



Department
for Environment
Food & Rural Affairs

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Summary of responses to the consultation on the future of the Advisory Committee on Pesticides

Consultation period: 8 March to 15 May 2012
November 2014



Llywodraeth Cymru
Welsh Government



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This document/publication is also available on our website at: <https://www.gov.uk/government/policies/making-the-food-and-farming-industry-more-competitive-while-protecting-the-environment/supporting-pages/pesticides>.

Any enquiries regarding this document/publication should be sent to us at pesticides@defra.gsi.gov.uk or write to us at the Department for Environment, Food and Rural Affairs (FAO: Mr MA Wilson), Room 131, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX.

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1. Background & purpose of the consultation

1.1 This consultation <http://www.defra.gov.uk/consult/2012/03/08/pesticides-1203/> was issued on 8 March 2012; the initial closing date for comments of 4 May was extended at the request of consultees, to 15 May 2012. The purpose of the consultation was to invite views on the proposed abolition of the Advisory Committee on Pesticides and the Advisory Committee on Pesticides (Northern Ireland) – collectively referred to as the ACP - as statutory Non Departmental Public Bodies (NDPBs).

1.2 Following the Government's Arms-Length Body Review, Defra stated that its preferred option for many of its advisory NDPBs was to reconstitute them as expert scientific committees. As the ACP's current status is set in statute, it has to be abolished in its present form before it can be reconstituted as an expert committee. The Public Bodies Act 2011 (PBA) provides powers to make an Order to abolish the ACP.

1.3 The consultation document outlined the case for change, including:

- Defra is putting its scientific advisory committees on a new footing to strengthen its science and evidence base to support policy. The reform of the ACP is part of this process.
- Reconstitution of advisory NDPBs as expert scientific committees improves transparency and accountability, and enables Defra to have continued access to independent, authoritative and cost effective advice to support Government policies.
- Non-statutory advisory bodies are inherently more flexible and nimble and can be adapted, for example to acquire new terms of reference, new membership and new expertise. These aspects could become fossilised in legislation, with limited opportunity for parliamentary time to make changes.
- Statutory bodies can be overtaken by developments in Europe. Since the 1990s, decisions on the approval of pesticide active substances have been taken at EU level. Decisions on the authorisation of products containing approved active substances are taken at national level but according to an increasingly tightly defined body of rules and guidance. Since June 2011, Regulation (EC) 1107/2009 has further harmonised the regulation of plant protection products. In particular, it discontinues the previous arrangements that allowed Member States to grant provisional authorisations while applications for EU approval were considered.
- The new committee will retain an independent and technical advisory function in a sensitive area which Government requires and which society values.

1.4 Publication of the response summary was delayed to allow Defra's pesticide policy officials undertake other urgent priorities.

Options in the consultation

1.5 The three options for consideration were:

- Option A: Maintain the status quo - the ACP continues as a statutory, advisory Non-Departmental Public Body (NDPB).
- Option B: Abolish the ACP and put nothing in its place.
- Option C: Abolish the ACP and reconstitute it as an expert scientific committee.

Consultation questions

1.6 The consultation invited comments on three specific questions:

Question 1

Do you support the Government's preferred option, to abolish the Advisory Committee on Pesticides, and replace it with an expert scientific committee, for the reasons explained?

Question 2

If you do not support the Government's preferred option, what is your preferred alternative and why?

Question 3

Do you have any additional points you would wish Ministers to consider before making their final decision?

2. Responses received

2.1 Around 400 interests were invited to comment and the consultation was publicised on the Defra and HSE websites.

2.2 Forty five responses were received. Of these, thirty were received from the farming/growing industry and businesses, six from government advisory bodies and nine from the public/Non-Government Organisations (NGOs). All the respondents are listed in the Annex to this document and we are grateful to all those who took the time to respond and to inform our thinking.

2.3 None of the respondents requested that their comments be treated as confidential. Copies of the responses can be obtained from Defra's Pesticide Policy team (FAO Mr MA Wilson) at the Department for Environment, Food and Rural Affairs, Room 131, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX; Email: pesticides@defra.gsi.gov.uk.

3. Analysis of responses

Overview

3.1 Twelve of the forty five respondents wished to maintain the status quo (Option A) but some suggested that they could accept Option C (reconstitution) if the new body were constituted so as to address their concerns.

