

FSC PESTICIDE POLICY: IMPLEMENTATION

1. PURPOSE.

1.1 The purpose of this procedure is to implement the following FSC documents:

- FSC-POL-30-001 FSC Pesticides Policy (2005)
- FSC-PRO-01-004 V2-2 Processing Derogation applications (October 2009)
- FSC-PRO-01-004 V1-a FSC Forest Managers' Checklist for Developing Derogation applications (October 2008)
- FSC-GUI-30-001 V2-0 EN FSC Pesticides Policy Guidance (May 2007)
- FSC-GUI-30-001a V1-0 EN FSC Pesticides Policy Guidance addendum (January 2008)

2. DEFINITIONS

2.1 Refer to RD09, Glossary of Terms and Words.

3. NOTES

3.1 Qualifor Work Instruction 16 provides the definitive list of pesticides that are classified by FSC as "highly hazardous" and as such is not allowed to be used in a certified FMU. This list consists of pesticides that were included in the original (2002) list of "prohibited pesticides" and has subsequently been revised with the addition of a number of pesticides. A clear distinction is made showing the date a specific pesticide has been added to the list. Any applicant or current certificate holder that does not comply with the criteria outlined in this Work Instruction is in non-compliance with an FSC criterion and **a major Corrective Action Request shall be raised and the certificate suspended.**

4. PREVIOUS VERSION OF THIS DOCUMENT

Paragraph	Change
Throughout	Highlighted in yellow

5. INTERPRETATION OF LIST OF HIGHLY HAZARDOUS PESTICIDES

5.1 All pesticides listed in Annexure A of WI16 may not be used in a certified forest, unless:

- a) There is an approved and valid FSC derogation of policy for such use (see Annexure B of WI16); or
- b) The occurrence of an emergency which requires the continued use of "highly hazardous pesticide" according to section 5: below.

5.2 Any pesticide not listed in Annexure A of WI16, is allowed to be used on a certified forest. However:

- a) The list will be revised from time to time. If an active ingredient or particular formulation is added to the list, then the managers of a certified forest currently using the newly listed pesticide will:

- i. be permitted to continue to use the product for six months after being listed by FSC and the expiry date for this is indicated as “Prohibited from” on WI 16; and
 - ii. after this period, repeated or continued use without an FSC approved temporary derogation (see Annexure B of WI16) or a temporary derogation request under evaluation (see “iii” below) **shall lead to a major CAR and the immediate suspension of the certificate**; unless
 - iii. an application for a derogation has been submitted within the 6 month grace period, in which case the pesticide may be used until a decision on the derogation application has been made.
- b) If any certificate holder or prospective certificate holder are using pesticides which is believed to fail the specified thresholds, but which (for whatever reason) have not yet been added to the official FSC list, they should be aware that if/when that pesticide is added to the list such certificate holder would have no guarantee that a derogation would in future be issued, and might relatively soon be in the position of having to stop use of the pesticide or have their certificate withdrawn.

6. PROCEDURE

Responsibility	Action	Documentation Required
1: PREPARING AN APPLICATION FOR DEROGATION OF POLICY		
Project Manager	<p>.01 On receipt of a request for derogation, <u>inform the Programme Director/Manager of the intention</u> before starting the application and consultation process. Once receipt is confirmed by the Programme Director/Manager, the process can proceed.</p> <p>Note: Derogation applications can be submitted for an individual or group of certificate holders located in a range of different geographical scopes, up to the country level. However, sufficient information shall be provided to justify that the derogation is necessary for each of the different geographical scopes for which it is being requested. Derogation applications should be submitted at the smallest geographical range necessary.</p> <p>.02 Ensure the applicants are aware of the requirements and responsibilities associated with the application including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> An application fee of EUR600 (distributed amongst all applicants) plus EUR300 per applicant will be levied. These are compulsory fees levied by and due to FSC. The fee must be invoiced and paid before SGS will process the application. <input type="checkbox"/> Every certificate holder listed for the application will be required to show progress with efforts to research and find alternatives during the period of derogation approval. This will be audited by SGS during surveillance evaluation and the information included in the evaluation report. <p>.03 Ensure all information required and listed in the AD41-A is complete and adequate.</p> <p>.04 Ensure that the national initiative (where such exists) is included in the stakeholder consultation process. Their participation and support is paramount and no application will be submitted to FSC without specific support from this group.</p> <p>.05 Submit the AD41-A to stakeholders using AD41-C as a template to explain the reasons and process. Public consultation of stakeholders will ensure:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Directly affected parties (e.g. neighbouring communities) have had an opportunity to provide comments on the derogation have agreed (with the applicant) with the measure for preventing, minimising and mitigating negative environmental impacts. <input type="checkbox"/> Other stakeholders (e.g. NGOs, authorities, etc) have been consulted 	<p>AD41A - Application</p> <p>AD41C – Letter to stakeholders</p>

