



ENVIRONMENT OVERVIEW AND SCRUTINY SUB-COMMITTEE

30 NOVEMBER 2021

Subject Heading:

Review of pesticides used by Havering

SLT Lead:

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Policy context:

Keeping Havering clean and safe, including strengthening the attractiveness of our town centres and making life easier by improving roads and pavements.

Financial summary:

Currently, Havering pays £0.113m per annum for an integrated weed control contract. As detailed in Appendix 1, all non-Glyphosate based alternative forms of treatment investigated are deemed to come at a greater financial cost to the Council, of between 3 and 9 times this amount per year.

SUMMARY

1. The council called upon the Executive to undertake a review of pesticides used by the authority and bring a report to Overview and Scrutiny Committee. Officers understand that this review has been requested following publicity surrounding the commonly-used weed killer, Glyphosate. Therefore, this report shall refer to herbicides (substances used to kill undesirable plants) rather than pesticides (chemicals used to kill pests or eradicate disease).
 - 1.1. A report was previously produced for Cabinet in November 2019. This report therefore seeks to update Members on the Council's position, whilst also containing information provided as part of the previous Cabinet report.

- 1.2. Havering Council has adopted an integrated approach to weed control on its highways, council land, and parks and open spaces. This includes use of the herbicide Glyphosate, as well as manual removal, mulching and growth suppressants within parks and open spaces. Havering continues to conform to the EU's Sustainable Use of Pesticides Directive, which recommends minimising use of herbicides and taking reasonable precautions during application.
- 1.3. Glyphosate was recently re-licensed by the European Pesticides Commission for five more years, however recent well-publicised studies have asserted that the product poses potential risks to humans, animals and biodiversity, and groups including the Pesticide Action Network UK (PAN UK) campaign for its use to be phased out, along with other pesticides and herbicides. Other studies have concluded there to be either no such links, or links only associated with high levels of contact.
- 1.4. This report reviews current weed control measures and describes alternative methods currently available within the industry.

RECOMMENDATIONS

2. The Committee is recommended to note the contents of this report.

REPORT DETAIL

3. Havering Council currently uses herbicides to control weed growth on highways, council land, parks and open spaces. This allows the Borough to conform to both the Weeds Act (1959) and the Countryside Act (1981).
- 3.1. Herbicides provide the most effective treatment for controlling weeds, however an integrated approach to weed control helps to limit their usage. Weeds are required to be controlled for a number of reasons, including aesthetic (they detract from the overall appearance of an area and trap litter) and structural (weed growth can destroy paving surfaces, force apart kerbs and crack walls, therefore increasing maintenance costs).
4. **Weed Control on Highways**
- 4.1. Havering Council adopts an integrated approach to weed control on the highway, operating a spray treatment using a "clean label" (no COSHH warnings) version of the herbicide Glyphosate, and manual removal where appropriate.
- 4.2. Sprays on the highway take place four times per year, during the main growing season, March to November. Highways weed treatment in Havering

is contact base and only targets visible weeds. No residual treatments are used.

- 4.3. All staff involved in weed control are trained and wear the appropriate Personal Protective Equipment (PPE) in line with label guidelines due to the inherent risks involved in the mixing of undiluted products in particular, as well as close-up exposure to any chemical.
- 4.4. The Highways weed control service is outsourced to SH Goss Ltd (see Appendix 2 – Contract Specification) and monitored by a Council officer who spot checks applications to ensure correct, safe and targeted spraying is in operation, as well as monitors the amount of product used by the Contractor to ensure reasonable application of the product.

5. Weed control in Parks and Open Spaces

- 5.1. Havering manages over 100 parks and open spaces, including 4 country parks as well as play areas, Public Rights of Way and Council Housing land.
- 5.2. Through the use of mulches, growth retardants and weed suppressing membranes, as well as traditional hoeing, and strimming on hard surfaces, Havering's Grounds Maintenance Teams are reducing the amount of herbicide usage in parks and open spaces. Glyphosate-based products are used for spot treatments of weeds, however none at all is used within the Borough's 16 Green Flag Parks, in line with Green Flag guidance that seeks to minimise all herbicide use, nor in or adjacent to play areas.

