



Policy & Resources
Committee

Sir Charles Frossard House
La Charroterie
St Peter Port
Guernsey
GY1 1FH
+44 (0) 1481 717000
www.gov.gg

HM Greffier
The Royal Court
St Peter Port
Guernsey
GY1 2PB

18th January 2023

Dear Sir

Letter of Comment - Proposition No. P.2022/109 - Requête: Revocation of All Existing Approvals of Plant Protection Products (Pesticides) Containing the Active Substance Glyphosate

I refer to the above Requête, signed by Deputy De Lisle and six other States' Members, which the States of Deliberation are scheduled to debate on 25th January 2023, and which asks the Assembly to:

1. Agree that action should be taken in Guernsey to eradicate the threat to its inhabitants and its eco-structure posed by the continued use of glyphosate on the island.
2. Direct the Committee *for* Employment & Social Security, by the end of the year 2023, in exercise of its powers under Regulation 11(8) of the Control of Poisonous Substances (Guernsey) Regulations, 2014, as amended, to revoke all existing approvals of plant protection products (pesticides) containing the active substance glyphosate (CAS No.1071-83-6, EU No. 213-997-4), including those authorising the use, importation and sale to professional users.

In accordance with Rule 28(2)(a) of the Rules of Procedure of the States of Deliberation and their Committees, the Policy & Resources Committee consulted the various States' Committees with a particular interest in the Requête. The responses received are enclosed.

Given the technical and scientific aspects of this subject matter, the Policy & Resources Committee has not sought to comment on all aspects of the Requête but would instead draw Members' attention to the enclosed responses of those States' Committees with mandated responsibilities, and access to subject matter experts, in the relevant areas.

The consultation responses received are summarised below but should be read in full, given the technical nature of the subject and the need to consider comments made in context.

Consultation with States' Committees under Rule 28(2)(a) of the Rules of Procedure

The Committee wishes to draw States' Members attention to the attached consultation responses, but also provides a summary of the Committees' overall positions below –

Committee for Economic Development

- Expressed concern that businesses and professional users directly affected by the proposal do not appear to have been consulted.
- Referred to concerns over whether an outright ban would be consistent with the Bailiwick's ability to comply with international trade agreements, and comments that legal advice should be sought on this point.

Committee for Education, Sport & Culture

- Understands and expects that any products used on sites used in connection with its mandate are used in accordance with the terms of any licence agreement governing their use and in accordance with appropriate operational policies.

Committee for the Environment & Infrastructure

- Does not support the Requête.
- Is working to achieve a reduction in all pesticide use and is concerned that a complete ban on glyphosate without a full understanding of the consequences could lead, perversely, to an increase in pesticide use overall and an increased threat to health and the environment.
- Stated that numerous initiatives to reduce glyphosate use are being undertaken in a balanced and proportionate manner.
- Referred to Glyphosate-based products being widely recognised as the only proven tool to control invasive non-native species and noxious weeds; without an effective control method, it would be concerned about the effect on native species and the Island's biodiversity, as well as the difficulty of securing a mortgage or planning permission for a property contaminated with Japanese Knotweed.
- Expressed concern that a ban could potentially add to the financial pressures already being felt by the agriculture sector and that a consultation with relevant stakeholders has not been undertaken.

Committee for Employment & Social Security

- Does not support the Requête.
- Commented relevant to its powers under Regulation 11(8) of the Control of Poisonous Substances (Guernsey) Regulations, 2014.
- Does not think there is a public health argument for a total ban of glyphosate-based pesticides on the information available at present.
- Referred, in respect of glyphosate, to the positions of the World Health Organisation's International Agency for Research on Cancer, and to international and supranational regulatory agencies. The enclosed letter from the Committee for

Employment & Social Security should be read in full so readers may consider these summarised positions in context.

- Does not consider that there is adequate evidence to support the efficacy of alternative products, especially to treat Japanese Knotweed.
- Commented that alternative herbicides with different risk profiles have the potential to cause as yet unknown or unquantified wider effects, and that the required usage of less well-known alternatives could also result in changes in costs and yields for local farmers and growers, placing an increased burden on a struggling sector.
- Maintained that the “professional-only” classification for glyphosate is proportionate and should remain in place until further evidence becomes available to enable an informed decision to be made about whether a wider ban should be implemented.

Committee for Health & Social Care

- Does not support the Requête.
- Provided a response based on information from Public Health Services and the Office of Environmental Health & Pollution Regulation.
- Stated that before any prospective total ban was introduced, Public Health Services and the Office of Environmental Health & Pollution Regulation would wish to see an appraisal of alternative products with assurance that these would be less harmful, to avoid any unintended consequences.
- Referred to the positions of the World Health Organisation’s International Agency for Research on Cancer, and to national, international, and supranational regulatory agencies. The enclosed letter from the Committee for Health & Social Care should be read in full so readers may consider these summarised positions in context.
- Is content that Public Health Services and the Office of Environmental Health & Pollution Regulation are satisfied that current regulatory measures are satisfactory and will await the results of a European Food Standards Agency peer review, anticipated in July 2023, to inform its future position.

Committee for Home Affairs

- Explained that Customs & Excise had advised since glyphosate products had been made “professional use” only, these products were now subject to risk assessments in respect of smuggling.
- Stated that if the restriction on professional use only changed to that of a prohibited product, the assessment would be expanded to cover industrial use accordingly.
- Explained that Trading Standards advised that it would only be engaged, from a product safety perspective, if consumer products containing a banned substance were placed on the market in Guernsey. If there was a ban on professional use, the Health and Safety Executive would be the enforcing authority if a trader was found to be selling the banned product.

States' Trading Supervisory Board

- Unable to support the Requête because a decision on further prohibition should not be made until the effects of the recent ban on amateur use were fully understood.
- Highlights the need for the States of Guernsey to adhere to the World Trade Organisation’s global trade agreements.

