutual concern, and respond to international problems.

The Pesticide Programme was created in 1992 within the OECD's Environmental Health and Safety Division to help OECD countries:

- harmonise their pesticide review procedures,
- share the work of evaluating pesticides, and
- reduce risks associated with pesticide use.

The Pesticide Programme is directed by the Working Group on Pesticides, composed primarily of delegates from OECD Member countries, but also including representatives from the European Commission and other international organisations (*e.g.* United Nations Food and Agriculture Organization, United Nations Environment Programme, World Health Organization, Council of Europe), and observers from the pesticide industry and public interest organisations (NGOs).

In addition to the **Series on Pesticides**, the Environment, Health and Safety (EHS) Division publishes documents in five other series: **Testing and Assessment; Good Laboratory Practice and Compliance Monitoring; Risk Management; Harmonization of Regulatory Oversight in Biotechnology;** and **Chemical Accidents**. More information about the Environment, Health and Safety Programme and EHS publications is available on the OECD's World Wide Web site (see next page).

This publication was produced within the framework of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC). It was approved for derestriction by the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, the governing body of the Environment, Health and Safety Division.

The Inter-Organization Programme for the Sound Management of Chemicals (IOMC) was established in 1995 by UNEP, ILO, FAO, WHO, UNIDO and the OECD (the Participating Organizations), following recommendations made by the 1992 UN Conference on Environment and Development to strengthen co-operation and increase international co-ordination in the field of chemical safety. UNITAR joined the IOMC in 1997 to become the seventh Participating Organization. The purpose of the IOMC is to promote co-ordination of the policies and activities pursued by the Participating Organizations, jointly or separately, to achieve the sound management of chemicals in relation to human health and the environment.

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Introduction

This report presents the results of an OECD seminar on an issue fundamental to pesticide risk reduction: compliance by pesticide users, distributors and retailers with the legal requirements and voluntary codes governing pesticide use. The seminar was held on 10 March 2003 at the OECD Secretariat in Paris. It was chaired by Wolfgang Zornbach of the German Ministry of Consumer Protection, Food and Agriculture.

This was the first in a series of seminars to be organised by the OECD Pesticide Risk Reduction Steering Group, a sub-group of the OECD Working Group on Pesticides. The seminars will focus on key issues in pesticide risk reduction of concern to OECD governments. The seminars are intended to provide an opportunity for OECD governments to discuss the issues together and with non-governmental stakeholders.

The Steering Group chose the subject of compliance for the first seminar because of its importance to risk reduction and to the proper functioning of pesticide regulatory system. Compliance was defined as handling and applying pesticides in accordance with the directions and precautions on pesticide product labels, as is legally required, and with non-legal instruments such as protocols and other voluntary codes. Label directions and precautions are based on a government assessment of the risks and judgement about how to keep them at an acceptable level. Non-compliance may therefore result in risks to human health or the environment that the government would consider unacceptable.

Participants

Nineteen people attended the seminar, including:

- representatives of the pesticide regulatory authorities of Denmark, Germany, the Netherlands, Switzerland, the United Kingdom, and the United States
- officials from the European Commission Directorate-General for Environment and for Health and Consumer Protection
- representatives of CropLife International (the international association of pesticide manufacturers) and Pesticide Action Network-Europe (an international “NGO” working to eliminate pesticide hazards)
- representatives of four stakeholder groups from the food production and distribution chain: the French and UK Farmers Unions, the German Working Group on Integrated Pest Management, Co-op UK, and the European Consumers Union (BEUC).

A participant list is attached in Annex 1.

Structure and Scope of the Seminar

The seminar was organised in two parts.

In the morning, selected participants gave presentations to describe their experience with and perspectives on compliance. The speakers were asked to consider:

- where and why non-compliance occurs;
- what areas are most important for risk reduction; and
- what approaches to improving compliance have been most successful.

Copies of their power point presentations and papers are attached in Annex 2.

The afternoon was devoted to discussion of the same questions, as well as consideration of what could be done internationally to improve compliance. A summary of the discussion follows.

