

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Eighth Delegated Legislation Committee

DRAFT PLANT PROTECTION PRODUCTS (MISCELLANEOUS AMENDMENTS) REGULATIONS 2023

Tuesday 28 November 2023

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The Committee consisted of the following Members:

Chair: SIR GARY STREETER

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| † Aldous, Peter (<i>Waveney</i>) (Con) | † Phillips, Jess (<i>Birmingham, Yardley</i>) (Lab) |
| † Allin-Khan, Dr Rosena (<i>Tooting</i>) (Lab) | † Quin, Jeremy (<i>Horsham</i>) (Con) |
| † Bell, Aaron (<i>Newcastle-under-Lyme</i>) (Con) | † Sambrook, Gary (<i>Birmingham, Northfield</i>) (Con) |
| Byrne, Liam (<i>Birmingham, Hodge Hill</i>) (Lab) | † Spencer, Mark (<i>Minister for Food, Farming and Fisheries</i>) |
| Coyle, Neil (<i>Bermondsey and Old Southwark</i>) (Lab) | Swayne, Sir Desmond (<i>New Forest West</i>) (Con) |
| Creasy, Stella (<i>Walthamstow</i>) (Lab/Co-op) | † Zeichner, Daniel (<i>Cambridge</i>) (Lab) |
| † Drax, Richard (<i>South Dorset</i>) (Con) | Kevin Maddison, <i>Committee Clerk</i> |
| † Fletcher, Colleen (<i>Coventry North East</i>) (Lab) | † attended the Committee |
| † Grundy, James (<i>Leigh</i>) (Con) | |
| † Mak, Alan (<i>Havant</i>) (Con) | |
| † Mayhew, Jerome (<i>Broadland</i>) (Con) | |

Eighth Delegated Legislation Committee

Tuesday 28 November 2023

[SIR GARY STREETER *in the Chair*]

Draft Plant Protection Products (Miscellaneous Amendments) Regulations 2023

4.30 pm

The Minister for Food, Farming and Fisheries (Mark Spencer): I beg to move,

That the Committee has considered the draft Plant Protection Products (Miscellaneous Amendments) Regulations 2023.

The regulations were laid before the House on 23 October. The judicious use of pesticides is an important part of a farmer's toolbox to manage pests, weeds and diseases. This instrument amends legislation in order to temporarily extend and reinstate EU exit transitional arrangements, to maintain availability and choice of pesticide products in Great Britain. Transitional arrangements allow farmers to buy and use certain seeds treated with a pesticide authorised for that use in an EU country, but not in Great Britain. That arrangement is due to end this year on 31 December.

Treated seeds are crucial for good crop establishment and yield. In Great Britain, £550 million worth of maize is grown annually and 99% of that is protected with a pesticide authorised in the EU. As maize is the main crop for animal feed and a key biogas fuel, the loss of those treated seeds could be devastating for the dairy industry and for energy costs.

The regulations will extend the arrangement for three and a half years, until July 2027. The pesticide used to treat the seeds must have been authorised in an EU country before the end of the implementation period and must remain authorised, to ensure that it has passed through a strict regulatory regime comparable to ours. Although the Government have recently granted emergency authorisations for several maize seed treatments, that is only a short-term solution—it does not provide the certainty that farmers need for the future across a range of seed treatments. That is why the regulations are so important.

The instrument also aims to reinstate access to pesticide parallel products; through the use of parallel permits, transitional arrangements allowed a pesticide authorised in an EU country to be imported until December 2022, as long as it was identical to an authorised product in Great Britain. Farmers have until June 2024 to use the remaining products that they have in store. Due to global events, the cost of pesticide products has increased. The end of this measure could lead to some sectors spending on average almost 20% more for certain products. This is why this measure is needed.

The instrument will allow previous permit holders to reapply for a parallel trade permit, for a maximum of two years. Grace periods may also be granted when a permit expires, allowing existing stocks to be sold for another six months and used for up to a year after that. The period stipulated in the regulations has been carefully considered to support farmers now and to maintain regulatory oversight.

As with treated seeds, we must maintain high standards for public health and environmental protection. All parallel products must be identical to a reference product authorised for use in GB, and will continue to be subject to the Health and Safety Executive's monitoring and enforcement regime. Through sampling and intelligence-led investigations, our regulator can identify products that are not up to these standards and will remove the permit if that is the case.

To introduce these measures to support our farmers, we are using powers in the Retained EU Law (Revocation and Reform) Act 2023 to revoke and replace key components of secondary retained EU law. Although the measures are temporary, they will help pave the way for long-term solutions by allowing manufacturers time to submit full applications for GB authorisations and pesticide users time to integrate alternative solutions to pest management, which we will continue to support. I hope that hon. Members will support the regulations, which I commend to the Committee.

4.34 pm

Daniel Zeichner (Cambridge) (Lab): It is a pleasure to serve with you in the Chair, Sir Gary, and I thank the Minister for his introduction.

We are all aware that farmers and growers have been grappling with some formidable challenges over the last few years given the sky-rocketing costs of fertiliser, animal feed and energy; tight profit margins; a rocky transition from the common agricultural policy to environmental land management schemes; and a trade and regulatory regime that has thrown up yet more barriers and red tape. Many farmers have had to endure the distress of witnessing damage to crops or livestock due to the devastating recent floods, and too many have suffered from persistent workforce shortages. So I absolutely understand concerns about any prospects of further crop loss due to disease and insect infestation and anxiety about the availability of effective tools to prevent such problems and their financial consequences.