- Advised that States Works stopped using glyphosate at the end of 2020, the rare exception being control of invasive species.
- Explained that Guernsey Airport was minimising the use of pesticides and herbicides where possible but that this had proven less effective, and expert advice was that glyphosate is the single most effective tool in dealing with habitats on airfields to help reduce bird strike risk.
- Highlighted that the presence of glyphosate in streams is not reflected in drinking water, with Guernsey Water achieving 100% compliance with national and EU drinking water standards in 2021. Explained that levels of glyphosate in streams had increased in recent years but Guernsey Water's treatment processes could manage current levels. Stated that prohibiting the professional use of glyphosate could result in the use of alternative products that are of greater risk to drinking water quality.

Policy & Resources Committee Position

The Policy & Resources Committee is responsible for external relations and international and constitutional affairs, and for policies on States' property, and makes the following comments on the Requête in relation to Guernsey's domestic legislation and policies, its position in respect of its membership of the WTO, and concerning States' property.

Domestic legislation and policies

The States of Guernsey model litigant policy directs that appropriate consideration must be given to whether decisions of the States may expose the States to legal action and whether such action would be damaging to Guernsey's international reputation, as well as the likely costs of defending the action and, if successful, the costs of any awards for damages. The policy seeks to provide that the States will act in the public interest in contemplating, commencing and continuing, or defending litigation.

As glyphosate is not subject to any prohibitions similar to those proposed in this Requête either in the UK or the wider EU (although it is recognised that Austria banned glyphosate in 2019 and Germany is Implementing an incremental ban from 2023, whilst some other Member States have prohibitions on certain glyphosate products such as Round-Up™), if supported, Guernsey would be prohibiting importation and sale of this pesticide to members of the public and professional users from, at the latest, 31st December 2023, notwithstanding that this is a pesticide that is approved by and generally in free circulation in the EU and so, at present, can be traded and used. Such prohibition could lead to a legal challenge from the manufacturers and serious consideration must be given to the States of Guernsey's potential exposure to (and defence of) any such legal claim in accordance with the principles of the States model litigant policy. Legal advice would need to be sought.

Further, the Control of Poisonous Substances (Guernsey) Regulations, 2014 are made under section 1(1) of the Poisonous Substances (Guernsey) Law, 1994. Therefore, the proposed ban on the importation, sale and use of glyphosate, as set out in the Requête, would not apply to Alderney or Sark. This may present difficulties in enforcing the ban on importation.

World Trade Organisation

In February 2019, the States of Deliberation agreed that the UK's membership of the World Trade Organisation ("WTO") should be extended to Guernsey. It was further agreed to:

'Commit to meet the UK's World Trade Organisation obligations, on an ongoing basis, and to resolve any issues or disputes promptly in a manner which is consistent with the States of Guernsey's extant policy with regard to international standards, the 2008 Framework for developing the International Identity of Guernsey agreed with the UK Government and protecting the Bailiwick of Guernsey's international reputation.'

The agreement came into effect on 1st January 2021.

Under the UK's WTO Membership, Guernsey has committed to the WTO's global trading rules including the Agreement relating to Technical Barriers to Trade. This Agreement aims to ensure that technical regulations, standards, and conformity assessment procedures are non-discriminatory and do not create unnecessary obstacles to trade. At the same time, it recognises WTO members' right to implement measures to achieve legitimate policy objectives, such as the protection of human health and safety, or protection of the environment. However, these measures are in general aligned to international standards and need to be defensible internationally if challenged.

Currently glyphosate can be traded freely within the UK and certain EU Member States. Should the States of Guernsey proceed with a prohibition of the importation, sale and use of glyphosate (or any associated product such as Round-Up™) then a full legal analysis and risk assessment would need to be carried out. If the States proceeded with a prohibition on the importation of glyphosate, not only would it potentially not be adhering to international trade rules, but, if an international complaint was made, and the prohibition deemed non-compliant under WTO rules, the States would have to remove the ban immediately. There could also be other additional impacts such as reputational risk and damages in relation to trade policy compensation for any trade injury caused.

Furthermore, from an international perspective, countries are particularly mindful of other countries imposing prohibitions on glyphosate and therefore Guernsey needs to be very mindful of this as it demonstrates the considerable challenge it would face with trying to impose restrictions. In November 2019, the United States of America raised international concern about countries restricting the use of glyphosate and withdrawing glyphosate maximum residue levels without clear scientific justification. The United States have a major interest in this product and keep a sharp focus on what restrictions other countries impose. In particular, there was a call to establish further scientific evidence relating to this product due to it being heavily relied upon in agriculture. The restriction of glyphosate continues to be very sensitive internationally and has been raised at recent International Ministerial Councils at the WTO.

To introduce a ban on the importation, sale and use of glyphosate is a matter where the practical implementation and the wider risk of harm to Guernsey's international reputation outweigh the perceived benefits of banning its use in the Island.

States' Property

The land under the management of States Property Unit comprises of 18 fields that are let out to farmers, and areas of land associated with buildings such as Sir Charles Frossard House. The land areas adjoining buildings are tended by States Works and glyphosate has not been used for the last two years. However, as a consequence, achieving the same standards of weed management at States of Guernsey properties means more physical (or mechanical intervention), which is more costly and is labour intensive. With regards the fields these are typically leased out on established long term arrangements to farmers who generally have adjoining or nearby areas of land. When the opportunity to re-let/re-structure the leases arise, the States' Property Unit has in place a policy of prohibiting the use of glyphosate. To date, that opportunity has not arisen, but it is anticipated that during the next three years all tenants of the fields will be prohibited from using glyphosate.

Conclusion

Of the seven States' Committees consulted, five either specifically state that they do not support the Requête or raise concerns. None support the Requête.

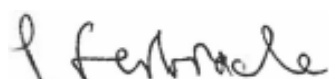
Businesses and professional users directly affected by the proposal to ban glyphosate have not been consulted, which makes any proposed ban potentially at risk of successful legal challenge. In addition, banning the importation of glyphosate may not accord with Guernsey's international obligations and may result in legal action against the States of Guernsey.

