



Forest Stewardship Council®



# Frequently Asked Questions FSC Pesticides Policy

FSC-POL-30-001 V3-0 EN

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## Table of contents

### Introduction

- A. Objective
- B. Scope page 3
- C. Effective and validity date page 5
- D. References
- E. Terms and definitions
- F. Version history

### Part I - Policy elements

1. FSC approach to the use of chemical pesticides

### Part II - Implementing the Policy

2. Identification of HHPs
3. Prioritization of criteria and categorization of HHPs
4. Regulation for the use of HHPs page 7
5. Repairing damages to environmental values and human health from the use of chemical pesticides page 10
6. Monitoring of the use of chemical pesticides and the impact of the FSC Pesticides Policy.

### Annexes

Annex 1. Criteria, Indicators and Thresholds for identifying highly hazardous pesticides (HHPs)

Annex 2. Minimum list of hazards, elements and variables to consider in the assessment of environmental and social risks page 10

Annex 3. Procedure for the exceptional use of FSC prohibited HHPs page 11

Annex 4. Procedure to implement policy requirements for ESRA framework at national level

## List of abbreviations

CB	Certification body
CH	Certificate holder
ESRA	Environmental and social risk assessment
FM	Forest Management
FMU	Forest management unit
HHP	Highly Hazardous Pesticide
IGI	International Generic Indicator
IPM	Integrated pest management
SDG	Standard Development Group
SIR	Scale, intensity and risk

## Scope (Section B)

**1. The lists of prohibited, highly restricted and restricted HHPs include veterinary products used within the FMU for animal (livestock) health and welfare purposes. On the basis of the Scope and definitions, it seems that the scope of the Policy is limited to the use of pesticides for plant growth and does not cover veterinary products used in the FMU. Is this correct?**

According to the Scope, “This Policy applies to FSC certified Organizations, Standard Development Groups and Certification Bodies and for the use of chemical pesticides within the management unit for the protection of vegetation, human health, livestock and native species, including, but not limited to, FSC-certified nurseries and other facilities”.

The definition of a pesticide covers any substance “intended for repelling, destroying or controlling any pest, or regulating plant growth”; this does not limit the definition to pests of plants.

A pest is defined as “any species, strain or biotype of plant, animal or pathogenic agent injurious to plants and plant products, materials or environments and includes vectors of parasites or pathogens of human and animal disease and animals causing public health nuisance”.

So, the Scope of the Policy includes the use of chemical pesticides within the management unit for the protection of livestock; the definition of a pesticide covers any substance intended to repel, destroy or control any pest; and the definition of a pest includes vectors of parasites or pathogens of human and animal disease. Therefore, if chemical veterinary products are applied within the management unit in order to protect livestock from vectors of parasites or pathogens, they shall be considered pesticides subject to the requirements of the Policy.

However, the Scope of the Policy does not include the use of chemical pesticides outside the management unit, and the definition of a pest does not include animal parasites or pathogens themselves. So veterinary products applied outside the management unit, or products applied to control animal parasites or pathogens directly, are not subject to the requirements of the Policy.

**2. The Policy does not apply to third-party nurseries (Scope, p. 7). After informing them of the list of FSC prohibited HHPs (clause 4.12.12) and requesting from them a list of the prohibited HHPs they use (clause 4.12.13), how should we work with them?**

FSC cannot set rules for third parties, it can only regulate the certificate holder.

Clauses 4.12.12 and 4.12.13 are the only requirements which apply specifically to the relationship between the Organization and third-party nurseries, and the way in which the information gathered under clause 4.12.13 is used is at the discretion of the Organization. However, in keeping with the principles underlying the Pesticides Policy, FSC does of course hope that Organizations will consider encourage nurseries to avoid the use of FSC prohibited HHPs and will give preference to nurseries which use less hazardous alternatives where possible.

**3. The Policy does not apply to biological control (Scope, p. 7). We are about to try a new fungus-based product launched in the local market for the control of ants, does this require the completion of an ESRA?**

If a pest control product meets the definition of a biological control agent, it is not subject to the requirements of the Policy.

However, if it meets the definition of a biopesticide, it is categorised with other (i.e. non-HHP) chemical pesticides (clause 3.2 and Figure 4) and is subject to the requirements for non-HHPs (clause 4.7).

Criterion 10.7 in FSC-STD-01-001 V5-2 EN *FSC Principles and Criteria for Forest Stewardship* includes an element which applies to all pesticides, whether biological or chemical: “When pesticides are used, The Organization shall prevent, mitigate, and / or repair damage to environmental values and human health.”

