

## FSC® INTERNATIONAL PROCEDURE

### Pesticide Derogation Procedure

FSC-PRO-30-001 V1-0 EN



**Title:** Pesticide Derogation Procedure

**Document reference code:** FSC-PRO-30-001 V1-0 EN

**Approval:** FSC Board of Directors

**Contact for comments:** FSC International Center  
- Policy and Standards Unit -  
Charles-de-Gaulle-Str. 5  
53113 Bonn, Germany



+49-(0)228-36766-0



+49-(0)228-36766-30



[pesticides.policy@fsc.org](mailto:pesticides.policy@fsc.org)

© 2014 Forest Stewardship Council, A.C. All rights reserved.

No part of this work covered by the publisher's copyright may be reproduced or copied in any form or by any means (graphic, electronic or mechanical, including photocopying, recording, recording taping, or information retrieval systems) without the written permission of the publisher.

Printed copies are uncontrolled and for reference only. Please refer to the electronic copy on the FSC website ([www.fsc.org](http://www.fsc.org)) to ensure you are referring to the latest version.

## PESTICIDE DEROGATION PROCEDURE

FSC-PRO-30-001 V1-0 EN

The Forest Stewardship Council® (FSC) is an independent, not for profit, non-government organization established to promote environmentally appropriate, socially beneficial, and economically viable management of the world's forests.

FSC's vision is that the world's forests meet the social, ecological, and economic rights and needs of the present generation without compromising those of future generations.

## INTRODUCTION

In relation to pesticides, the FSC Principles and Criteria aim to prevent, minimise and mitigate the negative environmental and social impacts of pesticides use whilst promoting economically viable management of the world's forests.

In accordance with the FSC Pesticides Policy, pesticides containing any of the active ingredients listed in the *FSC list of 'highly hazardous' pesticides* (HHP) shall not be used in FSC-certified Management Units except in specific circumstances authorized by the FSC Board of Directors through the issuance of a formal temporary derogation.

FSC takes a precautionary approach to pesticide use, in part because experience has repeatedly shown the difficulty of ensuring consistent proper use, and the limits of knowledge of the ecological and environmental impacts of pesticides and the consequent unforeseen consequences of their use.

## VERSION HISTORY

FSC-PRO-01-004 V1-0 was approved by the FSC Board of Directors at their 40<sup>th</sup> meeting in December 2005. This version was again reviewed in August-September 2006 taking into account the solicited stakeholder input.

FSC-PRO-01-004 V2-0 was approved by the FSC Executive Committee on the 5<sup>th</sup> of May 2007. An amendment to Section 5.13 of this procedure was approved by the FSC Pesticides Committee in June, 2007.

FSC-PRO-01-004 V2-2 specifies the process in case of emergencies and includes some minor amendments throughout the document. It also introduces the option of a preliminary approval in the case of precedents. The revised procedure was approved by the Head of the Policy and Standards Unit on 25 October 2009.

FSC-PRO-30-001 V1-0: introduces the option of national derogation review processes as proposed by the FSC Pesticides Policy (FSC-POL-30-001 Clause 2.1 b) and GA Motion 2011:23. We also used the opportunity to align the document code with the FSC Pesticides Policy for clarity and consistency.

## **Contents**

- A Objective
- B Scope
- C Effective date
- D References
- E Terms and definitions

### **Part I - General Requirements**

- 1 Basic principles
- 2 Roles and responsibilities

### **Part II - The 'National Integrated Pest Management (IPM) Advisory Group'**

- 3 Setting up a 'National IPM Advisory Group'
- 4 Operations of the 'National IPM Advisory Group'

### **Part III - Applying For Derogation**

- 5 Preparing an application
- 6 Submitting an application
- 7 Joint applications and 'late-comers'
- 8 Emergency use of HHP
- 9 HHP use mandated or carried out by public authorities
- 10 HHP use for research purposes
- 11 Renewal of derogations

### **Part IV - Decision Making**

- 12 General principles
- 13 Evaluation of applications
- 14 Decision making
- 15 Evaluation of notifications in cases of emergency or public use

### **Part V - Other Issues**

- 16 Appeals
- 17 Changes in the FSC 'highly hazardous' pesticides list

**Annex 1:** Application form for a temporary derogation to use a 'highly hazardous' pesticide

**Annex 2:** Notification form for an emergency use of a 'highly hazardous' pesticide in the case of emergency or decree by public authorities

**Annex 3:** Decision support system (DSS) for decision making on derogation applications.

**Annex 4:** Application form to register a 'National IPM Advisory Group'

**Annex 5:** Minimum elements for the Terms of Reference / Operational Procedures of the 'National Pest Management Group'

**Annex 6:** Fee Structure

## A Objective

The objective of this procedure is to ensure that applications for derogations to the FSC Pesticides Policy are handled transparently, consistently, efficiently, timely and in compliance with the FSC Pesticides Policy.

## B Scope

This procedure applies to staff of the FSC Policy and Standards Unit as well as to FSC-accredited certification bodies, FSC certificate holders (or applicants for certification), FSC National Offices, National IPM Advisory Groups and FSC Technical Advisors.

All aspects of this procedure are considered to be normative, including the scope, effective date, references, terms and definitions, tables and annexes, unless otherwise stated.

