

**10.05.16**

**3.6 (9423) Deputy K.C. Lewis of St. Saviour of the Minister for Environment regarding the presence of Oxadixyl in Jersey's water supply:**

Further to the news on 28th April 2016 that Oxadixyl has been found in Jersey's water supply, will the Minister bring forward legislation to ban the use of certain high-strength domestic weed killers?

**Deputy S.G. Luce of St. Martin (The Minister for Environment):**

Before I get to the answer could I just address the phrasing of the Deputy's question which may unintentionally be causing some Members just a little bit of confusion? I just want to be clear that Oxadixyl is not a weed killer, it is a blight spray and it is, and has not been, a chemical which has been available to domestic users. It was withdrawn in 2003 and has not been used in the Island since that time. When it was used by potato growers it was approved and only applied by trained operatives using properly calibrated equipment. Turning to the answer for the Deputy, the Pesticides (Jersey) Law 1991 states that: "The Minister may by Order impose specified prohibitions in relation to pesticides of a description specified in the Order. He [the Minister] may provide for the approval of pesticides of any description and he may provide for the imposition of conditions on an approval when or after it is given. Those conditions may apply to importation, sales, supply, storage and the use of those pesticides. Further, if any pesticide has been imported into Jersey in contravention of any of the specified prohibitions or any condition of approval of the pesticide the Minister may require that it shall be removed out of Jersey." So the answer for the Deputy is that I do not need to bring forward legislation to ban specific pesticides because the power already exists.

**3.6.1 Deputy K.C. Lewis:**

I am aware of the different Oxadixyl being used to combat potato blight. My question really was pollution of our water supply generally. We have had problems in the past. Obviously at Portelet with the dumped potatoes, we have had P-Phos contaminating west of the airport.

[10:15]

We have had Oxadixyl in the St. Ouen area with Val de la Mare reservoir, and I understand there is chemical pollution of the east of the Island as well, in those reservoirs. I am sure that both Environment and Jersey Water are doing the very best they can but we live in an Island 9 by 5 with over 100,000 people now living here, we must be extremely careful. My question relates to the high strength domestic weed killers, most of which contain Glyphosate, which the European Union is considering banning. Most people when they use the weed killers domestically tend to use over strength and this is where the thrust of my question is coming from. Does the Minister believe that the high strength weed killers should be controlled and will he increase his amnesty for people who have garden sheds full of very toxic chemicals, sometimes going back 25 years, sitting on the shelf, which should be disposed of safely?

**The Deputy of St. Martin:**

I am happy to agree with the Deputy on all the points he raises there. I am also happy to say that I will extend the amnesty if he feels there is a need for me to do so. There is a distinction I could just make again between agricultural and domestic chemicals and he is quite right to point out that many domestic gardeners have garden sheds with chemicals and sprays; chemicals they have used for many years in the back of their sheds, which they dig out occasionally for certain problems that occur. In many cases some of these chemicals may well

have been banned and removed from the approved list many years ago. The danger also with the domestic user is that he has not necessarily followed a course for using a piece of equipment, which may not be properly calibrated. As the Deputy quite rightly points out, the temptation is always if you have a little bit of a problem to just add a bit more to make sure it goes away. We recently had a highlighted incident in St. Peter where a chemical called Diuron, which is used to spray weeds, usually on hard surfaces against a wall or on tarmac, was found in a reservoir and quite clearly that is a domestic user who has inadvertently used this chemical, probably through a watering can, and it has ended up in a reservoir. So I would agree with the Deputy. Domestic users need to be just as vigilant as agricultural professional users and I would just agree with the Deputy again, water is a precious commodity. It is vital to our Island and the safety of it is non-negotiable, and I will come down hard on anybody I find abusing that privilege.

### **3.6.2 Deputy M.R. Higgins:**

Can the Minister explain why it has taken 13 years - if it was last used in 2003 - for it to suddenly appear in the water supply? Or is it the fact that we have not been testing for it?

#### **The Deputy of St. Martin:**

I can confirm to the Deputy that we have not been testing for it in that time. The discovery of Oxadixyl in our water supply was a shock, not only to my department but also to Jersey Water. This chemical went out of use in 2003 and has not been used since. The half-life of the chemical in air and in the soil and in the sun is very short and after a number of months it disappears completely. What was not realised that if it gets into the water supply it sits there very happily for long periods of time without diluting. Jersey Water came across this chemical because they changed the lab that they use in England for testing their water and the new lab provided a test for Oxadixyl quite coincidentally where the other lab had not. Suddenly we had results coming back on to the Island which showed that Oxadixyl is present in our water. Since that time we have worked as a department very closely with Jersey Water and with the industry to increase our testing, up to 6 times more tests now being taken to identify where this problem is. But I have to say to the Deputy, I think he is quite correct in saying that the chemical has been there all this time and we have not detected it because the test was not being done.