Responsibility	Action	Documentation Required
	<p>and have had an opportunity to provide comments on the need for the derogation and on the controls established to prevent, minimise and mitigate negative environmental impacts associated with the use of the pesticide</p> <p><input type="checkbox"/> Stakeholders will be allowed 45 days to respond, before the application can be finalised</p> <p>Note: It is important that the application can demonstrate the extent to which the affected stakeholders have been engaged during derogation application development process; how their comments were taken into account; and what is their level of support.</p> <p>.06 Submit the AD41-A together with all stakeholder responses to the Programme Director/Manager</p>	
<p>Programme Director / Manager</p>	<p>.07 On receipt of notification of the application from the Project Manager (refer 1.01 above), inform the FSC PSU and confirm this with the Project Manager.</p> <p>.08 On receipt of the application, review documentation and ensure it complies with Qualifor requirements</p> <p>.09 Where the same derogation application consists of more than one certificate holder, complete a list of all forest managers requesting the derogation; and</p> <p>.10 Send the list together with the application to ASI for submission to the FSC Policy and Standards Unit.</p> <p>Note: The FSC PSU will review the application for completeness and compliance with policy and if in order, forward this to the FSC Pesticides Technical Advisors (PTA) within two weeks.</p> <p>Note: The PTA will evaluate the application and send their opinion to the PSU within two weeks of receiving the application.</p> <p>Note: The PSU will send the application with the opinion of the PTA to the FSC Pesticides Committee for a final decision</p> <p>Note: The FSC Pesticides Committee will report its decision within four weeks of receiving a request for a decision from the PSU. The decision may consist of approval (with or without conditions), requests for more time, or disapproval.</p> <p>.11 On receipt of the final decision by the FSC Pesticides Committee, immediately inform the Project Manager, with instructions to inform the client of the decision and any conditions that may be attached.</p> <p>Note: Where a derogation request has been rejected, and the certificate holder(s) continue to use the pesticide, the certificate will be suspended immediately. The SGS Qualifor PROC 05-B will be followed where this is required.</p> <p>Note: <u>Decisions</u> of the FSC Pesticides Committee may be <u>appealed</u> in which case the FSC dispute resolution protocol will be followed. <u>Alternatively, the application may be modified</u> or additional supporting documentation provided to respond to any issues identified by the Technical Advisors or the FSC Pesticides Committee, and then resubmit the derogation application. In this case the steps outlined in this procedure will be repeated.</p>	<p>AD41-A - Application</p>
<p>2: IMPLEMENTATION OF AN APPROVED DEROGATION OF POLICY FOR PESTICIDE USE</p>		
<p>Project Manager</p>	<p>.12 On receipt of the decision of FSC, immediately inform the certificate holders included in the original application.</p> <p>.13 If the <u>derogation application was disapproved</u>, request from the certificate holder(s) written confirmation that they are no longer using the relevant pesticide. If this confirmation is not provided by the certificate holder within</p>	<p>AD36-B – Evaluation report</p>

Responsibility	Action	Documentation Required
	<p>7 days, request the Programme Director/Manager to suspend the certificate.</p> <p>.14 If the <u>derogation application</u> was approved inform the applicant certificate holders of the conditions for the approval and confirm again the requirements related to ongoing reporting of use and development of alternatives. Insert section B of the AD41-A into the certification evaluation report (AD36-B) of every certificate holder included in the derogation application.</p> <p>.15 Approval of derogation within a country or region provides a <u>precedent</u> in terms of establishing the need for this derogation. Any forest management enterprise in that country/ region may apply to use the derogated pesticide:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Applicants must complete section B of the AD41-A and this must be submitted to the Programme Director/Manager.. Where local residents, farmers or hunters from neighbouring communities hunt, fish, or collect plants in the managed areas, the applicant shall be required to consult the local council or associations representing directly affected parties. <p>.16 Forest certification <u>applicants</u> using a product for which an approved derogation exists, must complete section B of the AD41-A and this must be submitted to the Programme Director/Manager:</p> <ul style="list-style-type: none"> <input type="checkbox"/> prior to certification if the applicant intends to continue to use the product; or <input type="checkbox"/> with the evaluation report, should the applicant not be using the product at the time of certification. 	
Programme Director/ Manager	<p><u>Forest Certification Applicants</u></p> <p>.17 On receipt of information from the Programme Manager (refer 2.16 above), forward this to the FSC PSU with a request to add the applicant certificate holder to the list of certificate holders approved for the derogation of policy for the use of the pesticide(s). On receipt of the decision by the FSC, inform the Project Manager with a request that this information be included in the evaluation report (AD36-B).</p>	
3: VERIFICATION OF COMPLIANCE WITH CONDITIONS OF DEROGATION APPROVAL		
Evaluation Team Leader	<p>.01 The approved list of pesticides together with derogation approvals and associated conditions will be maintained in the Qualifor WI16. Use of pesticides <u>must be controlled against this list during every evaluation.</u></p> <p>.02 For <u>existing certificates</u>: where derogation has been approved, check that the specific certificate holder is included in the list.</p> <p>.03 Obtain information required in the evaluation report (AD36-B) on pesticide use.</p> <p>.04 Confirm that an existing certificate holder's programme to research and consider alternatives is in place and effective. Where this is not the case, a minor CAR shall be raised.</p> <p>.05 Use of pesticide that is listed on WI16 and for which there is no relevant derogation <u>will lead to a major CAR and suspension of the certificate.</u></p> <p>.06 Forest certification <u>applicants</u> using a product for which an approved derogation exists, must provide the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> an outline of controls to prevent, minimise and mitigate negative environmental impacts associated with the use of the pesticide (for example restrictions related to weather conditions soil types, application methods, use near water courses, etc); and <input type="checkbox"/> a programme to investigate, research, identify and test alternatives to the pesticide, with clear actions, timelines, targets and resources allocated. <p>Compliance with these requirements would need to be demonstrated by an</p>	AD41-A – Application AD36-B – Evaluation Report