Further, it is a matter where the practical implementation and the wider risk of harm to Guernsey's international reputation outweigh the perceived benefits.

Having considered the consultation responses received and taking account of its own areas of responsibility, the Policy & Resources Committee non-conflicted Members unanimously recommend that the Requête is not supported.

The Policy & Resources Committee wishes to thank the States' Committees consulted for their submissions. It also wishes to place on record that, as Requêteants and Members of the Policy & Resources Committee, Deputies Helyar and Mahoney recused themselves from all discussions relating to the Policy & Resources Committee's consideration of the Requête.

Yours faithfully



Deputy Peter Ferbrache
President
Policy & Resources Committee

Enclosed consultation responses:

- the Committee for Economic Development;
- the Committee for Education, Sport & Culture;
- the Committee for the Environment & Infrastructure;
- the Committee for Employment & Social Security;
- the Committee for Health & Social Care;
- the Committee/or Home Affairs; and
- the States' Trading Supervisory Board.

Deputy Ferbrache
President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
St Peter Port
Guernsey
GY1 1FH

Level 4
Market Building
PO Box 451
Fountain Street
St Peter Port
GY1 3GX
www.gov.gg

21st December 2022

Dear Deputy Ferbrache,

Requête – Revocation of all existing approvals of plant protection products (pesticides) containing the active substance Glyphosate (P.2022/109)

Thank you for your letter of 13th December 2022 seeking comment from the Committee *for* Economic Development on the above requête. The Committee notes that the requête is calling for the revocation of all existing approvals of plant protection products (pesticides) containing the active substance Glyphosate, including those authorising the use, importation and sale to professional users.

The Committee notes that from 31st October 2022 the States of Guernsey Health and Safety Executive has prohibited all products containing Glyphosate from being sold in retail outlets to the general public for use in the garden or as an amateur product. The requête is effectively calling for that prohibition to now also be extended to professional users of products containing the active substance Glyphosate.

The Committee will restrict its comments to matters which are directly relevant to the Committee's mandate, including its responsibilities concerning the promotion and development of all sectors of business, including horticulture, and the potential implications of any proposed revocation of products containing Glyphosate for the Bailiwick of Guernsey's compliance with international trade agreements.

The Committee is concerned that there appears to be no evidence of consultation with the businesses and professional users who would be directly affected by the withdrawal of pesticide products containing the active substance Glyphosate including; farmers, gardening and landscape companies, agrichemical suppliers and other professional users of products containing Glyphosate. Such an exercise would provide valuable information on the potential impact both in financial and environmental terms on island businesses. As a matter of good governance it is the Committee's view that a consultation should be conducted with businesses in the Bailiwick who would be affected by the proposed revocation of all products containing the active substance Glyphosate, before any decision on further restrictions to the use of products containing Glyphosate by professional users is taken.

The Committee is also aware that there are concerns over whether an outright ban of Glyphosate would be consistent with the Bailiwick's ability to comply with international trade agreements. Legal advice should be sought on this point before the States of Deliberation takes any decision to further ban or restrict the use of products containing the active substance Glyphosate by professional users.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Neil Inder', with a stylized, cursive script.

Deputy Neil Inder
President
Committee *for* Economic Development



Sent via e-mail to:

Deputy Peter Ferbrache
President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
St Peter Port
Guernsey
GY1 2PA

17 January 2023

Dear Deputy Ferbrache,

RE: Requête: P 2022/109 entitled ‘Revocation of All Existing Approvals Of Plant Protection Products (Pesticides) Containing The Active Substance Glyphosate

Thank you for affording the Committee *for* Education, Sport & Culture the opportunity to comment on the above Requête.

As you will know, responsibility for matters relating to the upkeep and maintenance of the sites falling under the Committee’s mandate has transferred to the States Property Unit (SPU). Given this, it is our understanding and expectation that any products used either by SPU’s staff or by those contracted by SPU to carry out grounds maintenance on sites used in connection with our mandate, are used in accordance with the terms of any licence agreement governing their use (where a licence is required) and in accordance with appropriate operational policies. We would also expect those parties to make decisions over the products used mindful of the intended use of the sites, in order to ensure there is no risk of harm to service users or that any such risks are appropriately mitigated.

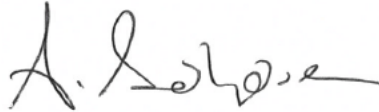
As the relevant budgets were transferred to align with the above operational change, we feel unable to comment on the likely cost implications of a prohibition of substances containing Glyphosate.

In terms of our educational responsibilities, I feel it is incumbent on me to make reference to our curriculum, which includes topics relating to the natural environment. It is to be expected that, as policy-makers, we are able to evidence a considered and evidence-based

approach to our policy-making that aligns with the approach we encourage our learners to take.

Please note that I am a signatory to the Requête in my parliamentary capacity and in writing on behalf of the Committee, I have taken the impartial advice of officers related to the management of land which falls within the remit of the Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Dudley-Owen', with a stylized flourish at the end.

Deputy Andrea Dudley-Owen

President

The Committee *for* Education, Sport & Culture



Committee *for the*
Environment & Infrastructure

Sir Charles Frossard House
La Charroterie
St Peter Port
GY1 1FH
+44 (0) 1481 227000
environmentandinfrastructure@gov.gg
www.gov.gg

President
Policy & Resources Committee
Sir Charles Frossard House
St Peter Port
Guernsey
GY1 1FH

4 January 2023

Dear Deputy Ferbrache

**REQUÊTE – REVOCATION OF ALL EXISTING APPROVALS OF PLANT PROTECTION
PRODUCTS (PESTICIDES) CONTAINING THE ACTIVE SUBSTANCE GLYPHOSATE
(P.2022/109)**

Thank you for your letter of 13 December 2022 consulting the Committee on the above matter in relation to its responsibilities concerning agriculture, farms, environmental policy, animal health and welfare and water policy.

