One year ago, the NAAC published a report* on amenity weed control, highlighting that tender documents are pushing contractors to cut corners and even break the law. This is helping to compromise best practice and driving down standards in the amenity sector. Inevitably, this may put the operator, public and the environment at unnecessary risk.

One year on, the NAAC believes that very little has changed. This is a disgrace. Urgent action is need by the Government and industry to ensure that amenity weed control is carried out safely and effectively.

1. Background

Amenity weed control is a high profile, very public operation which is often carried out in sensitive areas, such as in schools, on pavements, precincts and urban green spaces, often near drains, rivers and canals. It must therefore be carried out to high professional standards, by qualified operators, to protect the public and environment.

Lack of enforcement of pesticides legislation in the private/local authority sector is a disgrace and the NAAC believes that a huge effort is needed by Government and industry to bring the amenity sector in line with the agricultural application of pesticides.

As the recent Royal Commission on Environmental Pollution Report on Crop Spraying is digested, it referred to the ‘precautionary principle’, recommending additional measures for the spraying sector. However, the NAAC warns that, to be credible, current legislative requirements must be enforced in the amenity industry before even considering adding a further practical and legislative burden.

2. The Problem

Weeds can cause a public nuisance and create real safety issues. For example, on our transport network, weeds can obscure warning and direction signs; obstruct visibility for drivers; disrupt tarmac and clog drains, creating dangerous driving conditions. Weed growth can not only make an urban area look untidy and run down, it can create a real hazard by disrupting and raising walking surfaces and sports areas, creating trip points.

Weed control is therefore important and is usually carried out by contractors. Their major customers are local authorities and corporate businesses. However, this sector tends to be ruled by price rather than best practice.

In October 2004, the NAAC prepared a comprehensive report* focusing on the use of contractors in the local authority sector, which highlighted serious problems including:

2.1 Tender documents are often prepared and assessed by unqualified staff who lack the knowledge of pesticides to put together an appropriate contract.
This may lead to inappropriate requests being made of a contractor, due to a lack of understanding of the chemicals and processes involved. (In agriculture, this type of advisory role would require a specially qualified agronomist.)

*Weed Control in Public Spaces. Best Value, Best Practice or Best Price?* [http://www.naac.co.uk/bestvaluereport.pdf](http://www.naac.co.uk/bestvaluereport.pdf)

For example:

- There is still an expectation that a residual chemical will last a whole season;
- There is no understanding of a chemical’s restricted use with regard to watercourses. This results in inappropriate recommendations for use, which may lead to unacceptable levels of pesticides in water;
- There may be an expectation that contact and systemic chemicals will give lasting control;
- Specifications for timings can be very rigid, providing no regard for the most suitable application times or climatic conditions;
- Details of the contract specifications may be very vague with measurements being approximate, meaning that the contractor is expected to do his/her own measuring;
- There is often an expectation of total weed control, although the budget may only allow for 1-2 sprays, which is inadequate to maintain a completely weed-free area.

In addition, the contract may not allow the contractor to make the necessary investment in equipment and manpower to carry out a weed control contract effectively. As a result corners are likely to be cut.

For example, insufficient time is often allowed between the tendering process and the announcement of a suitable candidate. For example, a tender may be issued in November for an April 1 start. However the successful contractor may not be advised of the contract award until March, giving little or no time to prepare. A number of tenders are issued in March, April and May, at the onset of rapid weed growth giving unrealistic expectations for immediate control.

In addition, contracts are often only for one year and do not allow contractors to make sufficient investment year on year. In a one year contract there is little incentive to put in place an environmentally friendly contract, continuity being the key.

Finally, the weed control contract may be overlooked and under-resourced, being ‘lumped together’ with other operations such as grass cutting, litter collection and road sweeping. Weed control is a specialist operation and must only be carried out by trained, competent operators.

2.2 Despite a rigorous paperwork tendering process, price will often decide who wins a contract.

This encourages unscrupulous operators to give unrealistic quotes to get the job, knowing that corners will be cut to carry out the work. This may mean using untrained and uncertified operators; operators who do not speak English and therefore have little hope of understanding the labels or instruction; and not using protective equipment.

Professional contractors will put in a price based on doing the job properly, but are likely to be undercut. This places the professional in an unsustainable position.