3.2 No respondent supported Option B (to abolish the ACP and put nothing in its place).

3.3 Twenty four respondents supported the Government's preferred option (Option C) to abolish the ACP and reconstitute it as an expert scientific committee. However, some respondents in favour of this option attached a number of caveats to their support.

3.4 Eight respondents did not favour one option over the other, but provided comments on the remit and operation of the committee.

3.5 One respondent suggested an alternative option - to abolish the committee and replace it with a new committee advising on the overall aspects of pest management with the priority on non-chemical pest control.

3.6 Many respondents highlighted similar views as to the strengths of the ACP and the qualities which they would wish to see replicated in any expert committee. These included: independence; impartiality; scientific expertise; transparency; a direct line to Ministers; and the ability to initiate its own lines of inquiry.

3.7 A lot of information was submitted; this summary is only intended to outline the breadth of views expressed, not to reflect every comment made.

By question:

Question 1 - Do you support the Government's preferred option, to abolish the Advisory Committee on Pesticides and replace it with an expert scientific committee, for the reasons explained?

3.8 Twenty four respondents supported the Government's preferred option (Option C). Eight of these attached caveats to their support, mostly around the need to maintain the strengths of the ACP as outlined at 3.6 above.

Question 2 - If you do not support the Government's preferred option, what is your preferred alternative and why?

3.9 Thirteen of the forty five respondents supported approaches differing from the Government's preferred option. Twelve of them preferred to maintain the status quo; their reasoning is summarised below:

- The ACP's current status as a statutory, advisory NDPB works well and is respected by stakeholders.

- The current committee operates independently of Government policy objectives providing impartial advice based purely on scientific evidence.
- The ACP's terms of reference are defined by legislation and the Committee reports directly to Ministers, who are required to seek its advice. This gives it the credibility that is vital, given that it is dealing with sensitive issues surrounding pesticide use.

3.10 Two of the twelve respondents who preferred to retain the status quo are prepared to support reconstitution provided the new body is transparent, independent and carries appropriate expertise and that the terms of reference are satisfactory.

3.11 One respondent suggested an alternative option, to abolish the ACP and replace it with a new committee advising on pest management with the priority on non-chemical pest control.

Question 3 - Do you have any additional points you would wish Ministers to consider before making their final decision?

Membership

3.12 A number of respondents commented on the membership of the committee. In terms of the expertise required, points raised included: the committee's membership should reflect the breadth of use of pesticides as no individual can comment authoritatively all aspects of use; the Government should retain the current broad skills base; the committee must retain an appropriate level of expertise in human toxicology; there should be more representation of pesticide users, including non-professional users; and there should be experts in methods of farming using less/no pesticides. One respondent urged that members of the ACP should be chosen on the basis of their scientific merit, regardless of their current or former employer.

3.13 One respondent proposed a sub-group to consider environmental matters, while another suggested a sub-committee containing pest control specialists to brief the main committee on pest control issues. A third suggested establishing a small core membership, with a group who could be called upon for specific expertise.

Biocides

3.14 Although the consultation did not seek views on the point, fourteen respondents commented on the possible inclusion of biocides in the (new) committee's remit. Nine (primarily from agricultural organisations) opposed such a move on the grounds that this would require additional experts, resulting in either a very large group or a reduction in the number of pesticide experts, impairing the effectiveness of the Committee. Five supported including biocides. One stated that some biocides, such as rodenticides, antifoulants and timber treatments, carry particular environmental risks. Another stated that the current committee has been involved in providing advice on substances used as both plant protection products and biocidal products and the relevant expertise is therefore already present. A third suggested widening the scope of the committee not only to biocides but also to human and veterinary medicines.

3.15 This issue is separate from the decision on the future form of the ACP. However, the views expressed are being considered as thinking on this point is developed.

Benefits of pesticide use and the needs of pesticide users

3.16 Several respondents suggested that the benefits of pesticides should be taken into account when assessing product approval and should be an important issue for the committee. Some also raised the issues of EU legislation and the importance of UK farmers and growers having access to a similar range of products to their European competitors. The Government agrees that the needs of users and the issue of competitiveness are important. The Government has several initiatives to tackle these points, within the overall need to ensure that pesticides do not endanger people or the environment. However, this is not directly a matter for this consultation.