It should be noted that both the presentations and the discussion addressed primarily the problem of non-compliance in pesticide use on farms, while acknowledging that non-compliance also occurs in the use of home and garden pesticides. The most common types of non-compliance were considered to be:

- failure to adhere to label recommendations and restrictions, e.g.:
 - use of pesticides on crops or other sites for which they are not authorised;
 - use of an incorrect dose;
 - incorrect timing or pre-harvest intervals;
 - exceeding the number of applications allowed per season;
 - failure to leave a required untreated buffer to protect water courses;
- use of recently banned products;
- use of products imported directly from other countries that are not authorized or have labels in a foreign language;
- unsafe storage of pesticide products; and
- stocking of obsolete products.

Why non-Compliance Occurs

The seminar participants identified four principal reasons why non-compliance occurs:

1. Farmers' Economic Priorities and Habits

The group noted that economic priorities are often the cause of non-compliance, leading farmers to:

- use pesticides in ways or on crops for which they are not authorised if they cost less than pesticides that *are* authorised for the crops or if farmers in neighbouring countries are allowed to use them;
- use unauthorised products or too many applications of authorised products if there seems to be no other way to save the crop or secure the yield (this is especially thought to be the case for “minor uses”); and
- try to avoid the expense and/or discomfort of protective equipment, proper cleaning of pesticide residues in spray equipment, and proper storage of pesticide products.

Farmers' habits can also create “cultural hurdles” that lead to non-compliance. Three important factors cited by CropLife International are:

- tradition – farmers' reluctance to change from “tried and true” chemicals and practices;
- familiarity breeds contempt – the long-time experience with farm chemicals that leads to ignoring hazard warnings; and
- “label fatigue” – especially when seeing a new and different (and sometimes overly complicated) label on an old and familiar chemical;

2. The Pesticide Regulatory Process

The group agreed that certain trends in the pesticide approval process contribute to non-compliance. In particular, the group highlighted:

- the increasing complexity of risk assessment, which has led to a corresponding increase in the quantity of information put on pesticide labels, including both hazard/risk warnings and complex use restrictions that may be unclear to users. (Some seminar participants observed that labels now seem to be written for enforcement purposes or to record all results of complex risk assessments, rather than for helping the user); and
- reliance on complicated, expensive, or problematic restrictions that many users are unlikely to follow.

Examples of the trend toward information overload (provided by CropLife International) and of incoherent restrictions (provided by the German IPM Working Group) are given in Annex 2.

Inspections carried out by the European Commission have also identified cases of:

- incorrect labelling (e.g. inaccurate identification of the level of active substance);
- confusing and/or contradictory risk and safety phrases; and
- labelling in a foreign language.

Pesticide Action Network and BEUC also noted that some countries have insufficient disposal facilities for leftover home and garden pesticides, which leads to non-compliance in product storage.

3. The Enforcement System

The group agreed that weak enforcement contributes importantly to non-compliance, while acknowledging that controlling the use of pesticides is a difficult and resource-demanding task. The group noted that most countries' enforcement systems have insufficient resources, too few inspectors, inadequate scope, weak penalties, and insufficient follow-up, e.g. to seize pesticides being used illegally. Individual participants also cited:

- insufficient, slow, and poorly co-ordinated communication and information exchange between enforcement and regulatory authorities;
- lack of co-ordination and centralised planning of monitoring activities;
- potential conflicts of interest when farm extension agents are asked to act as policemen in addition to giving advice;
- a general failure to create a clear, strong, universally accepted motivation to comply.

4. Outreach and Training

The group agreed that insufficient communication, education and training contribute importantly to non-compliance, as many farmers do not receive:

- the information, education and on-going training they need to appreciate the hazards of pesticides, to understand the laws, and to keep abreast of changes in pesticide authorisations and restrictions, in agricultural practice, and in pesticide application technology;
- sufficient advance notice of upcoming changes, and an opportunity to be involved in decision-making; or
- sufficient explanation for the conflicting risk evaluations and pesticide approvals made by different countries.

