

Republic of Latvia
Cabinet
Regulation No. 950
Adopted 13 December 2011

Regulations Regarding the Use of Plant Protection Products

*Issued pursuant to
Section 5, Clause 5 and Section 9,
Paragraph two of the Plant Protection Law*

I. General Provisions

1. This Regulation prescribes:
 - 1.1. the requirements for the use and storage of plant protection products;
 - 1.2. the duties and rights of professional users of plant protection products and operators of the use of plant protection products;
 - 1.3. the procedures for the preparation of an assessment of the potential risks in aerial spraying of a plant protection product;
 - 1.4. the procedures for the issue of a permit for aerial spraying of plant protection products; and
 - 1.5. special measures to protect the aquatic environment and drinking water.
2. Supervision and control of compliance with this Regulation shall be performed by the State Plant Protection Service (hereinafter — Service).

II. Requirements for the Storage of Plant Protection Products

3. Plant protection products shall be stored in original packaging, complying with the storage conditions specified on the label, as well as with the requirements of Section 9, Paragraph three of the Plant Protection Law and the Protection Zone Law.
4. Plant protection products shall be stored on shelves or pallets.
5. It is prohibited to use fuel warehouses, residential or administrative premises, animal housings, structures that may be flooded and cellars, except cellars built above the ground, as sites for storage of plant protection products.
6. Plant protection products registered as Class One shall be stored in a locked, ventilated room separately from other plant protection products.
7. Packagings of the utilised plant protection products until disposal thereof shall be kept together with plant protection products and disposed of in accordance with the procedures specified in the regulatory enactments regarding waste management. This requirement need not be complied with, if the packaging of a plant protection product, in accordance with the regulatory enactments regarding waste classification and characteristics making waste hazardous, is not to be deemed hazardous waste anymore.

III. Requirements for the Use of Plant Protection Products

8. In a farm where plant protection products are stored or used the following shall be available to the persons involved in work:

8.1. personal protective equipment (for example, respirator, protective glasses, protective clothing, gloves);

8.2. absorbent material (for example, dry sawdust or peat);

8.3. inventory necessary for rescue measures in case any plant protection products pour or spill out (for example, broom, bucket, shovel).

9. It shall be allowed to use plant protection products solely for the purpose and against such harmful organisms, which are referred to on the label, without exceeding the indicated dosage, as well as in conformity with the requirements of the label for dilution of plant protection products and preparation of mixtures before use, development stage of crop, number of treatments per season, waiting time from the last treatment until harvesting and restrictions in relation to the protection of human and animal health and the environment.

10. Each user of plant protection products, as well as operator of the use of plant protection products, shall be responsible for compliance with the requirements in relation to the protection of human and animal health and the environment.

11. Such plant protection products shall be selected for use as much as possible, which potentially may cause lesser risk to the environment and human and animal health, which are not qualified as dangerous to the aquatic environment and which do not contain the priority hazardous substances in accordance with the regulatory enactments regarding water management. The Service shall insert and update information regarding plant protection products and the possible side effects thereof on human health and the environment on the website thereof.

12. In order to protect the environment and areas for the abstraction of drinking water, plant protection products shall be used in conformity with the requirements referred to in the regulatory enactments regarding protective zones.

13. A user of plant protection products registered as Class One or Class Two shall keep a register. Both the purchased plant protection products (the date, the name of the plant protection product, the size and quantity of the packaging units shall be indicated) and the utilised plant protection products (information regarding the crop species or object treated (for example, grain warehouse), the territory treated, the area thereof, the date of treatment, the name and dosage of the used plant protection product shall be indicated) shall be recorded in the register. The register shall be stored for at least three years.