Further, please note that Criterion 10.8 in FSC-STD-01-001 V5-2 EN *FSC Principles and Criteria for Forest Stewardship* addresses the use of biological control agents.

**4. In cases where products are used by third parties on land leased for livestock and beekeeping, should ESRA be completed for those products?**

According to the Scope, the Policy applies “for the use of chemical pesticides within the management unit for the protection of vegetation, human health, livestock and native species, including, but not limited to, FSC-certified nurseries and other facilities”; this does not limit the scope to chemical pesticides applied by the certificate holder.

According to the Objective, “The FSC Pesticides Policy lays out FSC’s position for managing the use of chemical pesticides in FSC-certified management units in consistency with Criterion 10.7 of FSC-STD-01-001 V5-2”. The Preamble of FSC-STD-01-001 V5-2 EN *FSC Principles and Criteria for Forest Stewardship* states that “Responsibility for ensuring compliance with the FSC Principles and Criteria lies with the person(s) or entities that is/are the certificate applicant or holder. For the purpose of FSC certification these person(s) or entities are referred to as ‘The Organization’. The Organization is responsible for decisions, policies and management activities related to the Management Unit. The Organization is also responsible for demonstrating that other persons or entities that are permitted or contracted by The Organization to operate in, or for the benefit of the Management Unit, comply with the requirements of the FSC Principles and Criteria.”

As such, the requirements of the Policy apply equally to chemical pesticides applied by the certificate holder or by third parties permitted to operate in the FMU, and the certificate holder bears ultimate responsibility for ensuring compliance with relevant requirements, including ESRA requirements.

See also the earlier answer regarding the applicability of the Policy to veterinary products.

## Effective and validity date (Section C)

### **5. What restricted pesticides can continue to be used without derogation after 1 August 2019?**

Transition arrangements have been clarified in the interpretation INT-POL-30-001\_07.

For FSC highly restricted HHPs and FSC restricted HHPs for which the certificate holder does not have an approved derogation, the ESRA requirements in the Policy apply from 1<sup>st</sup> August 2019 unless the HHPs are newly listed (i.e. they do not appear in FSC-STD-30-001a EN *FSC List of 'highly hazardous' pesticides*) or the HHPs were previously listed but did not require a derogation (i.e. they are marked in green in FSC-STD-30-001a EN *FSC List of 'highly hazardous' pesticides*), in which case the requirements become effective on 1<sup>st</sup> August 2020.

For full details, see the interpretation (<https://fsc.org/en/document-center/documents/858b3ca8-73ab-404a-820d-3ca777d1ac30>)

### **6. In relation to products that in the previous list were not prohibited and are now in the Prohibited List, e.g. Acetochlor, is it correct to interpret that their use must be discontinued as of August 2020, as per page 8 of the new Policy?**

Transition arrangements have been clarified in the interpretation INT-POL-30-001\_07.

As of 1<sup>st</sup> August 2019, FSC prohibited HHPs may not be used unless the certificate holder has an approved derogation (in which case, they may be used until 1<sup>st</sup> August 2020, provided that the derogation conditions are fulfilled), or except in the case of emergency situations or by government order.

For full details, see the interpretation.

### **7. We have concerns about the need to perform ESRAs for highly restricted and restricted products during the interim period (p. 8), and evidence it in our audit. Given that the steps to be taken have not yet been defined at the national level, is it necessary at the time of audit to show all ESRAs or is it enough to show that work has begun on the subject?**

Transition arrangements have been clarified in the interpretation INT-POL-30-001\_07.

For FSC highly restricted HHPs and FSC restricted HHPs for which the certificate holder has an approved derogation, existing approved derogations and their conditions will remain valid until the expiry date of the derogation. Until that date, the CH may continue using the HHP, provided that the derogation conditions are fulfilled. After the expiry date of the derogation, the ESRA requirements in the Policy apply.

For FSC highly restricted HHPs and FSC restricted HHPs for which the certificate holder does not have an approved derogation, the ESRA requirements in the Policy apply from 1<sup>st</sup> August 2019 unless the HHPs are newly listed (i.e. they do not appear in FSC-STD-30-001a EN *FSC List of 'highly hazardous' pesticides*) or the HHPs were previously listed but did not require a derogation (i.e. they are marked in green in FSC-STD-30-001a EN *FSC List of 'highly hazardous' pesticides*), in which case the requirements become effective on 1<sup>st</sup> August 2020.

In all cases, once the ESRA requirements apply, the CH must complete an ESRA before using an FSC highly restricted HHP or FSC restricted HHP.

For full details, see the interpretation.