Approaches for Improving Compliance

The participants identified several approaches for improving compliance.

Awareness Raising through Farmer Education and Training

The group agreed that raising awareness was often the most effective approach, in view of the difficulty and expense of enforcement, and that it should involve:

- education and continuous training for farmers, supported by partnerships with stakeholders along the food chain; and
- provision of clear, easy-to-understand information about pesticides, their risks, and the proper way to handle them, for both farmers and amateur users.

Several participants also emphasized the importance of:

- independent advice and support for farmers (including decision support for pesticide applications and advice on improving spray equipment);
- better support to help farmers: reduce dependence on pesticides, increase use of integrated pest management, and improve management of the farm landscape (e.g. with hedgerows and buffer zones to protect water courses); and
- including farmers themselves in projects to develop IPM alternatives and using lead farmers to demonstrate the benefits of IPM.

Some participants noted that awareness raising might not be effective when economic priorities are the cause of non-compliance.

Communication

The group agreed that more and earlier communication is needed to farmers and other stakeholders along the food chain about upcoming decisions and changes affecting pesticide use. Pesticide distributors also need to increase and improve communication to amateur users, who often receive no advice.

Label Improvement

The group agreed that labels need to be simpler, clearer, better adapted to farmers' needs, and more realistic – i.e. attuned to what farmers can practically do.

“Realistic” Pesticide Approvals

The group agreed that the pesticide approval process should leave out scenarios that will likely lead to non-compliance. The group agreed that pesticide approvals should be based on risk prevention and should not rely primarily on control measures and enforcement. Several participants argued that registrations that would have to be conditioned upon costly or unrealistically complicated risk mitigation measures should not be granted at all, as pesticide users would be unlikely to follow them.

Strong Enforcement

The group noted that that when farmers believe there is a good chance of being caught, and that the consequences will be severe, they are much more likely to comply. The group therefore concluded that a rigorous enforcement system needs to be in place that conveys a strong message, has sufficient staff,

carries out regular inspections, and imposes serious penalties for non-compliance would convince many farmers to comply. The group also agreed that regular gathering of field data is important for targeting future inspections and analysing the impact of pesticide programmes.

Information Sharing and Co-operation

The seminar participants agreed that information sharing and co-operation among stakeholders would help to improve compliance. The group agreed that co-operation with supermarkets and food retailers may be useful, as some of these companies have close relations with farmers and have set their own criteria for pesticide use and residues. The group also noted that closer co-operation among stakeholders could facilitate sharing of resources (e.g. sharing or co-ordinating inspections) and of data (e.g. data on pesticide use and residues). The group noted that a co-operative approach would also facilitate participation of small farmers, who are sometimes difficult for governments to reach.

Public Awareness Raising

Several participants suggested that governments should give more attention to pesticide use in homes and gardens, and that both governments and NGOs should use the media to disseminate information about pesticides to the public.

The Policy Context

Several participants argued that tackling compliance problems must be done in the context of a strong and comprehensive policy that focuses on promoting integrated pest management and reducing dependence on pesticides. Such a policy could provide incentives for compliance, for example by tying certain subsidy payments to proof of compliance. The German IPM Working Group presented its view that IPM is the best solution to the problem of non-compliance. Pesticide Action Network argued that taking a preventive approach to risk reduction would help improve compliance by removing the most important risks (e.g. not approving particularly hazardous pesticides) rather than depending on mitigation (e.g. personal protective equipment or buffer zones).

Next Steps

The participants identified several possible activities that could be undertaken to follow up on the compliance seminar:

- Hold an international stakeholder meeting to set targets for improving compliance;
- Develop recommendations on best practice, or guidance on compliance for risk reduction;
- Undertake a survey to determine what governments and stakeholders are doing to promote compliance (or best practice), how many compliance inspections are done, and what they find;
- Compile case studies of success in improving compliance;
- Consolidate existing data, and collect more data, on compliance with requirements for personal protective equipment and other risk mitigation measures.

The group also agreed that even if resources do not permit follow-up, the seminar had nevertheless provided a useful occasion to discuss an important issue.