14. When using plant protection products, it is prohibited:

14.1. to engage in such work any persons under 18 years of age, pregnant women or nursing mothers;

14.2. to use damaged, unadjusted plant protection product application equipment, as well as equipment that has not been inspected in accordance with the procedures specified in the regulatory enactments regarding plant protection product application equipment;

14.3. to leave without supervision any prepared working liquids and unutilised plant protection products;

14.4. to pour out the remaining working liquid intended for spraying;

14.5. for unauthorised persons to be in places where plant protection products are handled;

- 14.6. to eat, drink or smoke.
15. The emptied packaging of a plant protection product shall be rinsed three times with clean water during preparation of the working solution, and the water used for rinsing shall be filled in the tank.
16. After the use of a plant protection product the remaining working solution shall be diluted with large quantity of water and sprayed on a treated field. Upon ending work the equipment tank shall be rinsed with clean water or the cleaning product indicated on the label of the used plant protection product, to be sprayed on a treated field.
17. It is prohibited to reuse the packaging of the utilised plant protection products.
18. When using plant protection products for the spraying of planted fields and plantations, the following safety measures shall be complied with:
- 18.1. plants may be sprayed if the wind speed does not exceed four metres per second. If the sprayer is equipped with industrially assembled auxiliary devices (auxiliary equipment), which reduce the wind impact on spraying, ensuring that spraying only reaches the intended surface to be treated, plants may be sprayed if the wind speed does not exceed eight metres per second;
- 18.2. during the work the quality of the operation of the sprayer, as well as the utilisation of the preparation, shall be monitored.
19. In order to protect bees and other pollinating insects, a person when using plant protection products shall comply with the special safety requirements specified on the label, if it includes:
- 19.1. an indication “Toxic to bees” or characterisation of the effects of the chemical substance *R57*;
- 19.2. standard phrase *Spe8*;
- 19.3. other indications regarding protection of bees and other pollinating insects.
20. If a person uses a plant protection product, the label of which contains an indication “Toxic to bees” or characterisation of the effects of the chemical substance *R57*, he or she shall, three days before treatment of planted fields and plantations, warn such legal possessors of bee colonies whose bee-gardens (or beehives) are situated within a radius of two kilometres of the place to be treated and whose bee colonies have been registered in accordance with the procedures specified in the regulatory enactments regarding registration of animals, herds and housings and marking of animals.
21. When using plant protection products for the treatment of seeds, the following safety measures shall be complied with:
- 21.1. seeds shall be treated in specially equipped premises, sheds, areas and equipment suitable for treatment;
- 21.2. persons engaged in seed treatment shall use personal protective equipment;
- 21.3. the remaining treated seeds shall be stored in a dry, locked warehouse separately from food and animal feed grain, in packaging with an indication “KODINĀTS” [“TREATED”], indicating also the name of the seed-treatment or active substance;
- 21.4. after treatment of the seeds and completion of sowing, the treatment site, the seed treatment equipment, the seeder, the seed delivery tubes and any other equipment which has been in contact with the treated seeds, as well as any personal protective equipment, shall be neutralised, observing the indications on the label of the relevant seed-treatment;

21.5. it is prohibited to use treated seeds in food, to feed them to animals and birds, as well as to wash or clear them of the seed-treatment in order to use them for food or animal feed;

21.6. treated seeds may be transported only in the packaging referred to in Sub-paragraph 21.3 of this Regulation, or in special seeder delivery tubes, as well as in seeder bins.

22. If plant protection products registered as Class One are being used as fumigants in fumigation (treatment of an object with a plant protection product in gaseous state), the following work safety requirements shall be observed:

22.1. fumigation may only be performed in a hermetically sealable object, if it is situated not less than 50 metres from residential buildings and not less than 30 metres from territories accessible to the public (for example, a park, sports field, recreational area);

22.2. one day before the commencement of fumigation, any people who are located on the territory adjacent to the object shall be warned regarding fumigation and the time when it will be conducted;

22.3. before the commencement of fumigation the object must be hermetically sealed. Hermeticity of the object shall be ensured throughout the process;

22.4. the object shall be delimited and visible warning signs “BĪSTAMI DZĪVĪBAI” [“DANGEROUS TO LIFE”] and “IEEJA AIZLIEGTA” [“ENTRY PROHIBITED”] shall be displayed;

22.5. in order to guarantee work safety, fumigation shall be performed by at least two persons;

22.6. presence of a person shall be ensured in the object from the beginning of fumigation until complete neutralisation of the fumigant and airing of premises after the end of fumigation (hereinafter – degassing);

22.7. persons involved in the fumigation shall be provided with respirators;

22.8. preparation for fumigation and release of the fumigant shall be conducted only during daylight hours;

22.9. before the commencement of degassing, the concentration of the fumigant in the object shall be measured in order to determine whether the necessary fumigant concentration has been reached during fumigation;

22.10. degassing shall be conducted gradually, not allowing large quantities of the fumigant to escape into the atmosphere;

22.11. degassing of the object shall be conducted until the fumigant concentration reaches the indicators stipulated on the label of the relevant plant protection product.

