

# Protection of pollinators from pesticides clause 75 in the Environment Bill

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The public have shown time and time again that they care about bees and pollinators. Voting for this clause demonstrates the ambition to have a world leading approach to managing the risk from pesticides to these important species.

Peers made a number of crucial changes to the Bill that must be retained by MPs if we are serious about protecting pollinators and tackling the environmental crisis. This briefing compliments others which highlight the importance of the independence of the Office of Environmental Protection (OEP) and the environmental principles.

## **Clause 75: “Protection of pollinators from pesticides” (see appendix for full clause)**

*The aim of this new clause is to fix a gap in the pesticide authorisation process which currently omits any assessment on the long-term effects of pesticides on honey-bees and omits any assessment of the effects on wild pollinators. It would also be the first time that a pesticide approval process would include a need to consider risks of a cocktail of chemicals on pollinators.*

*This clause will require the competent authorities in the UK to ascertain if pesticides and their ingredients are likely to be pollinator safe along, alone and in synergy with other pesticides, and to only authorise use if they are of the opinion that they will be pollinator safe.*

The widespread use of neonicotinoid pesticides resulted in a reduction in overwintering success of honeybee [hives](#), significant declines in 40% of wild bee species [studied](#) and was implicated in butterfly population [declines](#). This resulted in reduced pollination services and crop [yields](#). However, despite acknowledgement by the Minister in 2010 that the pre-approval tests for pesticides were inadequate to protect pollinators, and the production in 2013 of a testing guidance [document](#) by the European Food Standards Authority, the UK has yet to introduce any new tests to help to ensure that future pesticides are pollinator safe.



A similar amendment was well received at committee stage, it was amended in response to [new research](#) showing widespread synergistic effects of cocktails of pesticides on bees and to clarify the level of short-term harm that the Secretary of State would be able to permit.

## **Background**

Pollinators are essential to a healthy countryside and to agricultural production, but in recent years pesticide use has caused declines in key populations of wild pollinators, resulting in many species disappearing from large areas of the countryside.

Pesticides that harm bees continue to be approved in the UK, for instance this spring the use of Thiamethoxam on Sugar beet was authorised, but it was only some months later that a FoI request revealed that the Minister had approved this use against the advice of his own experts.

For most pesticides we do not know what risk they pose to pollinators in the environment as very little science has been done.

Currently the pre-approval tests that pesticides have to pass only look at data on short term effects on honeybees. This does not protect honeybees from long-term harm or sub-lethal effects, and provides little or no protection for other pollinators as honeybees have been shown to be a poor test surrogate for [wild pollinators](#).

### **Scope**

Different groups of pollinators are affected by pesticides in different ways, so it is important that a range of pollinators are included in the pre-approval testing process. The clause would ensure that tests are undertaken on acute and chronic effects on honeybees, bumblebees, solitary bees, butterflies and hoverflies, but also that independent science relevant to any pollinators is taken into account. Existing legislation [requires](#) that pesticides must not be authorised if they have ‘any unacceptable effects on the environment’, and recent court rulings have [established](#) that such environmental risk assessments of pesticides should consider all the evidence available.

Pesticides can be approved by derogation on a short-term basis, this clause would cover derogations as well as standard approvals.

The clause would cover all active pesticide ingredients (the toxins) and all safeners or synergists that would be included in a pesticide, as well as the pesticide product. It is important to include all the ingredients as some have been shown to be harmful to bees. For instance, the inert ingredients included in some glyphosate-based herbicide products, can cause [high levels of mortality to bumblebees](#).

The relevant authority would consider the general effects on honeybees and wild pollinator populations in light of a risk assessment that would assess the likely exposure of those groups, effects that were temporary and affected small numbers of pollinators would be acceptable.

Pesticide authorisation in the UK has been undertaken by the Secretary of State with the consent of the devolved nations. [After Brexit](#) the UK no longer has oversight of pesticide use in Northern Ireland. The definition of competent authority in this clause would accommodate potential future independent decisions made on pesticide use in England, Wales and/or Scotland.

This clause would only come into force on 1<sup>st</sup> February 2023, giving time for the establishment of an independent scientific advisory body, the production of testing guidelines and the undertaking of the necessary pre-application tests and experiments to establish pollinator effects.

### **Independent Advice**

It is important that scientific advice is free from political and vested interest influence, subsections (2) and (3) of the clause provide for this. A clear separation between the role of assessing the risks that a chemical may pose to pollinators and the political decision about how to manage those risks (separation of risk assessment and risk management) is best practice as it enables there to be agreement about the scientific evidence and then clear political responsibility for the resulting decision. Subsections (4) and (6) provide for a clear separation of responsibilities.

### **Public Participation**

Environmental decisions should comply with domestic guidelines on public participation and the Aarhus Convention, to which the UK is a signatory. Therefore measures in subsections (5), (6)(e to g) and (7) will ensure that the public has the information and opportunity needed to participate in decisions relating to pollinator health. Under subsection 6(c) the Minister will also consult authorities with relevant environmental responsibilities before taking a decision, this does not currently happen.

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This briefing has been prepared and supported by:



## Appendix

### Clause 75: Protection of pollinators from pesticides

- (1) A competent authority must not authorise for use any pesticide product, active ingredient, safener or synergist unless it is satisfied that there will be no significant short-term negative effect, and no long-term negative effect, on the health of honeybees or wild pollinator populations.
- (2) A pollinator risk assessment report relating to the relevant substance must be published by an expert body.
- (3) The expert body must consist of individuals free from vested interests in pesticide use, who shall have been independently appointed.
- (4) The pollinator risk assessment report must include—
  - (a) data examining acute and chronic effects of the relevant substance on honeybees, bumblebees, solitary bees, butterflies and hoverflies,
  - (b) all relevant available scientific evidence relating to any pollinators,
  - (c) conclusions relating to the likely acute and chronic effects of the relevant substance on honeybees, bumblebees, solitary bees, butterflies, hoverflies and other pollinators,
  - (d) an assessment of the likelihood of synergistic effects, and
  - (e) the identification of any risks to pollinators where the available evidence is insufficient to reach a conclusion.
- (5) The expert body must consult the public on the draft content of the pollinator risk assessment report.
- (6) When making any authorisation decision the competent authority must—
  - (a) aim to achieve a high level of protection for pollinators,
  - (b) be satisfied that the requirements of subsections (2) to (5) have been met,
  - (c) consult all relevant authorities with environmental responsibilities,
  - (d) consult such other persons as the competent authority considers appropriate,
  - (e) lay before Parliament, and publish, a statement explaining why the competent authority is satisfied that the requirements of subsection (1) have been met,
  - (f) ensure the public has been informed by public notice early in the decision-making procedure, and in an adequate, timely and effective manner, that a decision will be made, and
  - (g) ensure the public has been consulted on the decision that the competent authority intends to make, including on any mitigation or restriction measures that are proposed.