**8. Can you give a more detailed description of the terms and validity of policies, to help us to understand whether audits in the transition period are against the two policies or one system or the other?**

Transition arrangements have been clarified in the interpretation INT-POL-30-001\_07.

For HHPs for which the certificate holder has an approved derogation, existing approved derogations and their conditions will remain valid until the expiry date of the derogation (for FSC prohibited HHPs, derogation expiry dates have been set to 1<sup>st</sup> August 2020). Until that date, the CH may continue using the HHP, provided that the derogation conditions are fulfilled. After the expiry date of the derogation, the requirements of the revised Policy apply.

For HHPs for which the certificate holder does not have an approved derogation, the requirement of the revised Policy apply from 1<sup>st</sup> August 2019, although for FSC highly restricted HHPs and FSC restricted HHPs which are newly listed or which were previously listed but did not require a derogation the requirements become effective on 1<sup>st</sup> August 2020; see the previous answer.

For full details, see the interpretation.

**9. If in the transition period an audit is carried out against the old policy and before the end of the transition period the implementation of the new policy must be verified, what would an additional audit involve? Will this be done with a new field audit, or with documentation provided and field verification at the next audit?**

Transition arrangements have been clarified in the interpretation INT-POL-30-001\_07.

The interpretation sets out the requirements applicable to individual chemical pesticides depending on their status, i.e. whether they are listed as FSC prohibited, highly restricted or restricted HHPs or are other, non-HHP chemical pesticides, and, if they are HHPs, whether the certificate holder has an approved derogation. The CH shall conform with these specific requirements for individual chemical pesticides, and CBs will audit accordingly. As such, there is no question of being audited twice against different Policy requirements during the transition period; any audit will be against the specific requirements for individual chemical pesticides at the time of audit.

For full details, see the interpretation.

**10. Is the ESRA for each active substance or product?**

ESRAs shall be conducted for active ingredients. The characteristics of individual products (formulation, mixture, concentration, etc.) are considered as part of the risk assessment; see the list of local exposure variables in Annex 2.

**11. My understanding is that ESRA is required both for restricted HHPs and for chemicals which are not on the HHP list. If that is the case, then what is the significance of being on the restricted list? Is this still to be developed by the IGI working group?**

The Policy requires Standard Developers, in due course, to incorporate the IGIs to the national context and develop locally relevant thresholds or conditions for the use of relevant FSC highly restricted HHPs and FSC restricted HHPs (clause 4.10); as such, certificate holders will have to conform to more prescriptive requirements at the national level for the use of FSC highly restricted HHPs and FSC restricted HHPs than for other, non-HHP chemical pesticides (clause 4.12.5). Indeed, in countries with a Standard Development Group, SDGs will be required to determine whether individual FSC highly restricted HHPs and FSC restricted HHPs may be used at the national level (Table 2, p. 24; Annex 4 (2)), so some HHPs may not be available for use by certificate holders.

The Policy requires CHs to give preference, as a matter of principle, to chemical pesticides not listed in the FSC lists of HHPs over those listed in the FSC lists of HHPs (clause 4.12.1). The Policy also requires CHs to have programmes in place, according to scale, intensity and risk (SIR), to research, identify and test alternatives to replace FSC highly restricted HHPs and restricted HHPs with less hazardous alternatives (clause 4.12.9), whereas there is no equivalent requirement for other, non-HHP chemical pesticides.

**12. There is no explicit requirement in the Policy for certification bodies to evaluate the appropriateness of ESRAs developed by certificate holders, this is only mentioned in the context of exceptional use of FSC prohibited HHPs (Annex 3). How then is the appropriateness of ESRAs evaluated?**

FSC-STD-20-007 V3-0 EN *Forest management evaluations* clause 8.1 requires certification bodies to “make certification decisions based on their evaluation of the forest management enterprise's conformity with the requirements specified in the applicable Forest Stewardship Standard and related normative documents”, which in this case would include the Pesticides Policy. As such, CBs will assess conformity with Policy clauses, including 4.12.2 (which requires the certificate holder to undertake a comparative ESRA) and 4.12.3 (which states that the ESRA must take into account the minimum list of types of hazards, exposure elements and exposure variables described in Annex 2), and base certification decisions on whether the requirements of the Policy have been met.

**13. On what timescale should ESRAs be reviewed and revised?**

National level ESRAs completed by Standard Development Groups shall be revised as new information becomes available or shall otherwise be reviewed and revised in



line with FSC-STD-60-006 V1-2 EN *Process requirements for the development and maintenance of National Forest Stewardship Standards*. See Table 2, p. 24.