23. During fumigation and degassing:

23.1. the concentration of the fumigant in the air shall be measured and it shall be ensured that the concentration of plant protection products does not exceed the admissible norms indicated on the label of the relevant plant protection product;

23.2. the time of fumigation, the name of the plant protection product used, the time of taking measurements and the concentration of the fumigant shall be indicated in the register in addition to that referred to in Paragraph 13 of this Regulation.

24. After degassing, the concentration of the fumigant in all premises in which fumigation was conducted shall be measured and a deed regarding the conduct of fumigation and degassing shall be drawn up. The deed shall be signed by the professional user of plant protection products or the operator of the use of plant protection products and other persons who participated in fumigation.

25. If the plant protection product is used in covered areas, after the use of the relevant product they shall be sealed off and a warning sign shall be posted on the door, containing information regarding the plant protection product used, as well as the time when presence in the premises is to be admissible again and the telephone number of the person responsible for the use of the plant protection product shall be indicated.

26. In territories widely used by the public or also especially vulnerable groups in accordance with Article 3 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (for example, in a park, sports field, recreational area, school territory, hospital territory) the use of plant protection products shall be allowed only if it is not otherwise possible to restrict the spread of organisms harmful to plants and such use of the particular plant protection product is allowed in the instruction for use. A plant protection product shall be used in territories accessible to the public during hours when people are not present there, as much as possible.

27. At least two days before the use of plant protection products in the places referred to in Paragraph 26 of this Regulation the responsible person shall place a notification regarding the intended use of plant protection products in local newspapers of the municipality or rural territory (or *pagasts*) or shall publish such information in other way.

28. In the cases referred to in Paragraph 26 of this Regulation during the use of a plant protection product, as well as after the use thereof, the treated territory shall be marked off with warning signs, in which information regarding the plant protection product used, the waiting period and the time when visiting of the treated territory is to be allowed again shall be indicated.

29. Treatment along railway lines, parts of roads and very permeable territories, as well as permeable territories, which are close to surface water or groundwater, with plant protection products shall be allowed only in conformity with the requirements referred to in the regulatory enactments regarding protective zones and ensuring that plant protection products do not run off into surface water or sewage system.

IV. Aerial Spraying of Plant Protection Products

30. Aerial spraying of plant protection products shall be allowed if a permit of the Service for aerial spraying of plant protection products (hereinafter – permit) has been received.

31. The Service, in conformity with the conditions referred to in Paragraph 34 of this Regulation, shall issue the permit in the following cases:

31.1. if it is necessary for scientific institution for conducting studies in the field of agriculture;

31.2. to persons involved in agricultural production in emergency case;

31.3. for treatment of forests in case of mass spread of harmful organisms.

32. In order to receive the permit, the interested person shall submit the following to the Service:

32.1. an application for receipt of the permit. The necessity for the permit shall be substantiated in the application, as well as the identity of the harmful organism, the scope of risk to the crop, the significance, economic threat, the name of the plant protection product intended for use, dosage thereof, the area to be treated, the intended time of spraying, as well

as a substantiation why other methods for combating the harmful organism cannot be used in the particular situation shall be indicated;

32.2. a map in which the territory intended for aerial spraying is marked;

32.3. information regarding the person who will perform the spraying, as well as regarding application equipment.

33. The Service, on the basis of the information submitted and other information at the disposal of the Service, shall prepare an assessment of the potential environmental impact of the plant protection product and the potential impact thereof on human and animal health and shall perform risk analysis within not more than:

33.1. two weeks, if the use of the plant protection product is not allowed in Latvia;

33.2. one week, if the use of the plant protection product is allowed in Latvia.