## C Effective date

Approval date	March 2015
Publication date	1 <sup>st</sup> June 2015
Effective date	1 <sup>st</sup> September 2015
Period of validity	until 31 <sup>st</sup> August 2020 (or until replaced or withdrawn)

## D References

The following referenced documents are relevant for the application of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

*FSC-STD-01-001 FSC Principles and Criteria*  
*FSC-POL-30-001 FSC Pesticides Policy*  
*FSC-STD-01-005 FSC Dispute Resolution System*  
*FSC-PRO-01-005 Processing Appeals*

FSC normative documents superseded and replaced by this procedure and its addendum

*FSC-ADV-30-001 V1-0 Mosquito nets treated with a 'highly hazardous' pesticide*  
*FSC-ADV-30-002 The FSC Fee Structure For Processing Pesticides Derogation Applications*  
*FSC-PRO-01-004 V2-2 Processing Pesticide Derogation Applications*  
*FSC-PRO-01-004a Checklists and forms for pesticide derogation applications*  
*FSC-GUI-30-001a FSC approved derogations for the use of 'highly hazardous' pesticides in FSC-certified forests and plantations*

## E Terms and definitions

For the purposes of this procedure, the terms and definitions given in *FSC-STD-01-002 FSC Glossary of Terms*, and the following apply:

**Derogation:** is a temporary approval from the FSC Board of Directors acting through the FSC Pesticides Committee, to use a 'highly hazardous' pesticide in a FSC certified forest Management Unit, subject to certain conditions.

**Emergency:** Emergencies may include sudden invasions or infestations of pests, weed plants, diseases, or dramatic changes in vegetation composition, which threaten ecological stability and long-term functioning of the forest ecosystem or human well-being. Emergency situations require immediate action and cannot feasibly be controlled by pesticides not listed on the list of FSC's 'highly hazardous' pesticides. Scenarios which are predicted through planning, monitoring or the application of an integrated pest management system cannot be described as emergencies. Where a pest outbreak can be predicted and a listed 'highly hazardous' pesticide is identified as the only feasible control then a derogation shall be sought through the regular application channel.

**FSC National Office:** a legally established and independent FSC partner organization promoting responsible management of the world's forests on behalf of FSC at the national level on the basis of a formal cooperation agreement. National Offices are required to establish a multi-stakeholder governance structure, similar to that of FSC AC.

**FSC Pesticides Committee:** Decision making body, acting on behalf of the FSC Board of Directors. The Committee decides on derogation applications and consists of the FSC Policy Director, the FSC Program Manager for Forest Management, and the FSC Pesticide Derogation Administrator. The Committee may consult the Technical Advisors and additional experts as necessary.

**'Highly hazardous' pesticide (HHP):** Pesticides that FSC considers to be 'highly hazardous' based on published technical indicators and associated thresholds approved by the FSC Board of Directors.

**Integrated Pest Management (IPM):** Pest and disease control method, where preventive measures and biological/physical/chemical methods are carefully selected and balanced taking into account the protection of health of humans and of the environment.

**National IPM Advisory Group:** Optional group of impartial individuals with local expertise in forest management and integrated pest management (IPM) with the mandate to review applications for the use of 'highly hazardous' pesticides from certificate holders in their country in line with the FSC Pesticides Policy and this procedure and make recommendations to the FSC Pesticides Committee. The Group needs to be formally established by an FSC National Office and approved and registered by the FSC International Center before being able to operate. The Group may voluntarily take on additional tasks in the context of the FSC Pesticides Policy (e.g. researching or advising on alternatives).

**NOTE:** on request and upon approval of FSC IC, the 'National IPM Advisory Group' may also review applications from other countries within the region, where no FSC National Offices have been established.

**Pest:** Organisms, which are harmful or perceived as harmful and as prejudicing for the achievement of management goals, human health, livestock or biodiversity. Some pests, especially introduced exotics, may also pose serious ecological threats, and suppression may be recommended. They include animal pests, plant weeds, pathogenic fungi and other micro-organisms.

**Pesticide:** Any substance or preparation prepared or used in protecting plants or wood or other plant products or human health or livestock or biodiversity from pests; in controlling pests; or in rendering such pests harmless. (This definition includes insecticides, rodenticides, acaricides, molluscicides, larvaecides, fungicides and herbicides).

**Technical Advisors:** Independent international experts on pesticides use in forestry, appointed by the FSC Board of Directors, providing technical advice to the FSC Pesticides Committee.

## **PART I - GENERAL REQUIREMENTS**

### **1 Basic principles**

- 1.1 Each FSC-certified organization shall use an Integrated Pest Management (IPM) system as required by the FSC Principles and Criteria in order to avoid, or aim at eliminating, the use of chemical pesticides.
- 1.2 Each FSC-certified organization that identifies the need to use a 'highly hazardous' pesticide (HHP) through the Integrated Pest Management system shall individually or jointly apply for a derogation from the FSC Board of Directors acting through the FSC Pesticides Committee (see Part III, below). The need for using a 'highly hazardous' pesticide may arise from protecting the forest against pests or hazards, protecting human health or livestock, or protecting the biodiversity.
- 1.3 Organizations applying for FSC certification that are using a pesticide classified by FSC as 'highly hazardous', shall discontinue the use of the pesticide or obtain a derogation before an FSC certificate can be granted.
- 1.4 The use of a 'highly hazardous' pesticide by FSC certified organizations without valid derogation is temporarily permitted where:
  - a) A new pesticide becomes listed by FSC as 'highly hazardous' and the organization is in the process of applying for derogation (see Section 17, below) and the decision is pending;
  - b) An application for renewal of a previously approved derogation has been submitted to FSC within the recommended timeline and the decision is pending (see Section 11, below);
  - c) An emergency situation requires an urgent use of a 'highly hazardous' pesticide (see Section 8, below);
  - d) It is ordered or carried out by governmental authorities (see Section 9, below).
  - e) It has research purposes. In this case a formal approval from the Pesticides Committee is needed. (see Section 10, below).
- 1.5 The use of plants (e.g. seedlings) or products (e.g. fence posts, mosquito nets<sup>1</sup>) in the Management Unit that were treated with 'highly hazardous' pesticides at locations out of the scope of the certificate does not require a derogation. Measures to protect workers and the environment shall be taken to mitigate the risks associated with the handling of treated material.

NOTE: National FSC Forest Stewardship Standards may restrict the exceptions in Clause 1.5.

- 1.6 The unauthorized use of 'highly hazardous' pesticides in an FSC-certified Management Unit shall be considered a major nonconformity.

