

North Yorkshire Council**Scrutiny of Health Committee****18 December 2024****Use of Glyphosate in Operational Services****Report of the Corporate Director - Environment****1.0 PURPOSE OF REPORT**

- 1.1 To appraise Members on the current use of glyphosate by the Council and to give an overview of the wider public health implications.

2.0 BACKGROUND

- 2.1 The use of glyphosate by North Yorkshire Council (NYC) was raised at the budget setting meeting of Full Council in February 2024. Concerns were expressed that the use of glyphosate may be having an adverse effect on public health and that the Council may be exposing itself to compensation claims – referencing recent litigation in the United States with the chemical firm Bayer, manufacturer of the Roundup product with the active ingredient of glyphosate.
- 2.2 The matter was referred to the Scrutiny of Health Committee and subsequent discussions with the Chair and members of the Mid-Cycle Planning Meetings. It was agreed that Officers would produce a report for the Committee that explores the current use of glyphosate by the Council, what alternatives there are, and to provide an overview of the wider public health implications. Members also asked whether the Council used neonicotinoids as part of a spraying programme.
- 2.3 Glyphosate is a highly effective non-selective herbicide, which when administered is absorbed by the leaves and stems and is then absorbed by the plant - leading it to break down quickly over a period of days. It has a wide range of applications, such as domestic use, agricultural use and managing highways.
- 2.4 In the UK the approval of chemical herbicides is managed by the Chemical Regulation Division (CRD), which is part of the Health and Safety Executive (HSE) and works closely with the Department for Environment, Food and Rural Affairs (DEFRA). As a commercially available chemical glyphosate is subject to testing and approval for sale by the CRD. As part of this process, ecological and toxicological tests are carried out and the substance is assessed according to a Control of Substances Hazardous to Health (CoSHH) assessment, which in turn leads to the development of safety procedures to mitigate the potential risks to humans, animals, and the environment.
- 2.5 Glyphosate is approved for use in the UK until December 2025. The European Union announced that it would renew approval of glyphosate for a further 10 years in November 2023, although some member states have acted to restrict its use; foremost among them is Germany where legislation has been passed to phase the chemical out by the end of 2024. Within the United States, the US Environmental Protection Agency (EPA) assesses herbicides such as glyphosate on a 15 yearly

basis and it completed an interim re-registration of it in 2020. There are no national restrictions, but some states and counties have introduced bans or restrictions.

3.0 GLYPHOSATE USE BY THE NORTH YORKSHIRE COUNCIL AS HIGHWAYS AUTHORITY

- 3.1 NYC contracts North Yorkshire Highways (NYH) to undertake weed spraying of highways (subcontracted to DTMS Group) until May 2025, with options to extend until May 2032. In accordance with the contract, spraying is conducted by trained and qualified operatives from a quadbike and is completed once per year in June or July – targeted at the kerb and channel interface, the back of the footway and any cobbled or block paved areas, as specified. Provision is made for a second spraying treatment under the contract, but this is usually less extensive than the initial treatment and is focussed on problem areas. The contract also allows for reactive treatments, as required. Details of the area treated are included in Appendix A for reference.
- 3.2 The contract between North Yorkshire Highways and DTMS Group specifies safety precautions where operatives must check the area of highway prior to weed treatment, remove items such as wheelie bins before treatment commences and replaces them when complete, take particular care when members of the public are in the vicinity of the area to be treated and stop operations if approached by a member of the public.
- 3.3 The method of weed treatment will be spraying of an approved herbicide where glyphosate is the active ingredient. Any such herbicide products must be approved under current regulations and used in a manner which avoids drift and run-off. A record must also be kept of spray operations which detail: staff name; date and time of application; chemical used and date; area sprayed; weather conditions; equipment and operating conditions.
- 3.4 During the term of the contract, NYC may undertake trials to research the potential of alternative approaches to weed control by removing specific areas from the treatment programme. The contractor is also obliged to make NYC aware of any innovations or regulatory changes relating to the control of weeds and the use of herbicides, and on agreement may use alternative approved weed treatments.

4.0 GLYPHOSATE USE BY THE PARKS & GROUNDS SERVICE

- 4.1 The Parks and Grounds service also use glyphosate-based herbicides to control weeds, but in much lower quantities than for highways. No products using neonicotinoids are used. The service is delivered in-house by the operational teams. Each former District or Borough Council had different Parks and Grounds services so the approach to using glyphosate was, and to some extent remains, varied whilst service harmonisation continues.
- 4.2 All users of glyphosate-based chemicals in the Parks and Grounds service are trained and certified and the glyphosate products used are subject to Control of Substances Hazardous to Health (COSHH) Assessments, together with record keeping of spray operations.
- 4.3 Current typical uses for applications of glyphosate are for controlling invasive weeds and those on hardstanding areas around obstacles including litter bins, benches and other street furniture.

- 4.4 There has been a general decline in usage over the last four years as practices seek to work in harmony with the environment. For example, the use of modern spraying products via the controlled droplet application (CDA) method is now being used that minimises the need for personal protective equipment (PPE) because there is no need to mix chemicals. It is also a more precise method of application which avoids unnecessary wastage of chemicals and damage to other plants from drift. Through harmonisation, the service plans to eliminate the use of traditional knapsack spraying and move to CDA products. The current use of glyphosate by the service is included Appendix A for reference.