6. Health Effects of Glyphosate

- 6.1. There have been conflicting reports on the health effects of Glyphosate. Some other studies have suggested that the chemical may have carcinogenic properties, and Glyphosate, as well as other herbicides and pesticides has been linked to other conditions such as asthma. However, in the case of Glyphosate the general binding theme in these studies is long term / high intensity exposure through agricultural use.
- 6.2. Many international bodies, including the U.S. Environmental Protection Agency and the European Food Safety Authority, report that Glyphosate is unlikely to cause cancer in humans, and in 2017 the EU renewed its license for 5 years following a review conducted by a scientific expert committee. The EU licence for glyphosate is valid until December 2022. Currently the European Food Safety Agency (EFSA) and ECHA are in consultation until 22 November 2021 with interested parties on the renewal assessment report and the harmonised classification and labelling report on glyphosate.
- 6.3. The chemical is kept under regular review and the EU recommends minimising its use in public spaces such as parks, public playgrounds and gardens. Glyphosate, it should be noted, is unlikely to enter ground water as

it binds tightly with soil. Bacteria in the soil cause the Glyphosate to break down after a period.

- 6.4. Public Health England (PHE) states it, “acknowledges the European Chemicals Agency (ECHA) recent declaration that glyphosate should not be classified as a carcinogen. The European Commission has subsequently renewed the licence for the use of glyphosate as an active ingredient. The public should continue to use weed killers containing glyphosate in accordance to manufacturers’ instructions.”
- 6.5. Some local authorities have adopted the “precautionary principal”, and are investigating going herbicide-free, or reducing usage in particular land types. Many of these boroughs are focusing primarily on parks and open spaces in the first instance, due to the practicalities, cost and risks associated with reducing their use on the public highway at present.

7. Reasons for the decision

- 7.1. Appendix 1 details the alternative options investigated for weed control in Havering.
- 7.2. It is imperative that any treatment operates efficiently, being both rapid and easy to apply in a targeted manner and effective in killing off weeds and minimising re-growth. The options detailed in Appendix 1 are prohibitive for a variety of reasons, mainly:
 - Limited ability to “scale up” to a Borough of Havering’s size.
 - High cost differential – starting at triple the current price, but escalating to 8-9 times the current cost depending on the type of treatment.
 - Health and safety implications
 - Effectiveness of the treatment
- 7.3. Glyphosate, as an approved and regulated chemical, is an integral part of the integrated management of weeds in Havering and many other boroughs. The Glyphosate product used by SH Goss in Havering is classed as “Clean Label” as it has no COSHH hazard warnings, and in 2017 was re-licensed by the EU for 5 years. SH Goss are required to conform to the Sustainable Use of Pesticides Directive, implemented by the Plant Protection Products (Sustainable Use) Regulations 2012.
- 7.4. Alternatives to chemical herbicides are used by some other boroughs but these have been found to be more costly, more labour intensive and less effective. Research undertaken by Oxford Economics showed that a ban on weed killers would add at least £228 million to the UK’s council tax bill each year. For Havering Council, a completely (chemical) herbicide-free

alternative could cost between 8 and 10 times the current cost (£0.113m per annum) of controlling weeds in the borough.

- 7.5. It should be noted that Glyphosate is also the most effective treatment method against some invasive species, such as Japanese knotweed. PAN UK, whilst advocating for the phasing out of herbicide (including Glyphosate) use, recognises the need for controlled usage of Glyphosate, most notably in the control of invasive species.
- 7.6. Appendix 1 details the various alternative options investigated and has been updated to reflect current practices. These alternatives are considered cost prohibitive and / or impractical for wide scale use in a Borough of this size. However, as part of an integrated public realm contract, there will be an opportunity to allow bidders to cost for herbicide-free options for highway weed control, in order to inform future decisions. As part of its existing contract, Havering has also welcomed recommendations on appropriate alternative methods of weed control.