### **2 Roles and responsibilities**

- 2.1 FSC-certified organizations (and applicants for certification) are responsible for:
  - a) Applying individually or jointly for a derogation for the use of 'highly hazardous' pesticides from the FSC Pesticides Committee through their certification body;

---

<sup>1</sup> Limited to nets officially registered as 'WHO recommended long-lasting insecticidal mosquito nets'. Should the WHO withdraw the use of any of its previously recommended 'product type', the FSC certified operation shall stop the use of insecticide treated mosquito nets within 12 months of its withdrawal.

- b) Implementing any conditions that are determined by the FSC Pesticides Committee in relation to the approved use of 'highly hazardous' pesticides;
- c) Recording quantitative data of the use of pesticides including 'highly hazardous' pesticides under derogation in FSC-certified Management Units.

2.2 Where a 'National IPM Advisory Group' is established (see Part II, below), the FSC National Office is responsible for:

- a) Managing and administering the 'National IPM Advisory Group';
- b) Reviewing the recommendations from the 'National IPM Advisory Group' for completeness and submitting them to the FSC Pesticides Committee through the FSC Policy and Standards Unit for decision making.
- c) Keeping records of the members, registration, meetings and reports from the 'National IPM Advisory Group', applications submitted by the certification bodies and decisions from the Pesticides Committee.

NOTE: Where no 'National IPM Advisory Group' exists, FSC National Offices have no formal role in the pesticides derogation process in the context of this procedure and would be considered a normal "stakeholder". The National Offices may however offer to carry out stakeholder consultation or support the stakeholder consultation process in the country.

2.3 Where existing, 'National IPM Advisory Groups' are responsible for:

- a) Evaluating applications for derogations from FSC-certified organizations (or applicants for certification) from their country or region (depending on the approved geographical scope);
- b) Providing impartial technical recommendations to the FSC Pesticides Committee in support of the decision making process.
- c) Analyzing the circumstances of public authority orders to use a 'highly hazardous' pesticide and involve public authority officials and certificate holders in exploring potential alternatives to its use.

2.4 FSC-accredited certification bodies are responsible for:

- a) Advising their clients on the need for derogation if 'highly hazardous' pesticides are used or planned to be used in an FSC-certified Management Unit, on the pesticides derogation process and on the appropriate derogation application mechanism;

NOTE: Certification bodies may support their clients in collecting the required information and conducting the stakeholder consultation process in order to prepare an accurate and complete application.

- b) Evaluating the derogation applications of their clients for accuracy and completeness and submitting them to the FSC Pesticides Committee.
- c) Evaluating the eligibility of 'latecomers' to join an approved derogation and submitting a notification to the FSC Pesticides Committee for formal approval.
- d) Collecting the derogation administration fee and transferring it to FSC;
- e) Submitting notifications to the FSC Policy and Standards Unit in cases of emergency or mandated use by public authorities of 'highly hazardous' pesticides;
- f) Submitting formal requests to the FSC Pesticides Committee in cases of use of 'highly hazardous' pesticides for research purposes.

- g) Evaluating the use of 'highly hazardous' pesticides and the implementation of derogation conditions in each audit;
- h) Reporting quantitative data on the annual use of pesticides and the results of evaluating the implementation of the derogation conditions in each audit report.

2.5 The FSC Policy and Standards Unit is responsible for:

- a) Reviewing applications from FSC-certified organizations (and applicants for certification) and recommendations from 'National IPM Advisory Groups' for accuracy and completeness;
- b) Managing the relationship with the FSC Pesticides Committee, the Technical Advisors, FSC-accredited certification bodies and National Offices hosting 'National IPM Advisory Groups';
- c) Providing transparent, consistent, efficient and timely processing of applications.
- d) Managing the pesticides derogation program, including the FSC list of 'highly hazardous' pesticides, the FSC list of approved derogations, and monitoring the overall implementation of the FSC Pesticides Policy.

2.6 The Technical Advisors to the FSC Pesticides Committee are responsible for:

- a) Reviewing applications for derogations on behalf of the FSC Pesticides Committee;
- b) Providing impartial technical recommendations to the FSC Pesticides Committee in support of decision making;
- c) Reviewing the implementation of derogation conditions;
- d) Providing technical advice to the FSC Pesticides Committee.

2.7 The FSC Pesticides Committee is responsible for:

- a) Evaluating and deciding on derogation applications from FSC-certified organizations (and applicants for certification) in accordance with the FSC Pesticides Policy and associated rules and procedures in a transparent, consistent and timely manner.

## **PART II - THE 'NATIONAL IPM ADVISORY GROUP'**

### **3 Setting up a 'National IPM Advisory Group'**

- 3.1 FSC National Offices are eligible to set up a 'National IPM Advisory Group' if the National FSC Board decides to get involved in the pesticides derogation process for the benefit of FSC-certified organizations (and applicants for certification) in their country.
- 3.2 A National Office can apply for the approval and registration of a 'National IPM Advisory Group' by submitting the attached form (see Annex 4) to the FSC Policy and Standards Unit. The establishment of the 'National IPM Advisory Group', as well as any change in its composition, needs to be approved by the FSC Policy and Standards Unit.

NOTE: A National Office may apply for an expanded geographic scope to enable the 'National IPM Advisory Group' to also review applications from countries within the region, where no FSC National Offices have been established. The expanded scope requires special approval by the FSC Policy and Standards Unit.

- 3.3 The National FSC Board shall appoint two (2) or more independent<sup>2</sup> experts on pest management to be members of the 'National IPM Advisory Group'.
- 3.4 The National Office shall provide the members of the 'National IPM Advisory Group' with a copy of this procedure and a set of Terms of Reference, regulating at minimum the issues of operations, impartiality and confidentiality.
- 3.5 The Terms of Reference for the 'National IPM Advisory Group' shall further include, but not be limited to, the elements listed in Annex 5.
- 3.6 FSC National Offices hosting a 'National IPM Advisory Group' may develop a fee scheme to cover their costs for administering the national IPM Advisory group. These fees would be charged in addition to the fees charged by FSC International according to Annex 6.