### **3.6.3 Deputy M. Tadier:**

Further to a question I asked on 20th October 2015: does the Minister agree that we need a general ecocide law in Jersey under which all of these issues to do with pollution, irrespective of whether these are currently banned or yet to be banned, can be taken into account?

#### **The Deputy of St. Martin:**

What I can say to the Deputy is that he will be aware, I am sure, that a new Water Plan was going to be published by my department earlier this year. But when the chemical issue came to light I asked it to be taken back so we could re-emphasise the sections of it which applied to pesticides and chemicals generally. This new Water Plan will be coming out now in the summer and I can assure the Deputy that there will be areas in it ... he will see that we are concentrating very heavily on all pollutants or potential pollutants. The plan was initially targeted at nitrates but it now will certainly have an equal, if not more of a bearing, towards chemicals, pesticides that may or may not get into our water. I cannot reiterate enough that water is precious and on our Island we only have storage capacity and the desalination plant. What we store is really important to us and keeping it safe is vital.

### **3.6.4 Deputy P.D. McLinton of St. Saviour:**

I found my father clearing out his shed and Lord knows if you lost it, it is probably in there. There are any amount of strange chemicals I imagine at the back of that shed. Is there, as the question from Deputy Lewis is regarding the public's use of chemicals, a point of contact within the Environment Department where the public can call and ask a question with regard to some of the strange fluids they may have in their sheds and if not, will the Minister commit to having a point of contact for advice and also possibly a web page where some of the more web savvy might also go and find out the answers to their questions?

**The Deputy of St. Martin:**

I can say to the Deputy I will investigate the possibility of a website which will help those who wish to use computers. But certainly anybody who phones the Department of the Environment will be put through to the officers responsible, the officers with the knowledge, the officers with the list in front of them, and the trade name and the active ingredient within the trade name will be known to officers and advice can be given to all domestic users. As I said before to Deputy Lewis, I am happy to extend the amnesty and if domestic users have chemicals there I am sure they are very welcome to bring them to the department for correct disposal.

**3.6.5 Deputy G.P. Southern:**

It has taken over a decade for this problem to surface. Is the Minister aware of any other toxic materials in the pipeline, as it were, which may surface in the future. Has there been commercially-used insecticides or whatever used in the last decade which may cause problems going forward?

**The Deputy of St. Martin:**

I have to say to the Deputy, of all the chemicals we have used, presently and in the past, we are happy to confirm that none of them are giving us cause for concern to be above the safety limit. But there is one chemical, which we have identified quite recently, which is in use at the moment. It is an old chemical which has been used for quite some time. Mancozeb is the name and we, are at the moment, still identifying a test for it. That is work I have prioritised and we will shortly have that. The Deputy can be assured that I have told officers and I am working very closely with Jersey Water to make sure that this Oxadixyl-type incident does not happen again. I do not want to be in a position in 10 years' where we identify another chemical which we have not been testing for. I know that my officers in Jersey Water have taken this very seriously indeed.

**3.6.6 Deputy K.C. Lewis:**

It was the chemical Glyphosate which I was concentrating on, which appears not only in farmland but also in domestic products. I am aware that farmers undergo training and the correct use of herbicides and pesticides but regarding the general public, it is literally in small print on the back of a container. I am sure Jersey Water does its absolute best, along with the Environment Department to keep our water clean but there is no Plan B. Jersey Water can shut down reservoirs and blend with other reservoirs but if all Island reservoirs become polluted we are in serious trouble. Hopefully the Minister will take this on board and, as he said, come down heavily on any misuse of chemicals; does the Minister not agree?

**The Deputy of St. Martin:**

I do, and the Deputy quite rightly highlights the fact that while we have a number of reservoirs on the Island we have 2 that provide the vast majority of our water storage. One at Val de le Mare at the west and Queen's Valley in the east, and it is an absolute priority to make sure that those 2 reservoirs do not become contaminated. I know that Jersey Water are prioritising the updating and doubling in capacity of their desalination plant at La Moye. That work will be

finishing towards the end of the summer and certainly I have asked them to prioritise other works to safeguard our 2 main water storage areas. But I can only agree with the Deputy that water has to be safeguarded as much as we possibly can.