IMPLICATIONS AND RISKS

8. Financial implications and risks

- 8.1. Currently, Havering pays £0.113m per annum for an integrated weed control contract. As detailed in Appendix 1, all non-Glyphosate based alternative forms of treatment investigated are deemed to come at a greater financial cost to the Council, of between 3 and 9 times this amount per year. Continuation with controlled / targeted use of Glyphosate as part of an integrated method of weed control, whilst continuing to review emerging options, is considered the least costly option in order to maintain a reasonable level of weed control in the Borough.

9. Legal implications and risks

- 9.1. Local authorities and land managers have a duty of care to the public, including ensuring weeds do not pose a hazard. Untreated weeds in hard paved surfaces may create a trip hazard and contribute to accelerated wear and tear of paving and tarmac. Sufficient control of weed growth on the public highway therefore helps to reduce the risk of injury, damage to property, and any related insurance claims.
- 9.2. Havering Council currently uses herbicides to control weed growth on highways, council land, parks and open spaces. This allows the Borough to conform to both the Weeds Act (1959) and the Countryside Act (1981).
- 9.3. All products containing Glyphosate have to be registered and approved by the European Pesticides Commission.

9.4. On 12 December 2017, the Commission renewed the approval of glyphosate for 5 years, following support by a qualified majority of Member States in an Appeal Committee held on 27 November 2017).

9.5. As part of this approval extension, the Commission also presented some recommendations to be considered by Member States. The Commission continues to call for additional efforts by Member States including the certification and training of professional users, distributors and advisors, restrictions on the sale of herbicides for professional use to persons holding a certificate, strict conditions for handling and storage of herbicides, the inspection of spraying equipment, a general prohibition on aerial spraying, reduction in chemical herbicide use in specific areas such as public parks, the protection of the aquatic environment and the provision of information to the general public.

9.6. The current legal position regarding the use of Glyphosate is set out in the paragraphs above. The legal obligations regarding glyphosate under EU law will be incorporated into UK domestic law (whether in its original form or adapted) or repealed, as part of the process of the UK leaving the EU.

9.7. Irrespective of which weed control methodology is adopted, the Council has a duty of care to the public, including ensuring weeds do not pose a hazard or impede use by any sector of society. The Council and its contractors must comply with current legislation in the use of herbicides.

10. Human Resources implications and risks

10.1. Correct use of Personal Protective Equipment in line with industry and manufacturer recommendations, adoption of appropriate safety measures and minimising use wherever operationally and economically practicable will limit opportunity for contact with Glyphosate. Relevant safety measures are also in place for any alternative methods of treatment adopted, such as hand-pulling.

11. Equalities implications and risks

11.1. The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

11.2. (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

11.3. (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;

11.4. (iii) Foster good relations between those who have protected characteristics and those who do not.

11.5. Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

11.6. The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

11.7. An Equalities and Health Impact Assessment (Appendix 3) has been undertaken to consider the effects of Glyphosate vs less effective treatments on the community vs alternative methods. Public Health England (PHE) have provided the following advice, in agreement with EU protocols: "PHE acknowledges the European Chemicals Agency (ECHA) recent declaration that Glyphosate should not be classified as a carcinogen. The European Commission has subsequently renewed the licence for the use of Glyphosate as an active ingredient. The public should continue to use weed killers containing Glyphosate in accordance to manufacturers' instructions." Havering allows for targeted use of a clean label Glyphosate-based product, applied in accordance with manufacturer guidelines. Limiting its use to targeted spots (i.e. only where weed growth is visible) greatly reduces any potential for contact.

11.8. It should be noted that a less effective treatment, or increased time period in-between treatments associated with non-chemical alternatives would likely lead to higher rates of re-growth. This may cause structural issues such as an increase in cracked pavements, which would potentially have an adverse effect on all pavement users, but particularly those members of the community with mobility issues.

BACKGROUND PAPERS

None