#### **4 Operations of the 'National IPM Advisory Group'**

- 4.1 The 'National IPM Advisory Group' shall be responsible to their National FSC Board and shall operate according to their Terms of Reference, the FSC Pesticides Policy, and this procedure.
- 4.2 The National Office shall inform the FSC Policy and Standards Unit within ten (10) days where a 'National IPM Advisory Group' stopped operating or ceases to exist. Any applications received in the absence of a 'National IPM Advisory Group' shall be forwarded to the FSC Policy and Standards Unit.

### **PART III - APPLYING FOR DEROGATION**

#### **5 Preparing an application**

- 5.1 Each FSC-certified organization (or applicant for certification) that identifies the need to use 'highly hazardous' pesticides in their operations shall individually or jointly apply for derogation from the FSC Pesticides Committee.
- 5.2 A separate application shall be submitted for each respective active ingredient.
- 5.3 In order to apply for derogation, the application form provided in Annex 1 shall be used. The detail of information provided shall reflect the scale, intensity and risk (SIR) of the forest operation and their pesticides use.
- 5.4 The application shall include evidence of demonstrated need justifying the temporary use of a 'highly hazardous' pesticide as the only current socially, environmentally and economically feasible way of controlling forest pests or hazards, protecting human health or livestock or protecting biodiversity within the requested scope of derogation.  

NOTE: The use of a 'highly hazardous' pesticide by a derogation holder to control a species, which is not included in the scope of the approved derogation, will require approval from the Pesticides Committee.
- 5.5 The application shall specify the controls that are in place to prevent, minimize and mitigate negative social and environmental impacts associated with the use of the 'highly hazardous' pesticide, covering at minimum weather conditions, application method, water courses, land use or terrain and safety of workers.
- 5.6 The application shall specify the Organization's programs in place to investigate, research, identify and test alternatives to the 'highly hazardous' pesticide, with clear actions, timelines, targets and resources allocated.

---

<sup>2</sup> Not directly associated with the certificate holders and pesticides industries through a contractual relationship.

- 5.7 The application shall demonstrate that during a minimum 45-day public consultation period, affected stakeholders (e.g. the neighboring communities) and other stakeholders (e.g. social and environmental NGOs, environmental departments/authorities, forest/fisheries departments, National FSC Offices, etc.) were given the opportunity to comment on the derogation application and affected stakeholders have agreed (with the applicant) on the measures for preventing, minimizing and mitigating negative social and environmental impacts associated with the use of the 'highly hazardous' pesticide.

NOTE: If the affected stakeholders and the applicant are unable to reach agreement on these measures, the proposed measures shall be submitted as part of the derogation application and be reviewed by the FSC Pesticides Committee.

## **6 Submitting an application**

- 6.1 The certificate holder(s) (or applicant for certification) shall pass on to the certification body the derogation application together with any supportive evidence.
- 6.2 The certification body shall evaluate the application for its eligibility, accuracy and completeness (in line with this procedure) and shall submit the application together with the supportive evidence to the National FSC Office (in countries where a 'National IPM Advisory Group' exists) or to the FSC Pesticides Committee through FSC Policy and Standards Unit (where a 'National IPM Advisory Group' does not exist). Applications submitted to a National Office shall also be copied to the FSC Policy and Standards Unit.

NOTE: Incomplete applications will not be processed until the missing information has been submitted.

- 6.3 Each FSC-certified organization (or applicant for certification) shall pay a fee per application to FSC AC to cover the costs of the evaluation and administration of the pesticides derogation system. The fee shall be collected by the certification body and passed on to FSC AC.

NOTE: The fee structure of FSC International is presented in Annex 6. National Offices may charge additional fees for administrating a national derogation system.

## **7 Joint applications and 'late-comers'**

- 7.1 In order to minimize the administrative burden, certificate holders located in the same country are encouraged to submit a joint application if they are facing similar challenges and have identified similar needs for the use of 'highly hazardous' pesticides.
- 7.2 The certification body shall confirm the eligibility of each organization to apply jointly with other organizations for an application.
- 7.3 In the case of a joint application, the application form (see Annex 1) can cover all certificate holders participating in an application.
- 7.4 The information on requirements 1) through 4) in Part 2 'Specific information' in Annex 1 shall be specifically provided for each forest management enterprise. However, in cases where multiple companies within a region can demonstrate that they have common protocols; this information may be provided together. Specific aspects, as local public consultation, shall be provided separately for each certification holder.
- 7.5 A joint derogation application from two or more certification bodies seeking derogation for the same pesticide in the same country or region is possible, provided that all applicable requirements of this procedure are followed.

- 7.6 After the approval of a derogation and up to six months before the expiry date additional certificate holders ('late-comers') may apply to join a derogation for the remaining period of validity, provided that:
- a) The original application covers their same situation (same demonstrated need, same measures to prevent, minimize and mitigate impacts, same program to identify, investigate and test alternatives, and affected stakeholders and other stakeholders consulted during the original application process) and therefore they are able to demonstrate their eligibility to be covered by the derogation. If during the original application process, the directly affected parties were not consulted, a local public consultation shall be conducted to be eligible to join the derogation.
  - b) They are paying the fee for 'late-comers'.
- 7.7 The certification body shall evaluate the eligibility of each 'late-comer' to join an approved derogation and submit a notification to the FSC Pesticides Committee for formal approval using Part 1 'General information' in Annex 1. The Pesticides Committee will update the derogation and inform the certification body in writing.

NOTE: If the original application does not cover the same situation or the certification body cannot guarantee the eligibility of the 'late-comer', the applicant shall apply for a derogation as per clause 5 and clause 6.