The requête proposes a very rapid revocation of all approvals for pesticides¹ containing the active substance glyphosate by the end of 2023. The Committee is already working to achieve a reduction in all pesticide use (not just glyphosate) and is concerned that this well-intentioned requête would, if successful, lead perversely to an increase in pesticide use overall, among other unintended consequences.

Glyphosate is the active substance in many herbicides and is widely used around the world. It was first used in the UK in 1976 and has been used in many different situations by farmers, foresters, gardeners, and conservationists, where it is used to control the negative environmental impacts of invasive non-native species.

The Committee is supportive of the underlying aim of the requête to bring about a reduction in the use of herbicides and pesticides on the Island because of the impact they can have, directly and indirectly, on our natural flora and fauna. This principle is implicit in the States-approved Strategy for Nature.

¹ Pesticides being an umbrella term for synthetic substances including herbicides, insecticides, fungicides, etc.

There have been several developments relating to the use of glyphosate products on the island in the last few years. The previous Committee began discussions about a pathway to 'pesticide free' status with the Pollinator Project and Professor Dave Goulson in May 2019. In 2021, the current Committee committed support to a five-step application plan being led by the Pollinator Project which includes communication/education, an audit of usage, safe disposal, phasing out and reporting. Later that year, a requête similar to this one was rejected by the States, and the Committee took the opportunity to communicate the more holistic approach to pesticide reduction already underway.

Since the end of 2020, the main States of Guernsey land management contractor (States Works) has not used glyphosate-based products except where absolutely required to invasive species such as Japanese Knotweed. Alternative approaches to weed control are used including mulching, mechanical removal, or acetic acid (vinegar) on small weeds/moss on hard surfaces.

In Autumn 2021, the current Committee met with the local Pollinator Project group to endorse the aims of the action plan and agree a partnership approach to the reduction of pesticides. As a result, a Pesticide Reduction Group with representatives from the Pollinator Project, Guernsey Water, HSE and Land Management Services has been set up to co-ordinate actions across the States and the community and progress the action plan.

The Committee recognised that more comprehensive evidence about the use of pesticides on the Island was required and therefore directed that an audit of their use be undertaken.

The Pollinator Project are leading an educational campaign to raise the knowledge of alternative weed control approaches that avoid the use of synthetic compounds. Alongside this, a member of the Pollinator Project, Dr Bane, continues to research the potential impacts of pesticides on local invertebrate populations with the aim of understanding the benefits on those species of reductions in pesticide use. It is important to note that this work is focused quite deliberately on pesticide use generally – not on one specific herbicide.

The Health & Safety Executive decided earlier this year to prohibit the amateur use of glyphosate from 1 January 2023. This decision, which we welcome, was based on a detailed review of best available evidence which resulted in this targeted and proportionate measure to address impacts on water quality and wider environmental impacts.

On 28 November 2022, the Environmental Pollution (Water Pollution) Ordinance, 2022 (the Water Pollution Ordinance) was commenced. This legislation introduced a maximum limit for glyphosate in surface water and groundwater of 0.075µg/l. This level was set following consultation with, and support of, Guernsey Water as a level that would allow local drinking water to meet the UK's drinking water standard (0.1µg/l).

The EU Water Framework Directive (WFD) sets environmental quality standards for pesticides in surface water. A precautionary quality standard of 0.1µg/l is set for individual pesticides according to the Directive, reflecting the desire to keep pesticide concentrations in groundwater at low levels. Guernsey's level adopts a greater precautionary approach. Local surface water and groundwater standards can be amended simply through powers bestowed on the Director of Environmental Health & Pollution Regulation. Whilst the local level for glyphosate is the same as for generically titled 'Pesticides individual', glyphosate has deliberately been specified separately so that glyphosate levels can be amended in isolation as proportionate, and based upon developments in the global evidence base and the standards adopted by other jurisdictions.

In addition, Guernsey Water already carries out pollution prevention audits for farms and businesses and, among other things, provides advice on good storage and application practice.

Prohibiting the professional use of glyphosate would not reduce the use of chemicals by farmers and other land managers, an aim that is better achieved by working with them to implement good land management methods. Conversely, it could result in the use of alternative products that are of greater risk to drinking water quality and cost significantly higher sums to treat, which is not acknowledged by the requête.

This and other Committees have worked, and will continue to work, in a co-ordinated way to take evidence-based action to reduce the threat from glyphosate-based products, as well as other pesticides. This balanced approach, which both promotes non-chemical alternatives where appropriate whilst putting in place the ability to strongly regulate misuse, means that the risks are being managed effectively and can respond to additional evidence as it comes forward.

The Committee is concerned that a complete ban on glyphosate without a full understanding of the consequences could lead, perversely, to an increased threat to health and our environment. Glyphosate, due to its extensive use globally over a long period, is the most studied herbicide agent and consequently is well understood. We are concerned that a complete ban as proposed by this requête would, in all likelihood, lead to alternative herbicides being used which are less well studied, are less effective (requiring higher dosages) and pose risks to health and the environment. As noted above, the separate specification for glyphosate in the Water Quality Ordinance provides a specific tool for its management which isn't available for alternatives.

The Committee notes that there is currently a lack of suitable alternatives to glyphosate products and alternatives can present their own issues. Those which are based on acids (acetic, pelargonic or fatty) do not control more persistent and larger weeds. To improve their efficacy, Meleic hydrazide is added to some formulations. As acid-based herbicides 'burn' the foliage they can also harm insects and the user.

Herbicides that are approved for controlling broad-leafed weeds in lawns (i.e. those containing 2,4-D, Dicamba, Mecoprop-P, MCPA, Fluroxpyr or Clopyralid) are very soluble in water and easily leached from soils. As these will remain available there could be an increase in their use away from approved areas (i.e. not on lawns). Clopyralid has the added problem of persistence in plant material that can damage plants grown in compost produced from treated plants.