5.0 ALTERNATIVES TO GLYPHOSATE

- 5.1 The local government sector has been looking at an alternative to glyphosate for their weed treatment needs. There are a wide range of potential alternatives to glyphosate-based herbicides, but no other treatment has been proven to have the same level of effectiveness at a similar cost. The main difference between glyphosate and other methods is that one treatment of glyphosate will kill the roots of the weed and prevent it from regrowing, whereas most other methods need multiple treatments to kill the roots or do not kill the roots at all.
- 5.2 Limited trials at using alternatives to glyphosate have been conducted by North Yorkshire Highways, which found that on cost, effectiveness and carbon dioxide emissions, glyphosate remained the best choice. Research conducted by the service concluded that a move away from glyphosate-based treatments would cost an estimated 4-10 times the cost of glyphosate.
- 5.3 South Lanarkshire Council trialed eight alternatives between 2021 and 2022 alongside glyphosate. These trials resulted in a 30% decrease in the use of glyphosate during the trial period and some other methods were found to be effective, but no clear alternative was found that would allow the complete removal of glyphosate from their weed control approach.
- 5.4 Brighton and Hove City Council did stop using glyphosate altogether in 2020 in favour of a manual weed management approach, but they found that this was an ineffective approach due to the increased time it takes to manually remove weeds and the roots of the weeds were left intact. In 2024 the Council decided to renew the use of glyphosate, via a controlled droplet application (CDA), in order to tackle the backlog of uncontrolled weeds that were unable to be managed by manual methods. Glyphosate will still continue to be banned for use in parks and other open green spaces, apart from in exceptional circumstances such as to manage invasive species of plants.
- 5.5 City of York Council (CYC), in an effort to reduce their environmental impact, have also been looking at alternatives to using glyphosate for weed management. Once again, they found that glyphosate remains the only large scale and affordable option. However, they have taken other steps to reduce the amount of glyphosate that they use. As such CYC have encouraged areas that have reached a consensus to opt out of their streets being sprayed altogether if they manage weed removal themselves manually. Members of staff are also encouraged to remove weeds manually as and when they see them whilst they are working in an area. The amount of quad bike mounted sprayings of glyphosate on roads was also reduced from a frequency of three to two times a year. CYC have also committed to trials of new alternative products if they come to market.

6.0 PUBLIC HEALTH IMPLICATIONS

- 6.1 The Scrutiny of Health Committee have sought to understand what the risks are to individuals exposed to the treatments used by the Council. People can be exposed to pesticides in different ways, including through direct or indirect routes. Direct exposure comes from professional use of pesticides (often leading to the highest exposure levels) or from domestic use. Indirect exposure occurs at lower doses through the environment, food and drink.
- 6.2 Identification of those at highest risk from glyphosate generally identifies those with occupational exposure (i.e., individuals who are working directly with glyphosate or glyphosate-based herbicides) as they are exposed to higher doses more frequently than the general public. There is evidence of low dermal and oral acute toxicity, with reports of incidents of eye and skin irritation from splashes during mixing and loading. Mitigation measures for those in direct contact with products include use of appropriate PPE, washing hands and exposed skin etc.
- 6.3 The US Environmental Protection Agency found no indication that children are more sensitive to glyphosate. After evaluating numerous studies from a variety of sources, the EPA found no indication that children are more sensitive to glyphosate from in-utero or post-natal exposure. As part of the human health risk assessment, the Agency evaluated all populations, including infants, children and women of child-bearing age, and found no risks of concern from ingesting food with glyphosate residues. EPA also found no risks of concern for children entering or playing on residential areas treated with glyphosate.
- 6.4 However, a 2019 review recommended further work to evaluate exposure across different populations due to the paucity of data on glyphosate levels among individuals exposed occupationally, para-occupationally [i.e., household contacts of those with occupational exposure], or environmentally to the herbicide.
- 6.5 The Bayer Glyphosate case (as referenced in paragraph 3.1) focuses on the allegation that the herbicide, glyphosate, the active ingredient in Roundup, causes cancer. The core issue in many of the lawsuits is that Bayer (who acquired Monsanto, the original manufacturer of Roundup) failed to adequately warn users about the potential health risks via product labelling. Bayer has spent significant sums settling lawsuits, but they have won some suits and have expressed intentions to appeal unfavourable rulings against them.
- 6.6 So far there have been no successful legal cases against Bayer in relation to its glyphosate products in the UK. Despite its wide usage in the UK the regulatory environment includes strict guidelines for labelling and safety assessments which make it unlikely that any attempts to bring similar cases to court in the UK would be successful. However, as public awareness grows and if new evidence emerges this could be subject to change. The situation could also change as the UK's regulatory standards diverge from the EU.
- 6.7 There is no universally accepted conclusion regarding whether glyphosate or glyphosate-based herbicides are carcinogenic to humans. In 2015, IARC (the International Agency for Research on Cancer, part of the World Health Organization) classified glyphosate as "probably carcinogenic to humans" (Group 2A); however, other large-scale evidence reviews have not agreed with this position.