Management unit level ESRAs completed by certificate holders shall be reviewed and revised, if needed, in line with the five-year certificate cycle. The incorporation of ESRA results into operational plans is linked to the duration of the operation. See Table 2, p. 25.

**14. What are the requirements for certification bodies to engage experts to evaluate ESRAs?**

Certification bodies shall seek the support of independent pesticides technical experts when assessing conformance with the requirements for emergency or governmental orders in relation to the use of FSC prohibited HHPs (Annex 3). There is no requirement for CBs to engage experts to evaluate ESRAs for FSC highly restricted HHPs, FSC restricted HHPs, or other chemical pesticides.

**15. Is it already the role of the national office to identify the most useful highly restricted and restricted HHPs used or likely to be used in the country? In particular, we propose to evaluate the first ESRAs developed in the country in order to create a reference model to which certification bodies can refer when evaluating new ESRAs.**

There are no requirements specifically applicable to FSC national offices in the Policy; please note that the identification of FSC highly restricted HHPs and FSC restricted HHPs used or likely to be used in the country is a task for Standard Development Groups (Table 2, p. 24). However, any provisional identification of HHPs used or likely to be used will speed subsequent work by the SDG.

Evaluating and sharing ESRAs may help certificate holders and certification bodies to implement the Policy consistently but should not interfere with independent certification decisions.

**16. What does clause 4.11 refer to when it states that “Standard Developers shall engage with stakeholders in this process as per FSC-STD-60-006 *Process Requirements for the Development and Maintenance of National Forest Stewardship Standards* and FSC-PRO-60-007 *Structure, Content and Development of Interim National Standards*”? To what extent must Standard Developers “engage”?**

As the indicators regulating the use of FSC highly restricted HHPs and FSC restricted HHPs will be incorporated into national standards, this clause refers to the fact that national indicators shall be subject to public consultation in accordance with the requirements in the documents that regulate the development of those standards. As such, the extent to which Standard Developers must engage is set out for countries which have a Standard Development Group in FSC-STD-60-006 V1-2 EN sections 6 and 7, and for countries which do not have an SDG in FSC-PRO-60-007 V1-1 EN section 5.

**17. What are the expectations of forest managers?**

The requirements for Forest Management certificate holders are set out in clause 4.12 and in Table 2 (p. 25). These should be seen in the wider context of the integrated pest management requirements set out in Criterion 10.7, conformance with which might



avoid the need for chemical pesticides altogether. The Pesticide Policy requirements come into effect only if a need to use chemical pesticides is identified through the IPM process, and in that situation steer certificate holders to identify the lowest risk control option (clauses 4.12.1 to 4.12.4) and apply suitable risk mitigation measures (clauses 4.12.5 and 4.12.6). There are also requirements to make risk assessments and operational plans available to affected stakeholders on request (clause 4.12.7), to consult the online FSC database for information on alternative control measures (clause 4.12.8), to research less hazardous alternatives to HHPs (clause 4.12.9), to engage with stakeholders as per the applicable national standard (clause 4.12.10), to refrain from using any FSC Prohibited HHPs except in the case of an emergency situation or by governmental order (clause 4.12.11), and to engage with third-party nurseries regarding their use of FSC Prohibited HHPs (clauses 4.12.12 and 4.12.13).

To help them to comply with these requirements, certificate holders may choose to collaborate with other Organizations with similar pest problems and forest conditions to conduct ESRA (clause 4.13.1) and/or to collaborate with research institutions and other Organizations on research programs for the identification of less hazardous alternatives (clause 4.13.2).

**18. The Policy refers to the “FSC database” (clause 4.12.8). What is this database and where can we access it?**

This refers to the existing alternatives database at <http://pesticides.fsc.org/strategy-database>. FSC will work on an improved version to include monitoring procedures, but there is no timeline for this yet.

**19. In the tasks at international level, it is stated that FSC will provide minimum requirements for ESRA (Table 2, p. 23). Are these minimum requirements the ones in Annex 2 or will there be something else?**

This refers to the minimum requirements set out in Annex 2.

**20. In the tasks at national level, it is stated that Standard Development Groups should conduct an overall risk assessment to identify and assess the risks associated with HHPs used or likely to be used in the country (Table 2, p. 24). When should that assessment be conducted?**

This will only happen once the International Generic Indicators have been developed and approved. The Technical Working Group tasked with developing the IGIs has now been formed, and the latest version of the workplan for the Group estimates that the IGIs will be approved in early 2021. For more information, see <https://fsc.org/en/process-page/international-generic-indicators-igi-implementation-fsc-pesticides-policy-fsc-pol-30>.