The remaining approved herbicides for use by the general public are Triclopyr based products. The label of such products advises only two applications per year as they are highly soluble and very toxic to the aquatic environment. They can also cause skin sensitisation/allergic reaction in humans. Any overuse of these products would therefore also be of concern.

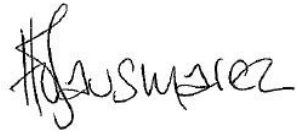
Furthermore, glyphosate-based products are widely recognised as the only proven, effective tool to control invasive non-native species and noxious weeds such as Japanese Knotweed. Without an effective control method, this and other species have the potential to spread and out compete native species on which our Island's biodiversity depends. Even non-chemical alternatives to glyphosate could potentially be damaging. Without access to glyphosate, as would be the case if the requête were to be successful, there is also a danger that islanders could attempt to dig up this highly invasive non-native plant, which would have the unfortunate effect of making the problem worse.

We note that it can be difficult to secure a mortgage to purchase a property contaminated with Japanese Knotweed and any planning permission for such areas would require its control by condition. It is not evident that there has been any consultation with mortgage providers to answer the question of whether they would amend their stance and provide a mortgage on a property with Japanese Knotweed without an eradication plan. It is likely that treatment with glyphosate by a professional would be the only accepted treatment method.

Whilst the financial implications of the proposed ban should not be the sole consideration, it could potentially add to the acute financial pressures already being felt by the agriculture sector in particular. We note that a consultation with relevant stakeholders outside of the States of Guernsey has not yet been undertaken.

In conclusion, whilst supporting the aim of reducing the use of glyphosate on the Island, the Committee is confident that a number of initiatives are already taking place to achieve this objective in a balanced and proportionate manner. Furthermore, we believe that a ban as proposed in this requête may lead to an overall increase in the use of pesticides and therefore by extension an increase in the risk to health and the environment. The Committee does not support the requête and believes that the effects of the ban on its amateur use should be closely monitored and understood fully before considering any further restrictions.

Yours sincerely

A handwritten signature in black ink, appearing to read "Lindsay De Sausmarez". The signature is stylized with a large initial "L" and "D".

Deputy Lindsay De Sausmarez

President

Committee *for the* Environment & Infrastructure



Committee *for*
Employment & Social Security

Edward T. Wheadon House
Le Truchot, St. Peter Port
Guernsey, GY1 3WH
+44 (0) 1481 222500
employmentandsocialsecurity@gov.gg
www.gov.gg

Deputy P T R Ferbrache
President
Policy & Resources Committee
Sir Charles Frossard House
St Peter Port
GY1 1FH

4 January 2023

By email

Dear Deputy Ferbrache

Requête – P.2022/109 entitled ‘Revocation of All Existing Approvals Of Plant Protection Products (Pesticides) Containing The Active Substance Glyphosate’

Thank you for your letter, dated 13 December 2022, seeking any factual information that the Committee *for* Employment & Social Security (“the Committee”) can provide to inform the debate of the above Requête, relevant to the Committee’s powers under Regulation 11(8) of the Control of Poisonous Substances (Guernsey) Regulations, 2014 and its mandated responsibilities for health and safety in the workplace.

The Committee understands that the requérants are proposing a full ban on glyphosate usage on the grounds that usage presents risks to public health, biodiversity, water supply and the environment. The requérants note that other jurisdictions have placed restrictions on its usage and posit that there are suitable alternatives that can be used, including for the treatment of noxious weeds. In implementing the current partial ban on glyphosate usage, the Health and Safety Executive (“HSE”) considered evidence in relation to these points and concluded that a partial ban was proportionate based on the evidence presently available.

The Committee is of the understanding that current evidence for banning glyphosate on public health grounds is weak. While the International Agency for Research on Cancer (IARC) has classified glyphosate as a Group 2A carcinogen¹, putting it in the same category as “hot drinks” and “red meat” as ‘probably carcinogenic to humans’, other agencies hold contrasting views. The Risk Assessment Committee (RAC) of the European Chemicals Agency², European Food Safety Authority (EFSA) and the Joint Food and Agriculture Organisation of the United

¹ IARC (2018) IARC Monographs on the Identification of Carcinogenic Hazards to Humans – available at <https://monographs.iarc.fr/agents-classified-by-the-iarc/>

² European Commission (2022) Glyphosate: no change proposed to hazard classification – available at <https://www.echa.europa.eu/-/glyphosate-no-change-proposed-to-hazard-classification>

Nations (JMPR)³ have concluded that there is no evidence to link glyphosate to cancer in humans based on the available information and that glyphosate should not be classified as a substance that causes genetic damage or disrupts reproduction. The Committee therefore does not think there is a public health argument for a total ban of glyphosate based on the information available at present, but the Committee would not hesitate to re-evaluate its position should the Committee *for* Health & Social Care (CfHSC) provide evidence to the contrary.

The Committee acknowledges that there is local evidence that high concentrations of glyphosate have been found in raw water (e.g. Vale Pond). Guernsey Water is able to effectively treat and manage water supply at present; however it was considered that a partial ban of glyphosate usage would lead to a significant reduction in glyphosate use and a consequential reduction in levels detected in raw water. As such, a partial ban was considered a proportionate step to take to improve future security of water resources.

The Committee does not consider that there is adequate evidence to support the efficacy of alternative products, especially with respect to the treatment of Japanese Knotweed which if left untreated poses a threat to the structural integrity of buildings. I have been advised that the Committee *for the* Environment & Infrastructure (CfE&I) recently sought advice from the Director of a specialist UK company called the “The Knotweed Company Limited” regarding the treatment of a large area of Japanese Knotweed growth on States owned land. The specialist advised that electric control of weeds, as proposed by the requérants, has been used for years and has been found to be ineffective especially for perennial weeds with large and specialised root systems such as Japanese Knotweed. Advice was provided that large areas of Japanese Knotweed growth required hybrid mechanical and chemical intervention.