6.8 There are also inconsistent conclusions regarding other potential health impacts, e.g. endocrine dysfunction (some systematic reviews suggestive; however EPA concluding there is no effect).

6.9 UK, European and US organisations currently approves the use of glyphosate. However, it is recognised that further research is ongoing, and approvals remain under review. In situations where there is no scientific agreement on an issue that may cause harm to the public or the environment, the 'precautionary principle' approach may be adapted, minimising usage and exposure as much as possible and considering other alternatives where applicable.

7.0 CONSULTATION UNDERTAKEN AND RESPONSES

7.1 This report has been developed in collaboration between Parks and Grounds service, the Highways Authority and the Public Health team, with additional input from the Health & Safety team. In addition, Officers have attended mid-cycle planning meetings of the Scrutiny of Health Committee to help scope the issues to be addressed.

8.0 ALTERNATIVE OPTIONS CONSIDERED

8.1 The option to propose changes to current processes and existing contractual arrangements was considered. This was rejected as it will require an options paper to be prepared to fully consider the options available.

9.0 FINANCIAL IMPLICATIONS

9.1 The estimated annual spend for the highways spraying contract is valued between £100,000 - £200,00 per annum with £140,000 spent in the previous year. The current weed spraying costs are funded by the highways operations revenue budgets. Within the Parks and Grounds service there is an approximate revenue spend of £4,500 per annum on purchasing glyphosate that is then used by existing operational staff over the horticultural year.

10.0 LEGAL IMPLICATIONS

10.1 North Yorkshire Council has a statutory duty under section 41 of the Highways Act 1980 to ensure a safe road network for the public to use. The contract to NY highways delivers this statutory duty with regards to weed control.

10.2 The application of herbicidal products must comply with all aspects of the Control of Pesticides Regulations 1986, and the Control of Substances Hazardous to Health Regulations 2002. Processes are in place both for outsourced and in-house application to ensure compliance, with staff appropriately trained to adhere to the regulations. There are contractual obligations for NYH's suppliers to adhere to these requirements. There is scope contractually for NYH to require suppliers to not use glyphosate due to the way NYH places orders for works with suppliers.

11.0 EQUALITIES IMPLICATIONS

11.1 This report to the Scrutiny of Health Committee explores the direct delivery of operational services in the maintenance of highways infrastructure and open spaces, to minimise the impact of unwanted vegetation growth (weeds). No potential for discrimination or adverse impacts has been identified in this report. (see Appendix B)

12.0 CLIMATE CHANGE IMPLICATIONS

- 12.1 A climate change impact assessment (initial screening) form was completed in preparation of this report. The potentially negative impact of treating vegetation with a herbicide through habitat and biodiversity loss was identified, but this represented a continuation of the current (and decreasing) practice with future impacts from any changes unknown at this current stage. (see Appendix C)
- 12.2 However, the Council's Climate Change Strategy seeks to protect nature through sustainable land use and green space management. Adopting a hierarchical approach to managing weeds with chemical control the least preferred option would be desirable where operationally and economically feasible with a further assessment(s) prepared as operational processes evolve.

13.0 RISK MANAGEMENT IMPLICATIONS

- 13.1 Glyphosate is currently approved for use in the UK. The risk associated with the application of herbicides with the active ingredient of glyphosate by in-house activities is managed through the initial completion of a Hazardous Substances (COSHH) Risk Assessment. This details the substance, intended use, manufacturer details, appearance, where and how it can be used. COSHH assessments will also detail what precautions should be taken (such as wearing PPE), exposure limits, ventilation and storage requirements. All staff involved in weed spaying activities are required to have Pa1/Pa2 pesticide training certificates. COSHH assessments are required for each different product and are reviewed annually.
- 13.2 In the delivering the weed control service on behalf of the Highways Authority, the supplier must ensure that spraying shall only be undertaken by qualified staff and in full compliance with health and safety legislation and label instructions.

14.0 CONCLUSIONS

- 14.1 There are opportunities to maximise the benefit from local government reorganisation through exploring collaborative approaches to procurement and setting grounds maintenance standards that acknowledge the environmental impact of herbicides.

15.0 REASONS FOR RECOMMENDATIONS

- 15.1 It is necessary to efficiently control unwanted vegetation within the highway and in the public realm to protect and enhance our built and natural assets. However, given the debate around the use of herbicides and whether the product will be licensed for use after 2025 it would be prudent to fully explore the evidence available to provide information on the current operating model whilst exploring alternative options for the future.

16.0 RECOMMENDATIONS

- 16.1 To note the contents of this report that outline the current position in relation to the areas managed by Parks and Grounds and that contracted to NY Highways
- 16.2 To review, deliver and prepare an options paper for consideration by a future meeting.

APPENDICES:

Appendix A – Glyphosate Usage

Appendix B – Equalities Impact Assessment

Appendix C - Climate Change Risk Assessment

BACKGROUND DOCUMENTS: Provision of Weed Control Services Contract, NYC/NYH 2022.

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