Responsibility	Action	Documentation Required
	applicant and must be verified prior to the issue of a certificate.	
4: EXTENSION OF A DEROGATION		
Project Manager	<p>.01 Application for extension of derogation must be submitted 3 months prior to the expiry date.</p> <p>.02 The application will follow the same procedure outlined under 6.1: above, but only section A of the AD41-A needs to be completed.</p> <p>.03 Existing certificate holders are allowed to continue to use the pesticide in question until a final decision is provided by FSC. If the application for extension is not approved, certificate holders will immediately discontinue use of the pesticide and the procedure outlined under 2.12 above will be followed.</p> <p>Note: Derogations shall normally be issued for a five-year period. There will be a presumption against renewal of derogation after the expiry of the five-year period.</p> <p>Note: Extension of derogation at the end of this five-year period will not be granted unless there are exceptional circumstances and it can be clearly demonstrated that the program to identify alternatives was fully implemented but has failed to identify an acceptable alternative in the available time.</p> <p>Note: The approval of an extension shall be based on the provided evidence that:</p> <ul style="list-style-type: none"> o specified controls were fully implemented and there is no evidence that negative impacts occurred during the previous derogation period as a result of the use of the 'highly hazardous' pesticide; and, o during the derogation period alternatives to the use of a 'highly hazardous' pesticide have been identified and are under development (as indicated by field trials) or that the program to identify alternatives has been fully implemented, but has failed to identify a viable option in the available time. <p>Note: There may be cases where a new pesticide has been found to replace the 'highly hazardous' pesticide but for which the national registration process takes longer than the approved derogation period. In such circumstances, certificate holders with approved derogations shall request an extension of the derogation to the FSC, following the requirements established in this section, including the information on the registration process. This information will be taken into account when evaluating requests for the extension of derogation.</p> <p>Note: Although the Certificate Holder may apply for a five-year extension to the derogation period, the decision to grant the five-year extension shall be at the discretion of the FSC Pesticides Committee. This implies that after an approved five-year derogation, any extension period may be granted from one to five years, depending on the justification for the extension request.</p>	AD41-A - Application
5: EMERGENCY USE OF A PROHIBITED PESTICIDE		

Responsibility	Action	Documentation Required
Project Manager	<p>.01 If an emergency requires the use of a pesticide on the FSC list of highly hazardous pesticides, the certificate holder shall request, complete and submit the application form for emergency use of a pesticide (AD41-B) <u>within 30 days of the beginning of the use</u> of the pesticide. Failure to do so shall lead to the suspension of the certificate.</p> <p>.02 Review application (AD41-B) for completeness and immediately forward to the Programme Director/Manager.</p> <p>Note: Emergencies may include sudden invasions or infestations of animal pests, weed plants, certain fungal diseases, or dramatic changes in vegetation composition, which threaten ecological stability, and which cannot feasibly be controlled by pesticides not listed on the list of FSC's 'highly hazardous' pesticides.</p> <p>Note: This also applies when the government orders the use of a pesticide on the FSC list of highly hazardous pesticides.</p>	AD41-B – Emergency Application Form
Programme Director/ Manager	<p>.03 Immediately forward the notification together with completed AD41-B to the FSC Policy and Standards Unit.</p> <p>Note: The FSC Policy and Standards Program shall review the information provided and inform the FSC Pesticides Committee.</p> <p>Note: The FSC Pesticides Committee shall determine if the use of the 'highly hazardous' pesticide was justified in the absence of an approved derogation and decide if:</p> <ul style="list-style-type: none"> ○ the use of the 'highly hazardous' pesticide has not been justified under the circumstances presented and its continued or repeated use shall lead to a major CAR and the immediate suspension of the certificate; and, ○ the use of the 'highly hazardous' pesticide has been justified under the circumstances presented and its continued or repeated use requires an approved derogation. In this case the certificate holder shall submit a complete derogation application within 6 months of the initial use of the pesticide. Failure to do so shall lead to a major CAR and the immediate suspension of the certificate. 	

End of Procedure