Advice provided to professional property valuers and surveyors also indicates that effective treatment of Japanese Knotweed relies almost exclusively on glyphosate-based herbicides⁴. Should a total ban on glyphosate usage be imposed, this could cause concern for the States in its capacity as an owner of sites where Japanese Knotweed is present.

Furthermore, alternative herbicides with different risk profiles have the potential to cause as yet unknown or unquantified wider effects. Should a total ban on glyphosate usage be imposed, the required usage of less well-known alternatives could also result in changes in costs and yields for local farmers and growers, placing an increased burden on an already struggling sector.

While the requérants note that other jurisdictions have placed restrictions on the usage of glyphosate, the significant majority have opted for partial restrictions in line with those currently in place in Guernsey⁵, with only a very small number having implemented what appear to be complete bans.

³ UN Food and Agriculture Organization (2019) <http://www.fao.org/agriculture/crops/thematicsite/pests/jmpr/en/>

⁴ [Japanese Knotweed - Guidance for Professional Valuers and Surveyors \(property-care.org\)](http://property-care.org/Japanese-Knotweed-Guidance-for-Professional-Valuers-and-Surveyors)

⁵ [Where is Glyphosate Banned? | Baum Hedlund Aristei & Goldman \(baumhedlundlaw.com\)](http://baumhedlundlaw.com/Where-is-Glyphosate-Banned/)

From the perspective of managing risk to biodiversity, the Committee understands that the CftE&I is supportive of the current “professional-only” classification for glyphosate and considers the partial ban to be proportionate.

The Committee, along with the CftE&I, has given its endorsement to a proposed multi-agency study, led by the University of Bristol, which would be aimed at assessing the local impact of pesticides on biodiversity, subject to the academic funding being approved. The Committee notes that the CftE&I is also implementing its own 5-step plan to investigate and address pesticide usage. Both of these pieces of work will provide further evidence regarding the impact of glyphosate and other pesticides locally. Once this further evidence has been received, or should any other relevant evidence be provided in the interim, the Committee would consider it appropriate to review the classification and usage of glyphosate. HSE’s regulatory framework is sufficiently robust and reactive to enable the swift restriction of products should this be required. HSE’s approach is evidence-based and scientific research on pesticides, as well as other subjects, is monitored regularly.

In conclusion, on consideration of the Requête and current available evidence, the Committee maintains that the “professional-only” classification for glyphosate is proportionate and should remain in place until further evidence becomes available to enable an informed decision to be made about whether a wider ban should be implemented.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Roffey', with a stylized flourish at the end.

Deputy Peter Roffey
President

Deputy P Ferbrache
President
Policy & Resources Committee
Sir Charles Frossard House
St Peter Port
Guernsey
GY1 1FH

Sent via email

6th January 2023

Dear Deputy Ferbrache

LETTER OF COMMENT RELATING TO REQUÊTE P.2022/109 ENTITLED 'REVOCATION OF ALL EXISTING APPROVALS OF PLANT PROTECTION PRODUCTS (PESTICIDES) CONTAINING THE ACTIVE SUBSTANCE GLYPHOSATE.'

Thank you for your letter dated 13th December 2022 in which you request information from the Committee for Health & Social Care ('the Committee') in response to the aforementioned requête. While neither Public Health Services or the Office of Environmental Health & Pollution Regulation has statutory powers to directly prohibit glyphosate, the Committee has consulted with them and is pleased to provide the information set out in this letter to inform debate on the requête from a health perspective.

Glyphosate and carcinogenicity

International Agency for Research on Cancer (IARC) and the Joint Meeting on Pesticide Residues (JMPR)

The IARC – the WHO's cancer agency - classified glyphosate as "probably carcinogenic to humans," in 2015¹. This classification is used to describe a substance when evidence of its carcinogenicity meets the following circumstances:

- There is limited evidence of carcinogenicity in humans and sufficient evidence of carcinogenicity in animal experiments; or

¹ [IARC Monograph on Glyphosate](#)

- There is limited evidence of carcinogenicity in humans and strong data on how the agent causes cancer.

Evidence is described as limited when a positive association has been observed between exposure to the agent and cancer but when other explanations for the observation, such as the finding being one of chance, bias, or confounding variables, cannot be ruled out.

The Joint Meeting on Pesticide Residues (JMPR), an expert ad-hoc body administered jointly by WHO and the Food and Agriculture Organization, concluded “that glyphosate is unlikely to pose a carcinogenic risk to humans from exposure through the diet.”² The WHO has advised there is no contradiction between this finding and the IARC classification, noting that the remit of the IARC was to identify a potential hazard, whereas the JMPR quantified the associated risk.

United States Environmental Protection Agency (EPA)

One of the most extensive reports on glyphosate was published by the EPA in September 2016 in which it concluded that glyphosate is “not likely to be carcinogenic to humans” at the doses relevant to human health risk assessment. The EPA further determined that glyphosate is of “relatively low oral and dermal acute toxicity” and is not carcinogenic as used.³

In 2022, following legal challenge, the United States Court of Appeals for the Ninth Circuit ordered the EPA to reassess whether glyphosate poses unreasonable risks to humans and the environment. The EPA is confident in its data and continues to believe that it will conclude that glyphosate is not carcinogenic however, it “intends to revisit and better explain its evaluation of the carcinogenic potential of glyphosate and to consider whether to do so for other aspects of its human health analysis.” The agency will also “consider whether there are other aspects of its analysis of ecological risks and costs to revisit, and consider what risk mitigation measures may be necessary to reduce potential risk following completion of analyses.”⁴

European Chemicals Agency (ECHA)

In May 2022 the ECHA’s Risk Assessment Committee (RAC) agreed to maintain its current classification of glyphosate as causing serious eye damage and being toxic to aquatic life but again concluded that classifying glyphosate as a carcinogen was not justified.⁵ Specifically, the RAC found that the available scientific evidence did not meet the criteria to classify

² [Toxicological re-evaluation of glyphosate](#)

³ [Glyphosate - Evaluation of Carcinogenic Potential](#)

⁴ [Environmental Protection Agency - glyphosate](#)

⁵ [European Chemicals Agency - glyphosate infocard](#)

glyphosate for specific target organ toxicity or as a carcinogenic, mutagenic or reprotoxic substance.