We recognise that the farming and amenity sectors need to plan ahead and adjust to any changes in the pesticides, and seeds treated with pesticides, that they are permitted to use. Indeed, they would probably also welcome news from the Minister today about the long awaited pesticide national action plan. Can the Minister enlighten us about when that is expected?

On the instrument before us today, we appreciate that farmers and growers need access to these products in time for the 2024 growing season and that without these temporary extended permissions, there could be adverse impact on both crop yield and output. As we have heard, maize, which is used extensively for cattle feed and energy generation, would be particularly affected as 99% of all maize seeds are treated with at least one of three plant protection products that do not currently have GB authorisation for use as seed treatments. We read in paragraph 7.2 of the explanatory memorandum that

“Since EU Exit no new seed treatments for maize have been authorised in GB.”

The curious reader might wonder why. The issue begs a bigger post-Brexit question, of course. The fact that there are no UK authorisations points to the highly integrated nature of crop systems across Europe. Maize seed is not produced in the UK, and we therefore have to rely on at least one of our European neighbours—hopefully, given today, not Greece.

Although we support the extension, it is not clear to me or others I have consulted how the period of three and a half years was arrived at for the provisions that allow the import, sale and use of seeds treated with a plant protection product authorised in at least one European Union or European economic area member state prior to the implementation period completion date. I am advised that the standard registration period is 18 months; I think the Minister said in his opening statement that the period had been carefully considered. Will he say a little more about how that three and a half years has been arrived at?

Similarly, we do not object to the reinstatement of trade permits for importing plant protection products that are authorised in the UK for up to two years, so we will not be opposing the instrument. However, an explanation would be helpful—not least because I am told by those in the industry that most parallel importers have moved to product authorisation in the transition period. Again, will the Minister say more?

Regardless, in our view these extensions should be temporary. We strongly urge growers to use this time efficiently and productively to seek alternative solutions to crop protection and we urge manufacturers to develop and submit applications for new alternative products that minimise environmental harm. We are committed to working with farmers and scientists to find alternatives and will follow the scientific advice on the licensing, regulation and impact of pesticides. I ask the Minister for an assurance that the permissions are indeed temporary and to outline the measures that the Government are taking to facilitate and accelerate the development of alternative systems for crop protection.

Let me finish by reminding the Minister that there are concerns about some pesticides, still in use in the UK, that some believe threaten insect and animal life as well as human health, including through carcinogens and/or neurotoxins. With new research, and growing concern about these issues, a number of pesticides have been added to the EU's list of "substances of very high concern". That is because they have been found to be carcinogenic or to affect the reproductive system, as well as being persistent in the environment and bioaccumulative.

Bans on chemicals are generally preceded by a listing on the "substances of very high concern" list. The last additions to the UK's list were made more than three years ago, in June 2020. Since then, the European Chemicals Agency has added 26 substances to its equivalent list. It seems that the UK is falling behind. That is disappointing because the UK played a key role in setting up the EU's gold standard chemicals regime, yet now we are lagging behind the EU in tracking and regulating harmful substances. Why has the UK failed to add any chemicals to the list of substances of concern, when our EU neighbours have added 26?

The regulations are a temporary fix—they could be deemed a sticking plaster. We need to develop new ways of protecting crops without harming the environment. We will work closely with the farming sector, the crop protection sector, and the wider food production sector to find alternatives that provide sustainable, secure supplies of food but also work for nature. That is a prize worth seeking.

4.39 pm

Mark Spencer: I am grateful to the shadow Minister for his contribution and to hon. Members for their attendance today. I hope that colleagues will recognise that the regulations are crucial to ensure that farmers continue to have the tools that they need to protect their crops. I shall address some of the shadow Minister's questions.

The national action plan on pesticides is coming soon; we have been liaising with colleagues from the devolved Administrations about it for some time. Those discussions have reached a fruitful conclusion and I hope that we will be able to launch the plan very soon.

Why have there been no new applications? Obviously, these chemicals and new technologies take a lot of developing. It takes a long time for chemical companies to come forward with products to the marketplace. There is actually a biopesticide that is very close to being rolled out, but the authorisations have not been gone through so far. We need to make sure that we have all the data available to make a credible assessment of whether it is safe for the environment and the operator. We will not shirk away from going through that rigorously. The Health and Safety Executive does an excellent job in giving us that data and knowledge.

I think we pitched the period of two and a half years about right. We think that is a window of opportunity to engage with the sector and make sure that those coming forward with products that they want to register will have ample opportunity to do it within that window. Eighteen months would have been quite tight; it might have been achievable but we want to give a credible time for those applications to come forward and be properly considered.

Daniel Zeichner: I understand the point that the Minister is making, but what does he expect to happen at the end of those three and a half years?

Mark Spencer: I hope that by that time the sector will have had the opportunity to come forward with its own applications to the Health and Safety Executive and for us to have looked at that data and granted UK authorisations. We are committed to working with the sector and we have a good working relationship with it.

The shadow Minister commented about how our friends in the EU had withdrawn some products. We are keen to help our food sector to have the tools available to continue to produce great food. We need to balance that, of course, with the impact on the environment and the safety of operators who use the chemicals. By their very nature, these chemicals are designed to be harmful to some organisms—that is the purpose of their existence. We will make sure that all those health and safety criteria are put in place and that those operating with the chemicals are legally obliged to use the correct equipment.

I hope that colleagues will support the regulations and extend and reinstate the current arrangements. We can do that safely for the benefit of our food producers and the environment. I commend the regulations to the Committee.

Question put and agreed to.

4.43 pm

Committee rose.