The views of the ACP

3.17 The main points of the response from the Advisory Committee on Pesticides were:

- Re-constitution as an expert scientific committee offers advantages in terms of flexibility but disadvantages relating to perceived loss of independence and a potential loss of pro-activity.
- Concern at the prospect of reporting to a departmental structure involving Defra's Science Advisory Council and Chief Scientific Advisor. Members recognise the importance of 'joining up' advice but place greater emphasis on the independence, and perception of independence, of advice on pesticides - a subject that is often controversial.
- It is important that reconstitution does not diminish the proactive approach adopted by the Committee, as this is an important part of its role in driving up standards. In this context, the Committee stress particularly their role in overseeing stewardship arrangements.
- The Committee would wish to maintain its two standing panels (the Medical and Toxicology Panel and the Environmental Panel) in any revised arrangements.
- In formulating new terms of reference it is important to be clear about the range of work currently undertaken by the ACP - including indirect effects of pesticides, comparative assessment and adverse health surveillance and bystander and resident risk assessments. The Committee also provides rapid responses to deal with emergency situations, provides challenge and review of the evaluation work undertaken within CRD and advises on specific approval requirements.
- As the ACP has been involved in providing advice on substances used as both plant protection products and biocidal products, the Committee suggests that both are specifically included within the scope of any proposed new Committee as the relevant expertise is already available amongst the current ACP membership.

4. Government response

4.1 The Government notes that there was majority support for its preferred option. The Government therefore intends to lay an Order under the Public Bodies Act 2011, abolishing the ACP as a statutory NDPB. If this is approved by the Westminster Parliament, the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly, an expert committee will be put in place to replace the current ACP.

The Government will work with the ACP on the transitional and subsequent on-going arrangements.

4.2 The consultation showed strong support for a body to provide expert, impartial and independent advice on pesticides to Ministers and others. The Government reaffirms that the proposed successor body to the ACP would continue to take this role. The Committee would operate in line with the Government's Principles for Scientific Advice and the Code of Practice for Scientific Advisory Committees.

4.3 The new committee would normally provide advice to officials on request but, as at present, would be entitled to choose its own subjects for consideration and to put advice direct to Ministers. The existing arrangements for the committee to offer advice to the Devolved Administrations and other interested Departments as well as to Defra would also continue.

4.4 The new committee would be comprised of an appropriate range of experts – and the Government plans to invite the current members to transfer to the new body. Future members would be chosen in a similar way as at present, in line with the guidance and principles on public appointment rules set by the Office of the Commissioner for Public Appointments. They would be expected to act impartially and to follow the seven 'Nolan' principles of public life. All interested Departments and the Devolved Administrations would be involved, as at present, in the appointment of members.

Annex: List of respondents to the consultation

Advisory Committee on Pesticides
Agricultural Engineers Association
Agricultural Industries Confederation
Agriculture and Horticulture Development Board
Amenity Forum
BASF Plc
Bayer CropScience Ltd
British Association of Seed Producers
British Crop Production Council
British Independent Fruit Growers Association
British Pest Control Association
Buglife
Centre for Ecology and Hydrology
Country Land and Business Association
Crop Protection Association
Cucumber Growers Association
DARDNI (CAFRE)
Dow AgroSciences Limited
Fargro Ltd
Farmers' Union of Wales
Food Standards Agency
Fresh Produce Consortium
Game & Wildlife Conservation Trust
Horticultural Development Council
Interagro (UK) Ltd
Laronkarn Ltd
Makhteshim Agan UK Ltd
National Farmers Union
National Institute of Agricultural Botany
Natural England
Natural Environment Research Council's Centre for Ecology & Hydrology
Nomix Enviro
Norwich BioScience Institutes
Pat Ryan
Pesticide Action Network UK
Rodenticide Working Group of the European Biocidal Products Forum
Royal Horticultural Society
Royal Society for the Protection of Birds
RPC Pest Control
The Cancer Prevention and Education Society
The Royal Society of Chemistry
UK Pesticides Campaign
Ulster Farmers Union
Women's Food and Farming Union
Yorkshire Water Services Ltd