Regulation of glyphosate

European Union (EU)

Glyphosate was approved in 2002 for use as a herbicide in the EU. The approval was based on a review of mammalian toxicology, ecotoxicology and other data and was due to expire in December 2022. However, this approval has been extended by the European Commission until 15th December 2023 to allow the European Food Safety Authority sufficient time to conclude its peer review, anticipated in July 2023.⁶

Some member states pre-empted this decision - Austria became the first EU country to ban glyphosate in July 2019 and Germany announced in September that it will implement an incremental ban on glyphosate usage from 2023.

United Kingdom (UK)

Despite its decision to leave the EU, all relevant EU legislation in relation to the regulation of plant protection products in force on 31st December 2020 was retained in UK law.

As part of its Brexit strategy, to enable a UK programme to review the safety of active substances, the Plant Protection Production Regulations 2019 granted a three year extension to the approvals of all products set to expire under EU legislation before the end of 2023. As such, glyphosate can legally be used until at least 15 December 2025.

However, since the IARC classification of glyphosate in 2015, approximately 70 to 80 UK councils have decided to use chemical-free herbicides or simply let plants grow.

Bailiwick of Guernsey

The public access to glyphosate products was restricted in 2022 following growing evidence of the impacts of glyphosate on the water supply and local environment. This was introduced by the States of Guernsey's Health & Safety Executive (HSE) which prevented the general sale of glyphosate products.

This decision was as a result of multiple high readings of glyphosate in water courses which increasingly were linked to domestic glyphosate products. Earlier in 2022 Guernsey Water had appealed to Islanders not to use such products because of the risk to the water supply. Coupled with this was growing evidence of the impact of glyphosate products on the Island's biodiversity, which was highlighted by environmental groups.

Professional use of glyphosate products has continued to be permitted and this is supported by the research carried out by HSE which reviewed the records of professional users who

⁶ [European Food Standards Authority - glyphosate](#)

are required to log the application of pesticides and found no evidence to link professional use with areas where high readings have been recorded in water courses. Furthermore, several of the larger professional teams working in this area have already introduced policies to reduce their use of glyphosate to a minimum.⁷

On 28th November 2022 the Environmental Pollution (Water Pollution) Ordinance, 2022 ('the Water Pollution Ordinance') was commenced. This legislation introduced a maximum limit for glyphosate in surface water and groundwater of 0.075µg/l. This level was set following consultation with, and support, of Guernsey Water as a level that would allow local drinking water to meet the UK's drinking water standard (0.1µg/l) locally and in line with the 2019 States policy direction.⁸

The EU Water Framework Directive (WFD) sets environmental quality standards for pesticides in surface water. A precautionary quality standard of 0.1µg/l is set for individual pesticides according to the Directive, reflecting the desire to keep pesticide concentrations in groundwater at low levels. Guernsey's level adopts a greater precautionary approach and local surface water and groundwater standards can be amended simply through powers bestowed on the Director of Environmental Health and Pollution Regulation. Whilst the local level for glyphosate is the same as for generically titled 'Pesticides individual', glyphosate has deliberately been specified separately so that glyphosate levels can be amended in isolation, as proportionate and based upon developments in the global evidence base and the standards adopted by other jurisdictions.

The Water Pollution Ordinance does not specify the source of the application of the chemical (i.e. commercial or domestic), therefore exceedances of the local standard would be investigated and actioned without prejudice to the nature of application. Where appropriate, a joint investigation and action will be undertaken with the HSE, due to the acknowledged dual layers of regulation.

The Committee understands that protecting biodiversity and water quality is an important public health and environmental consideration and is pleased that the local restriction of glyphosate products to professional use only reduces local use of glyphosate compared with many other jurisdictions. Prior to a total ban on glyphosate, in order to avoid any unintended consequences of such a ban, Public Health Services and the Office of Environmental Health & Pollution Regulation would wish to see an appraisal of alternative products with assurance that they are less harmful.

The Committee is content that Public Health Services and the Office of Environmental Health & Pollution Regulation are satisfied that current regulatory measures are satisfactory

⁷ [Public access to glyphosate products to be restricted from October - States of Guernsey](#)

⁸ [Billet d'État XX of 2019](#)

and will await the results of the EFSA peer review to inform its future position. On this basis, the Committee is not minded to support the requête at this time, but will review this position in the light of the peer review or sooner if new evidence becomes available.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Al Brouard', with a long, sweeping horizontal line extending to the right.

Deputy Al Brouard
President



Committee *for*
Home Affairs

Deputy P Ferbrache
President
Policy & Resources Committee

Sir Charles Frossard House
La Charroterie
St Peter Port
Guernsey
GY1 1FH
+44 (0) 1481 227353
homeaffairs@gov.gg
www.gov.gg

9th January 2023

Dear Deputy Ferbrache,

Requête – P.2022/109 entitled ‘Revocation of All Existing Approvals of Plant Protection Products (Pesticides) Contained the Active Substance Glyphosate

I refer to your letter of 13th December 2022 to which I have been directed to reply on behalf of the Committee *for* Home Affairs.

Officers from Trading Standards and Customs & Excise have considered the detail of the Requête and provide the following factual observations about the potential implications should it be successful.

Customs & Excise have advised that, following the move to make glyphosate products “professional use” products only, such products are now subject to risk assessments in respect of smuggling risk in line with all other prohibited or restricted goods. Should the restriction on professional use only change to that of a prohibited product, the assessment will be expanded to cover industrial use accordingly. Should an unlawful importation be identified, it will be dealt with under the Customs laws as would any other prohibited or restricted item.

