

Consultation on Pesticides Regulations



GOVERNMENT OF BERMUDA
Ministry of Health



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Pesticides Regulations Consultation

Consultation document

Publication date: 28th June 2024

Closing date for comments: 4th August 2024

Subject of this consultation:	Proposed Pesticides Regulations that will bring into force the Pesticides Safety Act 2009 and that intend to increase the safety of pesticides use in Bermuda from a human health and environmental perspective.
Scope of this consultation:	<p>The Government announced in the November 2022 Throne Speech that it would introduce Regulations under the Pesticides Safety Act 2009 to establish guidelines for the importation, sale, use and disposal of pesticides in Bermuda.</p> <p>The Regulations may cover the following areas:</p> <ul style="list-style-type: none"> • Pesticide category designation (general, restricted, prohibited) • Pesticide register • Pesticide businesses • Pesticide use: standards and conditions for commercially applying pesticides • Training • Licensing of pesticide applicators (individual) • Importation of pesticides • Sale of pesticides • Transport, handling, storage and disposal practices • Pesticide disposal sites • Reporting of accidents and poisonings • Record keeping <p>This consultation document highlights the proposed Regulations concerning these topics. We are seeking your feedback to inform the final shape of the Regulations as well as your input concerning which areas should be prioritized.</p>
Consultation period:	28th June 2024 – 4th August 2024: comments on Bermuda Citizens Forum & prioritization survey; Specialist stakeholder meetings/focus groups: 19th August 2024 – 6 September 2024
Leading:	Ministry of Health & Ministry of Home Affairs
How to provide feedback:	<p>(1) Respond to the questions in Section 5 of this document.</p> <p>Respond by 4th August 2024:</p> <ul style="list-style-type: none"> • Comment online at: Citizen engagement platform The Government of Bermuda (forum.gov.bm)

	<ul style="list-style-type: none"> • Email enquiries and responses to MOH@gov.bm • Written enquiries and responses can be mailed to: Attn: David Kendell, Permanent Secretary for Health, Continental Building, 25 Church Street, Hamilton, HM12. <p>Response must include your name and state if you are a business, individual or representing an organization. In the case of an organization, please indicate the number of people you are representing. In the interest of transparency anonymous submissions cannot be accepted.</p> <p>(2) In addition, please respond to the survey at this link to indicate your priority areas for Regulations: https://forms.gle/RaoHZZFUUpubok17</p>
<p>After the consultation:</p>	<p>Responses will be reviewed, and suggestions may be incorporated into the proposed Pesticides Regulations. Responses will be published on the government portal www.gov.bm.</p>
<p>Stakeholder groups:</p>	<p>This is the first public written consultation on this issue.</p> <p>This consultation is targeted at the general public as well as specialist stakeholders.</p> <p>In addition to this general consultation, focus group meetings will be convened online with specialist stakeholders on the following dates (invitations for these sessions will be emailed):</p> <ul style="list-style-type: none"> • General public: 19th August 2024 • Regulators: 21st August 2024 • Retail businesses: 23rd August 2024 • NGOs: 26th August 2024 • Government pesticide users: 28th August 2024 • Pest control / Structural pest control businesses: 30th August 2024 • Golf course grounds keepers and landscapers: 2nd September 2024 • Farmers: 4th September 2024 <p>The Ministry of Health and the Ministry of Home Affairs have collaborated on this proposal.</p>

1. Introduction

- 1.1 In the November 2022 Throne Speech, the Government announced that it would introduce Regulations under the Pesticides Safety Act 2009 to establish guidelines for the importation, sale, use and disposal of pesticides in Bermuda.
- 1.2 Although pesticides can be beneficial in many ways, their unregulated use is a concern due to their potential negative impact on the environment and public health. Bermuda's environment is considered particularly vulnerable to damage from pesticides. The aquatic environment is particularly sensitive and heavy rains can wash chemicals into the aquifer and marine habitats. Bermuda is one of the most densely populated countries on the planet and we catch rainwater in open systems on our roofs.
- 1.3 So far, pesticides have been controlled using provisions of the Agriculture Act 1930, the Pharmacy & Poisons Act 1979 and the Fumigation Control Act 1945. Furthermore, provisions of the Occupational Safety & Health Act 1982 and Regulations control the safe use of hazardous chemicals in the workplace and these provisions apply to pesticides. The proposed Pesticides Regulations will bring into effect the Pesticides Safety Act 2009 and could be used to either create a comprehensive regime to control pesticides in Bermuda or to complement the other acts and to close gaps in existing controls.
- 1.4 The Pesticides Safety Act can be used to enable the oversight of all aspects of pesticides to prevent contamination of the natural environment, food and water resources, while contributing to efficiency in agriculture, sustainability of horticultural (turf and ornamental) maintenance and preserving structures. New Regulations can also help to protect the health of the public and persons who use pesticides (pesticide applicators).
- 1.5 This consultation document provides an overview of the topics that can be covered in the Pesticides Regulations and seeks the views of the public and stakeholders.