## **8 Emergency use of HHP**

- 8.1 If an emergency situation requires the timely use of a 'highly hazardous' pesticide on certified lands, the certificate holder can start using the pesticide in the absence of a derogation from the FSC Pesticides Committee.
- 8.2 In this case, the certificate holder shall inform its certification body of the emergency within thirty (30) days of starting the use of the pesticide using the attached emergency notification form (Annex 2), including an explanation on the nature of the emergency and the justification for the use of the 'highly hazardous' pesticide. The notification shall include a timeline and specify whether this was a one-time occurrence or whether the use is likely to be continued or repeated.
- 8.3 Failure to inform the certification body shall be considered a major nonconformity.
- 8.4 If the use of the 'highly hazardous' pesticide is likely to be continued or repeated (e.g. in the case of periodical pest events), the submission of a 'normal' derogation application is required within nine (9) months of starting the use of the pesticide.
- 8.5 The certification body shall inform the FSC Pesticides Committee through the FSC Policy and Standards Unit of the occurrence of the emergency within ten (10) days of the receipt of the notification. The information shall include a copy of the certificate holder's notification together with a brief written evaluation by the certification body if from their perspective the emergency use was justified or if it constitutes a violation of the FSC Pesticides Policy.

## **9 HHP use mandated or carried out by public authorities**

- 9.1 If a public authority orders the use of a 'highly hazardous' pesticide on certified lands, the certificate holder can start using the pesticide in the absence of a derogation from the FSC Pesticides Committee.
- 9.2 In this case, the certificate holder shall inform its certification body of the use within thirty (30) days of receiving the decree, using the attached notification form (Annex 2). The notification shall include a copy of the decree.

- 9.3 The certification body shall also be informed by the certificate holder when a public authority is directly applying a 'highly hazardous' pesticide on their certified lands, within thirty (30) days of the application.
- 9.4 Failure to inform the certification body shall be considered a major nonconformity.
- 9.5 When the 'highly hazardous' pesticide was used in a public forest, the notification shall include a description that demonstrates the impartiality of the decision making process of the public authority mandating or using the 'highly hazardous' pesticide from the public authority owning or managing the forest. Failure to demonstrate the impartiality shall be considered a major nonconformity.
- 9.6 The certification body shall inform the FSC Pesticides Committee through the FSC Policy and Standards Unit and the 'National IPM Advisory Group' (where existing) of the use within ten (10) days of the receipt of the notification. The information shall include a copy of the certificate holder's notification and the decree. The certification body shall add a brief written evaluation if from their perspective the situation was justified or if it constitutes a violation of the FSC Pesticides Policy.
- 9.7 The 'National IPM Advisory Group' shall analyze the circumstances of the case and involve public authority officials and certificate holders in exploring potential alternatives to the use of the prescribed 'highly hazardous' pesticide. The outcome of the analysis shall be submitted to the FSC Policy and Standards Unit within three (3) months of the notification by the certification body.
- 9.8 If the use of the 'highly hazardous' pesticide is likely to be continued or repeated (e.g. in the case of periodical pest events), the submission of a 'normal' derogation application is required within nine (9) months of starting the use of the pesticide.

## **10 HHP use for research purposes**

- 10.1 The use of a HHP for research purposes does not need derogation but a previous formal approval from the Pesticides Committee.
- 10.2 The size of the research site shall not exceed 5% of the total area of the Management Unit.
- 10.3 The certificate holder(s) (or applicant for certification) shall pass on to the certification body a formal request stating:
- a) Name of HHP, unless this is business confidential.
  - b) Brief description of the research project.
  - c) Target organism(s).
  - d) Size and location of the areas on which the HHP will be applied.
  - e) Controlled conditions under which the HHP will be used.
  - f) Expected research timeframe.
  - g) Frequency with which PSU will be updated about this research.
- 10.4 The request shall be submitted to the FSC Pesticides Committee by the certification body for approval. The Pesticides Committee will inform the certification body of the decision in writing.

## **11 Renewal of derogations**

- 11.1 Derogations shall only be renewed where there is a demonstrated continued need, the applicant can clearly demonstrate that the program to identify alternatives has been fully implemented but failed to identify acceptable alternatives in the available

timeframe and the requirements and conditions set in the previous derogation approval have been met.

11.2 The application for renewal of derogation shall follow the same process as described above for initial applications, with the following differences:

11.2.1 The application for renewal must be supported by a report on the implementation of the Integrated Pest Management System over the full period of the existing derogation.

11.2.2 The report shall further include:

- a) Brief description of the silvicultural system in the MU(s) included in the scope of the requested derogation.
- b) A list of the monitored pest organisms.
- c) The results of the annual monitoring of the target species in relation to the defined thresholds.
- d) Quantitative data of the use of 'highly hazardous' pesticides per year for the full period of the existing derogation, areas of application and application method.
- e) A description of the programs that have been implemented to investigate, research, identify and test alternatives to the 'highly hazardous' pesticide, and the results.

11.2.3 Where the last public consultation covering all the scope of the derogation was conducted more than three (3) years ago, it shall be repeated and presented as part of the application for renewal. Otherwise, the last public consultation is still considered valid.

11.2.4 The application for renewal must be supported by a confirmation of the certification body regarding the compliance of the applicant with the requirements and conditions set in the previous derogation approval.

11.3 Report size and level of detail shall reflect the scale, intensity and risk of the operation and their pesticides use.

11.4 The application form provided in Annex 1 shall be used for applications for renewal.

NOTE: Incomplete applications for renewal will not be processed until any missing information has been submitted.

11.5 In order to ensure continuous derogation, applications for renewal should be submitted not later than six (6) months before the expiry date of the existing derogation.

11.6 Where an application has been submitted on time (as per Clause 11.5, above), the certificate holder may continue to use the 'highly hazardous' pesticide while the application for renewal is being processed, until a decision has been taken. Otherwise the use of the pesticide must be stopped at the expiry date of the existing derogation until a new derogation has been granted.

