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## Guidance for Local Authorities to ensure compliance with the Sustainable Use of Pesticides Directive

Directive 2009/128/EC<sup>1</sup> establishes a framework to achieve the sustainable use of pesticides (“the SUD”) by reducing the risks and impacts of pesticide use on human health and the environment. Statutory Instrument (S.I.) 155 of 2012<sup>2</sup> gives effect to Directive 2009/128/EC by way of regulating the training and registration requirements for advisors, distributors, equipment inspectors and users of Plant Protection Products (PPPs) in Ireland. Since the 26<sup>th</sup> November 2015, only a DAFM-registered professional user (PU) can apply PPPs that are authorised for professional use regardless of the quantity or the method of application.

**Product labels clearly identify whether the product is specifically for professional use.**

In order to ensure compliance under the SUD, Local Authorities (LA's) must adhere to the following requirements:

- Any staff who applies PPPs designated as ‘Professional Use’ on the label, irrespective of method of application or quantity applied, must be registered as a Professional User (PU) with the Department of Agriculture, Food and the Marine (DAFM)
- To register as a PU staff must have completed an approved pesticide application course
- To purchase PPPs, staff must produce their PU number, or equivalent
- Sprayers (except knapsack/handheld sprayers) must be tested by a DAFM-registered Equipment Inspector at three-year intervals (See [Schedule of Types of Sprayers to be Tested and Inspection Frequency](#))
- Sprayers must be calibrated regularly
- Pesticide application records must be kept of all PPPs applied and be available for inspection by DAFM officers
- PPP chemical storage requirements must be adhered to
- Integrated pest management (IPM) records must be maintained and be available for inspection by DAFM officers
- Risk assessment records for spraying carried out in sensitive areas must be maintained (see below for further details) and be available for inspection by DAFM officers

<sup>1</sup> DIRECTIVE 2009/128/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides

<sup>2</sup> S.I. No. 155/2012 - European Communities (Sustainable Use of Pesticides) Regulations 2012.

Officers of the Pesticide Controls Division of the DAFM will inspect LA's for compliance with the SUD.

During inspection, LA's will be requested to provide:

- Training certificates and PU numbers for all staff who apply PU PPPs
- Test certificates for all sprayers used (except knapsack sprayers)
- Calibration details for all sprayers
- Pesticide application records
- IPM records
- Risk Assessments records
- PPP purchase and disposal records
- Information on practices in relation to the filling of the sprayer, disposal of remnants, disposal of tank washings, etc.

The use of contractors to conduct the application of PPPs does not waive the LA's responsibility in terms of compliance with the SUD. If the LA employs a contractor, the LA must only use trained and registered PUs. In addition, pesticide application, IPM and risk assessment records must be available for inspection. The contact details of the contractor must also be provided.

**Restrictions on use in sensitive areas – risk assessments:** The SUD provides for restricted use of PPPs in certain areas:

- a) Areas used by the general public or vulnerable groups<sup>1</sup> (public parks, hospitals, public schools, public playgrounds etc.),
- b) Areas designated as “Special Protection Areas” under the Wild Birds Directive, and
- c) Areas designated as “Special Areas of Conservation” under the Habitats Directive.

Pesticides should not be used in these areas, unless

- (i) a risk assessment has clearly shown that their use is necessary, and
- (ii) appropriate risk management measures have been put in place.

Alternative methods such as cultural control measures should always be considered in the first place. In cases where a risk assessment has shown that PPP use is necessary, low-risk or biological PPPs should be used where possible. If there are no suitable low-risk or biological PPPs, other PPPs may be used but the use of PPPs classified as an acute hazard to the aquatic environment (Hazard class: Aquatic Acute, Category 1) should be avoided where possible.

In all cases involving the use of PPPs in sensitive areas, the onus of proof will be on the user to show, in a documented risk assessment, that there were no viable alternatives and that appropriate risk management measures were put in place. Risk assessment records can be requested during DAFM inspections.

Guidance on best practice measures and responsible pesticide use in public areas is available on our website here under IPM: <https://www.pcs.agriculture.gov.ie/sud/integratedpestmanagement/>

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<sup>1</sup> REGULATION (EC) No 1107/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC Article 3 (14) “*vulnerable groups*” means persons needing specific consideration when assessing the acute and chronic health effects of plant protection products. These include pregnant and nursing women, the unborn, infants and children, the elderly and workers and residents subject to high pesticide exposure over the long term;”

Please visit <http://www.pcs.agriculture.gov.ie/sud/professionaluserssprayeroperators/> for more information on the use of PPPs or alternatively, please contact the Pesticide Control Division at [pesticideregisters@agriculture.gov.ie](mailto:pesticideregisters@agriculture.gov.ie).

**Pesticide Controls Division**