2. Background

Pesticide use

- 2.1 Pesticides may be used to control pests, weeds and disease.¹
- 2.2 In agriculture, pesticides are used to enhance crop productivity, improve the appearance of produce and maintain food safety. By preventing pest damage, molds and toxins, they can help extend the shelf life of food and reduce food spoilage and waste.²
- 2.3 Weed management may be necessary to prevent road or other structural damage, to ensure driver and pedestrian safety and to aid endemic plants in competition with weeds. It may also serve aesthetic purposes.³

Environmental concerns

- 2.4 Pesticides are intrinsically harmful to living organisms. Improper use can impact an entire ecosystem even when they are intended to exclusively target a specific pest. They may impact ecological processes, reduce biodiversity and reduce resistance to disturbances.⁴
- 2.5 Although various types of animals can be affected by pesticides, insects and other invertebrates are most directly impacted. Some pesticides may cause significant declines in insect populations, for example, threatening the critical role they play in the ecosystem as pollinators.⁵
- 2.6 Some pesticides decrease the biodiversity in soil. Soil quality is usually higher without added chemicals which allows for higher water retention and more biological activity.⁶
- 2.7 Of particular concern in Bermuda is the potential contamination of the island's limited drinking water sources.

Public health concerns

¹ HSE (n.d.). Pesticides: The basics. [Pesticides: The basics \(hse.gov.uk\)](https://www.hse.gov.uk/pesticides/)

² Kennard, N. & Vagnoni, C. (2021). Pesticides and health. [POST-PB-0043.pdf \(parliament.uk\)](#)

³ Ministry of the Environment & Ministry of Health & Seniors (2017). Glyphosate herbicide review update – stakeholder meeting. [Microsoft PowerPoint - glyphosate - stakeholder presentation 2017 intro 17-1-12 \(www.gov.bm\)](#)

⁴ European Environment Agency (2023). How pesticides impact human health and ecosystems in Europe. [How pesticides impact human health and ecosystems in Europe — European Environment Agency \(europa.eu\)](#)

⁵ European Environment Agency (2023). How pesticides impact human health and ecosystems in Europe. [How pesticides impact human health and ecosystems in Europe — European Environment Agency \(europa.eu\)](#)

⁶ Pesticide Action Network UK (2017). Impacts of pesticides on the environment. [Pesticides in our Environment - Pesticide Action Network UK \(pan-uk.org\)](#)

- 2.8 Individuals may be exposed to pesticides directly through their occupation or in their home. They may also be exposed indirectly through the environment (e.g., living close to or being a bystander at a pesticide application site) or through pesticides residues in food and drink.
- 2.9 Impacts of pesticides on health may be due to acute exposure (poisoning) or through chronic exposure. Impacts may be due to combined exposure from multiple pesticides.⁷
- 2.10 It is not always possible to identify the specific active substances involved, but several groups of pesticides have been associated with heightened risks of certain types of health effects. International research has identified relationships between exposure to some pesticides and increased risk of chronic diseases, including:
- various types of cancers (e.g., Non-Hodgkin lymphoma);
 - neurological disorders (e.g., Parkinson's and Alzheimer's diseases);
 - cardiovascular diseases;
 - developmental delays in children;
 - effects on reproductive capacity and male and female infertility;
 - cognitive impairments;
 - impaired respiratory health.⁸

General concerns

- 2.11 It is important to note that the information concerning the characteristics and safety of certain substances may change over time as new research is done and new results emerge.
- 2.12 One particular issue may be the high environmental stability of some pesticides. They may not degrade quickly and may be present in the environment for a long time.⁹

3. Objectives

Overall goals

⁷ Kennard, N. & Vagnoni, C. (2021). Pesticides and health. [POST-PB-0043.pdf \(parliament.uk\)](#)

⁸ European Environment Agency (2023). How pesticides impact human health and ecosystems in Europe. [How pesticides impact human health and ecosystems in Europe — European Environment Agency \(europa.eu\)](#)

⁹ European Environment Agency (2023). How pesticides impact human health and ecosystems in Europe. [How pesticides impact human health and ecosystems in Europe — European Environment Agency \(europa.eu\)](#)