Trading Standards would only be engaged, from a product safety perspective, if consumer products containing a banned substance were placed on the market in Guernsey. In terms of a ban on professional use, Trading Standards would not be engaged. Under current legislation the Health and Safety Executive would be the enforcing authority if a trader were found to be selling the banned product.

Please contact me should you require any further information.

Your sincerely

Vicky Lajoie
Committee Secretary
Committee *for* Home Affairs

The President
Policy and Resources Committee
Sir Charles Frossard House
La Charotterie
St Peter Port
Guernsey
GY1 1FH

20th December 2022

Dear Deputy Ferbrache

Requête – P.2022/109

Feedback on the Proposal – Revocation of all existing approvals of plant protection products (pesticides) containing the active substance Glyphosate

Thank you for your letter of 13th December 2022, seeking the States' Trading Supervisory Board's (STSB's) views on the above Requête proposal, scheduled to be considered at the States Meeting on 25th January 2023.

The Requête seeks to direct the Committee *for* Employment & Social Security (ESS) to revoke all remaining approvals of plant protection products containing Glyphosate, including those authorising the use, importation, and sale to professional users by the end of 2023.

In considering the Requête the STSB notes that ESS recently prohibited the amateur use of Glyphosate from 1st January 2023. The STSB is not able to support the Requête because a decision on further prohibition should not be made until the effects of the ban on amateur use are fully understood. This would allow the phased, evidence-based consideration of whether the benefits of further prohibition of Glyphosate would outweigh the risks.

Glyphosate is a widely used systemic non-selective herbicide that is approved for use in the EU until 15th December 2023 and is an authorised active substance in the UK until 15th December 2025. Many Glyphosate-containing products are approved in the UK. The STSB is aware that the States of Guernsey committed to adhering to the World Trade Organisation's (WTO's) global trade agreements in February 2019¹. As such, before imposing a total ban legal advice should be sought on whether it would be in contravention of international trading obligations (including the WTO (Technical Barriers to Trade) Agreement), as glyphosate is in free circulation elsewhere and is approved by the UK and EU regulatory bodies currently.

¹ Billet D'Etat IV, 27 February 2019

The STSB supports the widely held view that the unnecessary addition of potentially harmful chemicals to the environment should be avoided as much as is reasonably practicable, to reduce and ideally prevent damage to ecosystems and human health. This can be achieved by good practice in land management. The prohibition of amateur Glyphosate use means that only certified professional users can apply it, which will reduce bad practice.

States Works stopped using Glyphosate at the end of 2020, the rare exception being control of invasive species such as Japanese Knot Weed. States Works have generally returned to manual and mechanical methods of weed management, which is more labour intensive. They do use Acetic Acid as an alternative, it has a rapid burn down rate but requires repeat application and depending on the time of year you can expect to see regrowth within four weeks.

Guernsey Airport are minimising the use of pesticides and herbicides where possible. They have tried alternatives such as Acetic Acid. However, it has proven less effective, particularly against scrub such as gorse and bramble. Advice received from the UK's leading authority on grass and habitat maintenance is that Glyphosate is the single most effective tool in dealing with habitats on airfields to help reduce bird strike risk.

The Requête could be misinterpreted when it refers to:

“...rising levels of contamination of Glyphosate in Guernsey's water supply...”.

The presence of this chemical in streams is not reflected in drinking water. Guernsey Water achieved 100% compliance with national and European Union drinking water standards last year, as highlighted in their 2021 water quality report. A total of 7,023 analyses were made in 2021; this level of testing is carried out every year and is yet to identify a single exceedance of the drinking water standard for Glyphosate.

Guernsey Water monitors the levels of Glyphosate and other chemicals in streams that provide water for the island's drinking water. Levels of Glyphosate in streams have increased in recent years. The north of the island has the highest readings of glyphosate in streams. Out of the catchments in the north, streams in the Vale Pond catchment have the highest readings of glyphosate. This has severely limited the amount of water that could be collected from this catchment since 2019.

However, Guernsey Water's treatment processes can manage current levels. This is achieved through risk-based monitoring, source selection and blending of water collected from streams in reservoirs. All water treatment works use stored water from reservoirs as opposed to water taken directly from streams, which enables further quality control. By controlling water quality at source Guernsey Water can achieve the highest drinking water quality standards without more costly, carbon intensive water treatment processes. This is because the quality of water in the island's streams is good when compared to jurisdictions that require these intensive processes.

Nevertheless, if the levels of chemicals like Glyphosate rise unchecked, more costly treatment could be needed, so Guernsey Water carries out pollution prevention audits for farms and businesses. Among other things, this provides advice on good storage and application practice. Guernsey Water advocates good land management as a way of addressing the root cause of rising levels of chemicals like Glyphosate in streams. Prohibiting the professional use of Glyphosate would not address this root cause and could result in the use of alternative products that are of greater risk to drinking water quality.

In conclusion, the STSB is of the opinion that a more comprehensive consultation and review process is needed on the use of herbicides and pesticides, their impact, and alternative options as well as considering the environmental, legal, and financial impacts of a ban before any policy decision is

taken. The Committee *for the* Environment & Infrastructure has already instigated work that will audit the use of Glyphosate on the island and promote the use of alternative methods. Representatives from ESS and the STSB, along with stakeholders such as the Pollinator Project are actively engaged with this work.

The STSB does not support the Requête because a decision on further prohibition should not be made until the effects of the ban on amateur use are fully understood. These effects should be considered alongside the output of the work that the Committee *for the* Environment & Infrastructure has instigated, and the potential legal and financial implications of a further ban. This would enable the phased, evidence-based consideration of whether the benefits of further prohibition of Glyphosate would outweigh the risks.

Thank you for the opportunity to submit my Board's views.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Peter J Roffey', with a stylized flourish at the end.

Peter J Roffey
President
States Trading Supervisory Board