EXECUTIVE NOTE

THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS, FOOD AND FEEDING STUFFS) (SCOTLAND) AMENDMENT REGULATIONS 2006 SSI/2006/151

1. The above instrument is made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. The instrument is subject to negative resolution procedure.

Policy Objective

2. The Regulations amend the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Regulations 2005 (SSI 2005/599) ("the principal Regulations") which establishes a legislative framework for the control of pesticide residues in food, enabling maximum residue levels ("MRLs") to be set, monitored and enforced. The principal Regulations are amended on a regular basis as new MRLs are set under an ongoing EC programme to establish MRLs for all pesticides in a wide range of foodstuffs.

3. The Regulations implement Commission Directives 2005/70/EC, 2005/74/EC and 2005/76/EC which specify new or revised MRLs for 22 active substances –

- Directive 2005/70/EC: bromoxynil, chlorpropham, dimethenamid-P, flazasulfuron, flurtamone, glyphosate (2 entries), ioxinyl, mepanipyrim, propoxycarbazone, pyraclostrobin, quinoxyfen and zoxamide;

- Directive 2005/74/EC: ethofumesate, lambda-cyhalothrin, methomyl/thiodicarb, pymetrozine and thiabendazole;

- Directive 2005/76/EC: azoxystrobin, bifenthrin, cyromazine, kresoxim-methyl and metalaxyl.

4. The Regulations also specify new or revised residue definitions in Schedule 1, and insert new products in Schedule 3 of the principal Regulations.

Background

5. Pesticide approvals are given jointly by the Scottish Ministers and the Department for Environment, Food and Rural Affairs, the Department of Health, the National Assembly for Wales and the Department of Agriculture and Rural Development, Northern Ireland. The policy on pesticides is designed to ensure that all pesticides used in the UK are safe to those who use them, to consumers of the treated produce and to the environment.

6. MRLs reflect levels of pesticides that are expected to be found in produce that has been treated in accordance with good agricultural practice. This means using only the amount of pesticide necessary to control a particular pest, disease or weed. Thus, MRLs provide a mechanism for statutory controls on pesticides in produce moving in trade and for monitoring the correct use of pesticides. MRLs are not safety limits and are set below safety limits.

7. The Regulatory Departments run a major annual surveillance programme to check for pesticide residues in food. This involves collecting approximately 4000 samples of food per year mainly from retail outlets throughout the United Kingdom and testing each sample for a variety of pesticides, thus generating over 223,000 analytical results a year. The programme currently costs £2.2 million per year. The results of this programme are used in 3 main practical ways:

1. to confirm that regulatory decisions on pesticide approval have been soundly based and that the scientific assessment reflects what is actually happening in the field;

2. to confirm that farmers are using approved pesticides in accordance with those approvals and that there is no misuse; and

3. to provide a standard against which to judge imported produce where we clearly cannot control directly how pesticides are used.

8. MRLs are a key element in the Regulatory Departments' pesticide controls and an important component in wider food safety arrangements.

Administration

9. The day to day administration of the pesticides approval system (which includes MRLs) is undertaken by the Pesticides Safety Directorate, an Executive Agency of Defra operating on behalf of the Scottish Ministers under an Agency Arrangement.

Consultation and financial effects

10. In 2003, the Pesticides Safety Directorate undertook a consultation on a GB basis in relation to an EC proposal to amend the Community's procedures for setting MRLs. Responses indicated that compliance costs were virtually unchanged since the previous assessment made in 1999.

11. A Regulatory Impact Assessment was prepared in 2005 when the principal Regulations were laid before the Scottish Parliament. The overall cost of the MRL programme across the whole EC was estimated at that time as approximately £110,000,000. The UK share and therefore the Scottish share could not be reliably estimated.

Scottish Executive Environment and Rural Affairs Department
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