2.3 There is little effective enforcement of the legislation or subsequent contract.

This means that if a contractor has stretched reality in the tendering process, corners can easily be cut, encouraging bad practice.

However, unlike the agricultural sector which is driven by assurance schemes, Government grants and supermarket buyers, the amenity sector has little incentive to improve. Whilst there are many
professional businesses supplying contracting services to the amenity sector, they are often undermined by ‘cowboy’ operators working without the necessary qualifications or training.

Inevitably this is forcing even the most professional operators to reassess their businesses as they continue to see contracts won by contractors who have put in an unrealistic price.

4. The Way Forward

Local authority, Government and industry stakeholder support and commitment are critical in improving standards within the amenity sector.

The importance of local authority/client commitment cannot be over-emphasized as, at present, some tender documents are driving forward bad practice. Until change is implemented and enforcement improved, inevitably, the safety of the public, operator and environment will continue to be put at risk.

The NAAC believes that the following changes are essential:

4.1 Contract specifiers are suitably qualified to put together a tender eg BASIS as a minimum. Alternatively, the contract specifier must take advice from a suitably qualified professional (ie BASIS qualified holder/contractor). Clients will then have a greater understanding of weed control issues so that contracts have realistic aims, a certain tolerance of weeds and ensure that only approved pesticides are used. In addition, clients must recognize that whilst weed control may be only a minor part of their overall budget, it must be properly resourced to get the job done safely and professionally to satisfy public requirements. Weed control contracts should only be awarded to those with the necessary skills and training.

4.2 Contractors are independently audited against a best practice standard to reach an assured status eg BASIS BACCS Scheme. This will encourage best practice, with an annual audit focusing minds to ensure that procedures are in place to, at least on paper, implement best practice. The NAAC does acknowledge that this step will only be effective if longer term enforcement/auditing of the contract also takes place (refer 4.3) Local authorities and clients should then only employ assured contractors.

4.3 Improved enforcement and checks by clients and Government enforcement agencies. This will help break the culture of bad practice, and start to encourage good practice and professional standards.

In addition, to allow contractors to provide an effective and professional service:

4.4 Contractors should be given greater notice if they are successful in a tender application to allow proper planning and investment.

4.5 Contract durations are extended to a minimum of two or three years, thus allowing for necessary investment in machinery and trained labour. The contract specifier should have the option to terminate a contract earlier based on poor performance. Alternatively if a one-year contract is issued, there should be an option to extend the contract, based on good performance.

4.6 Sufficient budgets must be allocated allowing professional contractors to tender and win the work.
4.7 A proforma ‘ideal tender’ is required to assist specifiers. This is likely to be provided by the new revised Code of Practice for the Safe Use of Plant Protection Products, to be published early 2006.

5. Bad Practice – But Who Cares?

The NAAC and professional contractors care because this issue will ruin the reputation of contractors and is bringing our industry into disrepute.

Agricultural spray operators, in particular, care because the amenity sector standards are falling well short of those set in the agricultural sector. At the same time, the agricultural sector is being pressured to raise standards.

The public care. The public want to see well cared for green spaces, but not at the expense of their safety or that of the surrounding environment.

The Voluntary Initiative and Amenity Forum care. The NAAC is represented on both committees. However, until this sector meets baseline legal standards across the board it is an almost impossible task to ask the sector to voluntarily join additional projects such as the National Sprayer Test Scheme, National Register of Sprayer Operators.

The Government needs to care.

The draft National Pesticides Strategy highlights the problems in the amenity spraying sector. However, it is essential that local authorities, Government and corporate clients show clear commitment to the sector and actually encourage best practice rather than ignoring bad practice.

6. Conclusion

In some local authorities unqualified specifiers are setting unrealistic targets and employing inappropriate contractors, based on price rather than best practice. As a result, contractors are being forced to cut corners, putting the safety of the operator, public and the environment at risk.

It is essential that Government supports the industry, and we work together to ensure that the tender and contracts in the sector are realistic, practical and resourced, encouraging best practice.

Current baseline standards must be enforced and audited by the local authority and enforcement bodies.

Government should not be pushed into adding an additional legislative burden on the spraying sector as this will mean the professionals will be forced to comply, whilst less professional operators continue to openly flout existing legislation.

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