## **PART IV - DECISION MAKING**

### **12 General principles**

12.1 All applications shall be evaluated on the basis of documented evidence of compliance with the requirements specified in the FSC Pesticides Policy and associated rules and procedures.

- 12.2 Derogation applications shall only be approved if the applicant complies with the applicable criteria and indicators in Annex 3.
- 12.3 Derogations shall be approved for a maximum period of five (5) years. Expired derogations may be renewed on re-application (see Section 11, above).

### **13 Evaluation of applications**

#### **Countries with a 'National IPM Advisory Group'**

- 13.1 The 'National IPM Advisory Group' shall evaluate all derogation applications received from FSC-certified organizations (or applicants for certification) from their country or region (according to the approved geographic scope).
- 13.2 The 'National IPM Advisory Group' shall prepare and submit an evaluation report including any recommendations and conditions to the FSC Pesticides Committee for decision making.
- 13.3 The evaluation report shall include at least:
- a) Summary and conclusions.
  - b) Position of the 'National IPM Advisory Group' regarding the compliance of the applicant with the applicable criteria and indicators in Annex 3.
  - c) Recommendation for approval, request for more information, or rejection, and justification.
  - d) Conditions for approval.
- 13.4 The evaluation and submission of the report should be completed within three (3) months from receipt of the application.

#### **Countries without a 'National IPM Advisory Group'**

- 13.5 Completed derogation applications from certificate holders in countries without a 'National IPM Advisory Group' will be processed by the FSC Policy and Standards Unit within three (3) months of receipt of the application.
- 13.6 The applications will be evaluated by the Pesticides Technical Advisors who should provide their recommendation to the FSC Pesticides Committee within four (4) weeks of receiving the application.

### **14 Decision Making**

- 14.1 The FSC Pesticides Committee shall strive to take decisions in consensus. Where consensus cannot be achieved, decisions shall be made by a simple majority vote.
- 14.2 The FSC Pesticides Committee shall decide on the derogation application based on the recommendations of the Pesticides Technical Advisors or the 'National IPM Advisory Group'. The decision may consist of approval (with or without conditions), request for more information, or rejection.
- 14.3 When the FSC Pesticides Committee has taken its decision, the FSC Policy and Standards Unit will inform the certification body and the National Office responsible for the application of the decision and any conditions in writing. Reasons for a rejection or the imposition of conditions will be provided in writing. It is the responsibility of the certification body to forward the decision and to monitor the implementation of the conditions.

NOTE: When an application for the use of 'highly hazardous' pesticides has been rejected and the decision has been communicated, the continued or repeated use of the pesticide shall constitute a major nonconformity.

- 14.4 In cases where forest management circumstances (e.g. due to the seasonality of pest or management cycles) require the use of a 'highly hazardous' pesticide before the application evaluation process is finished, the FSC Pesticides Committee may grant a preliminary derogation upon request until the application evaluation process is finished, if the applied use has been granted in comparable situations or where an approval is likely.

## **15 Evaluation of notifications in cases of emergency or public use**

- 15.1 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:
- a) If the use of the 'highly hazardous' pesticide was justified under the circumstances presented. In this case the use shall be discontinued within three (3) months of the initial use of the pesticide. Failure to do so shall constitute a major nonconformity. A formal derogation application in addition to the notification is not required; OR
  - b) If the use of the 'highly hazardous' pesticide was justified under the circumstances presented, and the continued or repeated use of pesticides requires an approved derogation. In this case the certificate holder and its certification body shall submit a complete derogation application within nine (9) months of the initial use of the pesticide. Failure to do so shall constitute a major nonconformity; OR
  - c) If the use of the 'highly hazardous' pesticide was not justified under the circumstances presented in which case its continued or repeated use shall constitute a major nonconformity. Following the complete discontinuation to use the pesticide for which the emergence use has been rejected, the certificate holder may formally submit an application for derogation.
- 15.2 The FSC Pesticides Committee may consult the 'National IPM Advisory Group' and/or the Pesticides Technical Advisors during the evaluation of notifications, as necessary.

## **PART V - OTHER ISSUES**

### **16 Appeals**

- 16.1 If an applicant for derogation disagrees with the decision of the FSC Pesticides Committee, the applicant may modify the original derogation application or provide additional supporting documentation to respond to any issues identified by the FSC Pesticides Committee, and then resubmit the derogation application.
- 16.2 Alternatively, an appeal may be submitted within thirty (30) days according to the FSC appeals procedure.

### **17 Changes in the FSC 'highly hazardous' pesticides list**

- 17.1 Certification bodies and National Offices will be informed by the FSC Policy and Standards Unit of any new pesticides added to the 'highly hazardous' pesticides list, which is updated periodically according to the FSC Pesticides Policy.
- 17.2 Certification bodies shall inform their certificate holders of changes to the list of 'highly hazardous' pesticides within thirty (30) days. Certificate holders must either discontinue the use of any added pesticides within six (6) months or submit an application for derogation.

- 17.3 Continued or repeated use of a newly listed 'highly hazardous' pesticides without derogation shall constitute a major nonconformity.

**Annex 1: Application form to apply for a temporary derogation to use a ‘highly hazardous’ pesticide and for renewal of derogations.**

- This form shall be used to submit derogation requests for the use of ‘highly hazardous’ pesticides to FSC (initial applications and applications for renewal).
- In cases of joint applications, common information can be provided together. Information that is not common shall be presented by applicant.
- All fields have to be filled for Management Units (MUs) of all scale categories, unless otherwise specified.
- All fields have to be filled for both initial applications and renewal applications, unless otherwise specified.
- In this context ‘scale’ refers to the size or extent of the Management Unit (MU).

Scale category	Number of hectares in the Management Unit
Small Scale	≤ 1,000 ha
Medium scale	Between small scale and large scale
Large scale	> 10,000 ha (plantations) > 50,000 ha (non-plantation forest types)

- Applications shall be submitted in English or Spanish.