34. The Service shall take a decision on the issue of the permit if:

34.1. there are no viable alternatives, or there are clear advantages for aerial spraying in terms of reduced impacts on human health and the environment as compared with land-based application of plant protection products;

34.2. risk analysis has been performed and a confirmation has been obtained that the positive effect from such application of plant protection products will be higher than the potential risk to the environment and human and animal health;

34.3. the operator carrying out the aerial spraying has been trained and has obtained a certificate on the right to use plant protection products;

34.4. the application equipment has been inspected and conforms to the requirements specified in the regulatory enactments regarding plant protection product application equipment;

34.5. the aircraft has been registered in accordance with the procedures specified in the regulatory enactments regarding aviation and has been equipped with accessories that constitute the best available technology to reduce spray draft;

34.6. the area to be treated is not in close proximity to residential areas.

35. The Service shall include the following information in the permit:

35.1. the name of the plant protection product permitted for use;

35.2. the territory permitted for use, indicating precise location and size thereof;

35.3. the conditions for the use of the plant protection product, including risk restriction measures;

35.4. the person responsible for the use of the plant protection product;

35.5. the planned date and time of spraying the plant protection product and the time of waiting – the period of time from treatment until the time when presence and performance of such activities like, for example, picking berries, mushrooms, in the territory is allowed once again.

36. A person who has received the permit shall, prior to commencing work, inform the residents of the relevant area in accordance with the procedures referred to in Paragraph 27 of this Regulation, as well as perform the safety measures referred to in Paragraph 28 of this Regulation.

37. If a permit for aerial spraying of plant protection products is issued, the Service shall publish the decision on the website thereof, as well as in the newspaper “*Latvijas Vēstnesis*” [the official Gazette of the Government of Latvia].

38. A person shall, no later than within two days after aerial spraying of the plant protection product, submit to the Service a report on spraying, indicating the date and time when

spraying took place, the name of the plant protection product utilised, the quantity and dosage thereof, as well as information regarding the treated territory.

39. The person shall cover all expenditure related to the assessment prepared by the Service regarding the potential environmental impact and the potential impact on human and animal health of the plant protection product and risk analysis and which is necessary for taking a decision on the issue of a permit for aerial spraying of plant protection products, in accordance with the regulatory enactments regarding the price list of paid services provided by the Service.

V. Control of the Use of Plant Protection Products

40. In performing control of the use of plant protection products, the Service may take samples from plant protection products, soil, plants, plant products, prepared working solutions of plant protection products and other objects that might have come into contact with plant protection products. Samples shall be analysed in an accredited laboratory, for which the quality system "Good Laboratory Practice" has been introduced in the field of pesticide determination.

41. Samples shall be taken in representative (sufficient) quantity randomly. The Service shall take a sample of the plant protection product in accordance with the procedures specified in the regulatory enactments regarding placing on the market of plant protection products.

VI. Closing Provisions

42. Cabinet Regulation No. 463 of 29 April 2004, *Regulations Regarding Placing on the Market, Storage and Use of Plant Protection Products (Latvijas Vēstnesis, 2004, No. 69; 2009, No. 70, No. 166; 2010, No. 174)*, is repealed.

43. Until 1 January 2013 it shall be allowed to use and purchase plant protection products registered as Class One or Class Two for persons who have received a certificate attesting to the acquisition of basic knowledge about plant protection in accordance with the requirements referred to in Cabinet Regulation No. 463 of 29 April 2004, *Regulations Regarding Placing on the Market, Storage and Use of Plant Protection Products*.

44. The requirements referred to in Sub-paragraphs 14.2 and 34.4 of this Regulation in relation to inspection of equipment shall come into force on 26 November 2016.

45. The requirements referred to in Sub-paragraph 34.5 of this Regulation in relation to aircraft equipment shall come into force on 1 January 2013.

Informative Reference to the European Union Directive

This Regulation contains legal norms arising from Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides.

Prime Minister

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Minister for Agriculture

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