- 3.1 The proposed Regulations are needed for the Pesticides Safety Act 2009 to be operationalized. While the Act was passed 15 years ago it has never been commenced.
- 3.2 The intention is to create Regulations that promote safety and sustainability.
- 3.3 We want to ensure that people and natural resources (ground water, air, natural habitats, flora and fauna) are protected and the food we produce locally is of the highest standard and free from harmful pesticide residues.
- 3.4 Professional applicators should be regulated to ensure pesticides are applied to a minimum safety standard in line with global best practices.
- 3.5 Approval processes should provide flexibility and enable the incorporation of newly emerging information about substances. Pesticides and their effects on humans and the environment are constantly being evaluated and reviewed by international monitoring agencies and Bermuda needs Pesticides Regulations that are responsive. In a scenario where new international evidence indicates that controls of certain pesticides in Bermuda are outdated and need to be reviewed and changed to address emerging concerns, there needs to be a fair and transparent process that balances the public interest and the needs of local industries.
- 3.6 All aspects of the Regulations will follow international best practice whilst prioritizing the health of the population and the protection of Bermuda's unique and sensitive environment. The risks posed by pesticides can be mitigated by creating importation control provisions, along with the safe and appropriate application, storage and disposal of pesticides.

Protecting our natural resources

- 3.7 Our goal is to prevent environmental damage caused by the irresponsible use of pesticides, such as contamination of waterways, harm to wildlife and destruction of ecosystems and to protect our natural resources, including water and soil, by regulating the importation, use and disposal of pesticides.
- 3.8 We aim to contribute to a sustainable future by promoting environmentally appropriate practices for the use and disposal of pesticides, which will benefit the long-term viability of the agricultural industry, our environment and public health.

Protecting the health of our community

- 3.9 One of the objectives stated in the Bermuda National Cancer Control Plan 2024-2030 is to reduce the potential cancer risk from chemical exposure and prevent environmental contamination. The plan recommends strengthening the regulation and oversight of chemicals and pesticides through the Pesticides Safety Act 2009.¹⁰
- 3.10 We are focused on protecting the health of our communities by ensuring that pesticides are used safely and responsibly.
- 3.11 We are trying to ensure that the food we eat is free from harmful pesticides.

Process goals

- 3.12 We recognize the importance of involving community members in the development of Pesticides Regulations to ensure they reflect the community's needs.
- 3.13 We aim to foster transparency and accountability in the pesticide industry by ensuring that companies follow Regulations and are held responsible for any harm caused by the unsafe application of pesticides.

4. Overview of proposed Pesticide Regulations

Within the Regulations, we are seeking to create provisions that will achieve the following. The intention is to start with one or two priority areas:

- 4.1 Prescribe and create a process to designate categories of pesticides (general, restricted and prohibited) and for sharing and communicating the categorization to the public, including a pesticides register.
- 4.2 Prescribe a standardized framework to assess the importation of pesticides that reflects both international best practice and protection of Bermuda's sensitive environment.
- 4.3 Prescribe standards and conditions for licensing authorized pesticide businesses.
- 4.4 Prescribe a licensing scheme for regulating commercial and high-risk application of pesticides.
- 4.5 Prescribe standards and conditions for applying pesticides by commercial applicators.
- 4.6 Recognize approved training schemes for pesticide applicators.

¹⁰ Bermuda Cancer and Health Centre. Bermuda National Cancer Control Plan 2024–2030. Bermuda, April 2023 ([Annual Reports and Financial Statements || Bermuda Cancer and Health](#)).

- 4.7 Prescribe standards and a framework for the sale of pesticides.
- 4.8 Prescribe standards for the transport, handling, storage and disposal of pesticides.
- 4.9 Prescribe pesticide disposal sites.
- 4.10 Create a process for the reporting of accidents and poisonings.
- 4.11 Prescribe record keeping requirements for importation, sale, use, transport, handling, storage and disposal of pesticides.
- 4.12 Prescribe offences related to the above.
- 4.13 Prescribe a review process.

5. Consultation questions

1. **Scope:** Does Bermuda require an entirely new pesticides control regime or should existing laws be used alongside new Pesticides Regulations to close critical gaps in controls? Please provide your rationale.
2. **Accountability:** What specific provisions should be included in the Pesticides Regulations to ensure transparency and accountability in the pesticide industry, including enforcement mechanisms and penalties for non-compliance?
3. **Capacity building:** What mechanisms can be implemented to facilitate knowledge sharing and capacity building among stakeholders, including training programs and educational resources, to promote the safe and responsible use of pesticides in Bermuda?
4. **IPM:** How can the Pesticides Regulations be designed to encourage the adoption of integrated pest management (IPM) practices, which prioritize non-chemical pest control methods and minimize the use of pesticides, while ensuring the effectiveness of pest management strategies in Bermuda's unique context?