**Part 1. GENERAL INFORMATION.**

<b>Application Submission date</b>	
<b>Name, and contact details of certification body submitting the application</b>	
<b>Active ingredient for which a derogation is being requested</b>	
<b>Trade name and formulation type of the pesticide</b>	
<b>Method of application, application equipment and intended quantities</b>	
<b>Common and scientific name of the pest (or description of the problem /issue, as applicable)</b>	
<b>Name and FSC certification codes of certificate holders<sup>3</sup> requesting a temporary derogation. Please indicate scale category and whether it qualifies as SLIMF.</b>	
<b>Scope for which a temporary derogation is being requested (Please, attach map if possible)</b>	
<b>Type of forest, species and expected forest area where use of the HHP is intended</b>	

<sup>3</sup> In the case of forest management enterprises applying for FSC certification, the FSC certificate holder code can be provided at a later stage, if and when the company achieves certification.

## Part 2. SPECIFIC INFORMATION

### 1. Demonstrated need

a) Please describe briefly the silvicultural system (methods for site preparation, practices for harvesting, regeneration, time between rotations) in the MU(s) included in the scope of the requested derogation.

b) Please describe the Integrated Pest Management (IPM) system in place, including the plan to monitor the distribution and density of the targeted pest organisms in the MU(s).

c) Please indicate the thresholds above which, the damages caused by the targeted pest organisms are classified as severe and how they have been established.

d) Please indicate the population size of the targeted pest organism in the MU(s).

**e) (Fill in only if you represent a large-scale MU)**

Please indicate the conclusions of the comparative Cost/Benefit Analysis of using the requested pesticide versus other non-highly hazardous control alternatives,

The cost – benefit analysis shall include, at minimum, the following scenarios:

- no action vs. remedial control (short-term)
- no action vs. preventive practices (long-term)

**f) (Fill in only if you represent a large-scale MU)**

Please provide a review carried out by independent experts of the Cost/Benefit Analysis in e).

**g) (Fill in only if you represent a medium or small-scale MU)**

Please describe possible non HHP alternatives to the use of the requested HHP and explain why they are not considered feasible to control the targeted pest organisms.

h) Please include an estimate of the amount of area over which the pesticide is to be applied and how much of the pesticide is expected to be used annually.

**i) (Fill in only if you are applying for the renewal of a derogation)**

Please attach a report on the implementation of the IPM system during the previous derogation period, covering at minimum:

- Brief description of the silvicultural system in the MU(s) included in the scope of the requested derogation.
- A list of the monitored pest organisms.
- The results of the annual monitoring of the target species in relation to the defined thresholds.
- Quantitative data of the use of 'highly hazardous' pesticides per year for the full period of the existing derogation, areas of application and application method.
- A description of the programs that have been implemented to investigate, research, identify and test alternatives to the 'highly hazardous' pesticide, and the results.

## 2. Specified measures to prevent, minimize and mitigate impacts

a) Please describe the best management practices (BMP) that will be implemented in the MU(s) to prevent, minimize and mitigate negative social and environmental impacts of the application of HHPs during the requested derogation period, covering at minimum: application method, water courses, land use or terrain and weather conditions.

b) Please describe personal protective equipment's (PPE) for workers handling with HHP.

**c) (Fill in only if you represent a large or medium-scale MU)**

Please describe the training program on the use of the PPE and the application of the HHP that will be implemented in the requested derogation period.

**d) (Fill in only if you represent a large-scale MUs and you are applying for the renewal of a derogation)**

Please indicate the conclusions of the environmental and social impact assessment related to the use of HHP occurred during the previous derogation period.

e) Additional information (Eg: insurance providing coverages for pesticides related damage to environmental values and human health, etc.)

## 3. Program to identify, investigate, and test alternatives to the 'highly hazardous' pesticide (including preventive silvicultural measures)

**a) (Fill in only if you represent a large-scale MU)**

Please describe the research program (individually or in collaboration with other research agencies/institutions or commercial enterprises) and/or field trials of alternative non-chemical or less hazardous methods of pest management that have been planned for the requested derogation period, including devoted resources and expected timelines.

**b) (Fill in only if you represent a medium-scale MU)**

Please describe how you will support and/or be involved in a research program from research agencies/institutions (e.g. universities) or commercial enterprises in the requested derogation period, including devoted resources and expected timelines.

**c) (Fill in only if you represent a small-scale MU)**

Please describe the program to exchange information related to pesticides use with other forest managers, to contact research institutions and/or search in alternative databases, that will be implemented in the requested derogation period.

**d) (Fill in only if you are applying for the renewal of a derogation)**

Please describe the programs that have been implemented to investigate, research, identify and test alternatives to the requested 'highly hazardous' pesticide, and the results.

#### **4. Stakeholder consultation**

- a) Please indicate the dates when the stakeholder consultation was conducted.
- b) Please indicate which affected stakeholders (eg. neighbouring, local communities, forest workers) have been consulted.
- c) Please indicate other stakeholders consulted (e.g. government agencies for environmental protection or public health, scientific experts, regional/local authorities and associations, representatives of hunters, farmers or non-governmental organizations).
- d) Please describe the information on hazards, intended use of the HHP and commitment to prevent, mitigate and/or repair damage to environmental values and human health that has been provided to stakeholders.
- e) Please describe the consultation mechanism (i.e. public notices in local newspapers or on local radio stations, letters sent to potentially affected persons, meetings, field observations etc.) used to inform, consult and receive significant feedback.
- f) Please summarize the comments received and how stakeholder concerns were addressed. (Where necessary, the original stakeholder comments may be requested).