**21. The Policy assigns roles for the preparation of ESRAs to FSC, SDGs and certificate holders. The role of FSC is to develop specific IGIs, on which SDGs then base local indicators. SDGs and CHs are required to prepare ESRAs. Would these ESRAs then be submitted for approval, and if so to whom? Or, if the ESRAs do not require approval, are they checked by the CB during the FM audit process?**

The indicators developed by SDGs will be incorporated into National Forest Stewardship Standards and so, according to the current normative framework and

organisational arrangements, approval decisions will be made by the Policy and Standards Committee acting on behalf of the FSC Board.

ESRAs conducted by certificate holders do not require approval. The relevant certification body is responsible for checking conformity with ESRA requirements during FM audits.

### Repairing damages to environmental values and human health from the use of chemical pesticides (Part II. Section 5)

**22. The concept of “damage repair and compensation” is not clear because an area might have suffered damage due to unsustainable practices in the past. What, therefore, is the responsibility of the forest manager?**

The title of this section clearly refers to “Repairing damages to environmental values and human health from the use of chemical pesticides”, and not to other sources of damage. Repair is defined as the “process of assisting the recovery of environmental values and human health”. It does not specify any particular state which must be achieved, although by implication this would be the state prior to the damage from the use of chemical pesticides. In this context, therefore, the responsibility of the forest manager is to repair and/or compensate for damage inflicted specifically by their use of chemical pesticides.

However, please note that FSC-STD-01-001 V5-2 EN *FSC Principles and Criteria for Forest Stewardship* Criterion 6.3 states that the Organization shall identify and implement effective actions to prevent negative impacts of management activities on environmental values, and to mitigate and repair those that occur, so if past damage to an area is due to the management activities of the forest manager they might also be obliged to repair that damage.

### Annex 2. Minimum list of hazards, elements and variables to consider in the assessment of environmental and social risks (Annexes)

**23. SDGs are groups with a balance of chambers and varied expertise. What is the role of SDGs at the country level with respect to the implementation of the Pesticides Policy, and how does the system ensure that SDGs have the appropriate expertise to perform general risk assessments on the specific issue of pesticides? Who validates and approves the decisions and risk assessments of the SDG?**

SDGs are responsible for conducting ESRAs for HHPs that are used or are likely to be used in the country and, based on those ESRAs and using the IGLs as a starting point, for developing national indicators for the use and risk management of allowed HHPs (Table 2, p. 24; Annex 2, p. 39; Annex 4). SDGs are free to call upon technical experts, as they would for any complex issue as per FSC-STD-60-006 V1-2 EN *Process requirements for the development and maintenance of National Forest Stewardship Standards* clause 4.5.

The indicators developed by SDGs will be incorporated into National Forest Stewardship Standards and so, according to the current normative framework and organisational arrangements, approval decisions will be made by the Policy and Standards Committee acting on behalf of the FSC Board

#### **24. In the ESRA template, where are the “exposure variables”?**

Exposure variables do not appear in any of the headings of the template and are instead listed after the table because they shall be considered when describing the mitigation strategies in the table.

### **Annex 3. Procedure for the exceptional use of FSC prohibited HHPs (Annexes)**

#### **25. What about the use of highly restricted and restricted HHPs by government order?**

There are no specific requirements for the use of FSC highly restricted HHPs and FSC restricted HHPs by government order.

Principle 1 of FSC-STD-01-001 V5-2 EN *FSC Principles and Criteria for Forest Stewardship* requires compliance with laws, and this must be the first consideration. If a government order requires the use of an FSC highly restricted HHP or FSC restricted HHP, a certificate holder must comply, but they should also comply with clause 4.12 to the extent possible; a government order might override clause 4.12.4, for example, but might also override clause 4.12.5 if it imposes specific conditions on the use of the HHP. However, this does not prevent the certificate holder from identifying generic (clause 4.12.2) and site-specific (clause 4.12.6) risk mitigation measures within the context of the order.

#### **26. Is the timescale of 30 days to submit an ESRA and other documents also valid for highly restricted HHPs, or is a longer time allowed?**

This timeline applies only to FSC prohibited HHPs. The Policy does not require certificate holders to submit ESRA for FSC highly restricted HHPs or FSC restricted HHPs to certification bodies outside the FM audit cycle, and therefore does not provide therefore a timeline for it. An interpretation is being considered to address this

#### **27. How are “independent pesticides technical experts” defined?**

Independent experts may be understood as per the note on clause 3.3 of FSC-PRO-30-001 V1-0 EN *Pesticide Derogation Procedure* (now superseded by the new Policy): “Not directly associated with the certificate holders and pesticides industries through a contractual relationship.”