



guardians of drinking water quality

DWI PR14 Guidance – Pesticides including Metaldehyde

1. At PR09 there were 86 time-limited statutory drinking water quality schemes in England (s19 Undertakings) that included catchment and other measures to address various pesticides (metaldehyde, clopyralid, carbetamide and propyzamide) that at that time were not easily removed by existing water treatment processes. All of these programmes of work are due to be completed by 31st March 2015. Water companies are required to submit interim progress reports to the Inspectorate by 31st March 2013, and, **by the same date, develop further measures to secure compliance if required.** By 31st March 2015, companies are required to submit a final report to the Inspectorate containing the conclusions and supporting evidence regarding the efficacy of all the measures set out in the Undertakings and interim reports.
2. We expect that companies will communicate to stakeholders the findings that are contained in the interim reports sent to the Inspectorate by 31st March 2013.
3. We recognise that in some cases the evidence in the interim reports may be inconclusive, and may indicate that more robust measures are required to secure compliance with drinking water standards. Potentially companies' evidence may demonstrate non-compliance with Article 7 of the Water Framework Directive¹ because of deterioration of water quality and also because of the potential need for additional water treatment that will significantly increase water treatment costs and associated carbon emissions to protect consumers. In these cases, we expect companies to already be working closely with the Environment Agency, Natural England and other stakeholders to ensure that the necessary controls are implemented, including appropriate regulatory mechanisms that fall within the environmental regulators' statutory competence to deliver.
4. Since the PR09 undertakings for metaldehyde were put in place, companies have reported evidence of significant benefits from catchment management activities in terms of reducing the risk of polluting substances entering water sources. Following the wettest year on record in England there appears to have been a setback with evidence of high levels of metaldehyde detected in some raw waters in late autumn 2012. We expect that all companies in England and Wales will have increased their monitoring of raw water in response to the exceptional weather related risks and, as a consequence, may have identified surface water sources to be at risk when hitherto this was not thought to be the case.
5. Catchment management should be regarded as an essential component of water companies' drinking water safety plan methodology for the supply of safe, clean drinking water. The protection of public health through the provision of wholesome water is the overriding statutory requirement. Therefore, where there is evidence that voluntary catchment control measures alone are unlikely to achieve compliance with standards or health related guidelines for other substances, within an appropriate timescale, companies have a duty to formally ask the Environment Agency to initiate action in

¹ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy

relation to other environmental regulatory mechanisms. Defra is currently undertaking a project "*Appraisal of cost effective policy instruments to tackle the impact from pesticides*" which will help future decision-making on alternative strategies.

6. We have considered whether Authorised Departures can be granted for the pesticide parameter under the provisions of Regulation 20 (England) or Regulation 21 in Wales. Regulation 20 transposes into law Article 9 of the Council Directive 98/83/EC on the quality of water intended for human consumption (the Drinking Water Directive). It is our understanding that the EU Commission would not accept as valid any new Article 9 derogation for two reasons: The 9 year period since the Directive came into force has expired, and there are other means of environmental regulatory action to control pesticides. Therefore we consider that we are not able to grant an authorised departure for pesticides.
7. We will continue to work with Defra, the Environment Agency and other regulators to identify actions that may be required to secure compliance with the Water Supply (Water Quality) Regulations.
8. Where undertakings are in place for pesticides and an interim report is due to be submitted to the Inspectorate by 31st March 2013, the report should contain the following information:
 - Details of all of the operational and compliance monitoring undertaken for the parameter(s) in catchments, at abstraction points, works inlets, within the treatment process, final waters and consumers' taps.
 - Details of all the work completed to date, including liaison with other regulators, stakeholders and land users. This should include work undertaken by other parties where this is part of the programme of work.
 - Details of operational measures put in place to control the parameter.
 - The outcome of any modelling work undertaken, for example to understand flows into catchments and potential point sources of the pollutant.
 - The outcome of any research work to which the company has contributed, for example remote monitoring, treatment, land management practices, alternative products.
 - Evidence of the benefits achieved to date of the work undertaken and the projected benefits to the end of the period covered by the undertaking and beyond.
 - Details of any further measures required to secure compliance with the Regulations.
 - Where further measures to secure compliance are required but the company has not yet been able to identify appropriate actions to secure compliance, evidence that the company has discussed this with the Environment Agency and the outcome of the discussions.

Companies are encouraged to submit one report covering all of their undertakings if that is appropriate.

9. Where further controls are needed in order to secure compliance with the Regulations then the Inspectorate will put in place legal instruments confirming the statutory requirements.
10. Where companies have identified new pesticide risks not already covered by a S19 Undertaking, proposals should be submitted to the Inspectorate with PR14 submissions.

11. Companies should refer also to **DWI Information Letter 01/2013: *The 2014 Periodic Review of Prices – Guidance on Drinking Water Quality Requirements*** and **DWI PR14 Guidance – Catchment Management Schemes**, both published in January 2013.

For further information on this guidance, please contact Jacqueline Atkinson, Inspector, Telephone Number: 0300 0686402; email: jacqueline.atkinson@defra.gsi.gov.uk