#### **5. Certification Body Evaluation of the compliance with the requirements of the previous derogation approval (To be filled in by the certification body only in renewal applications)**

- a) Please confirm if during the previous derogation period the applicant has identified and located on maps the streams, rivers, lakes and other water zones, as well as buffer zones and other sensitive areas (e.g. groundwater zone providing water for public consumption, natural reserves, conservation zones and protection areas for rare and threatened species, or habitat with biodiversity refuge).
- b) Please confirm if during the previous derogation period the applicant has effectively implemented control measures to prevent, minimize and mitigate negative social and environmental impacts associated with the use of the 'highly hazardous' pesticides.
- c) Please confirm if during the previous derogation period workers dealing with HHP were provided with appropriate training on the use of the PPE and the application of the HHP.
- d) Please confirm if during the previous derogation period workers dealing with HHP were provided with appropriate personal protective equipment (PPE) and the use of them was enforced.
- e) Please confirm if the applicant has implemented all the conditions set by the Pesticides Committee as part of the derogation approval.

**Annex 2: Notification form for the use of ‘highly hazardous’ pesticides in the case of emergency or decree by public authorities**

- This form shall be used to notify FSC of the use of ‘highly hazardous’ pesticides in the case of emergency or decree or use by public authorities.
- Notifications shall be submitted in English or Spanish.

<b>A. Notification</b>	
<b>Notification date</b>	
<b>Name, and contact details of certification body submitting the notification</b>	
<b>Name and FSC certification code of certificate holder using the HHP</b> In the case of CH being a public entity, please describe the impartiality of the decision making process of the public authority mandating or using the HHP from the public authority owning or managing the forest.	
<b>Reason for using the HHP (describe emergency or mandated use).</b> In the case of public authority order, a copy of the decree shall be attached to the notification.	
<b>Active ingredient of the HHP used</b>	
<b>Trade name and formulation type of the pesticide</b>	
<b>Method of application and application equipment</b>	
<b>Common and scientific name of the pest:</b> (or description of the problem /issue, as applicable)	
<b>Type of forest, species and forest area where the HHP has been used</b>	
<b>Specify</b> whether this was a one-time occurrence or whether the use is likely to be continued or repeated. If the latter, please declare the willingness to apply for a regular derogation	
<b>B. Certification Body Evaluation (to be filled-in by the certification body)</b>	
<b>Is the emergency use justified? Why?</b>	
<b>C. FSC Evaluation (to be filled-in by FSC)</b>	
<b>Justification accepted and approved?</b>	
<b>Regular derogation required?</b>	(Date and Name)

### Annex 3. Decision support system (DSS) for decision making on derogation applications.

The decision making on derogation applications requires clear formal criteria. The analysis of the compliance of the applicants with the following criteria will be done during the assessment of the applications, which shall be submitted in accordance to Annex 1: Application form for a temporary derogation to use a ‘highly hazardous’ pesticide and for renewal of derogations.

Unless otherwise specified, indicators apply to Management Units (MUs) of all sizes.

<b>Criterion 1: There is a demonstrated need to use a ‘highly hazardous’ pesticide (HHP), as the only socially, environmentally and economically feasible way of controlling specific organisms which are causing severe damage in natural forests, plantations or nurseries, or to human health, livestock or biodiversity in the specified country or region.</b>	<b>1st time applications</b>	<b>Renewal application</b>
1.1 The applicant provides a description of the Integrated Pest Management (IPM) system in place.	<b>x</b>	<b>x</b>
1.2 The IPM system includes a plan to monitor the distribution and density of the targeted pest organisms in the MU(s).	<b>x</b>	<b>x</b>
1.3 The applicant has established scientifically sound thresholds above which, the damages caused by the targeted pest organisms are classified as severe.	<b>x</b>	<b>x</b>
1.4 The applicant demonstrates that the density of the targeted pest organism has exceeded or is about to exceed the established threshold and, therefore, the use of the HHP is needed.	<b>x</b>	<b>x</b>
<p>1.5 <b>For large-scale MUs:</b> The applicant provides a cost – benefit analysis that shows that the use of a HHP is the most economically viable alternative and/or the Organization cannot achieve economic objectives in the management plan without using the HHP, and a review of the analysis carried out by independent experts.</p> <p>The cost – benefit analysis shall include, at minimum, the following scenarios:</p> <ul style="list-style-type: none"> <li>• no action vs. remedial control (short-term)</li> <li>• no action vs. preventive practices (long-term)</li> </ul> <p><b>For medium and small-scale MUs:</b> The application includes a description of possible non HHP alternatives to the use of the requested HHP and explains why they are not considered feasible to control the targeted pest organisms.</p>	<b>x</b>	<b>x</b>
1.6 There is no evidence that other certificate holders in the region under similar conditions control the pest organisms without the use of the HHP.	<b>x</b>	<b>x</b>

<p>1.7 The applicant provides a report on the implementation of the IPM system during the previous derogation period, covering at minimum:</p> <ul style="list-style-type: none"> <li>• Brief description of the silvicultural system in the MU(s) included in the scope of the requested derogation.</li> <li>• A list of the monitored pest organisms.</li> <li>• The results of the annual monitoring of the target species in relation to the defined thresholds.</li> <li>• Quantitative data of the use of ‘highly hazardous’ pesticides per year for the full period of the existing derogation, areas of application and application method.</li> <li>• A description of the programs that have been implemented to investigate, research, identify and test alternatives to the ‘highly hazardous’ pesticide, and the results.</li> </ul> <p>The report is developed according to the scale, intensity and risk of the operation.</p>		<p><b>x</b></p>
<p><b>Criterion 2: There are measures in place to prevent, minimize and mitigate negative social and environmental impacts from the application of ‘highly hazardous’ pesticides.</b></p>	<p><b>1st time applications</b></p>	<p><b>Renewal application</b></p>
<p>2.1 The application includes a description of best management practices (BMP) that will be implemented to prevent, minimize and mitigate negative social and environmental impacts from the application of HHPs during the requested derogation period, covering at minimum: application method, water courses, land use or terrain and weather conditions.</p>	<p><b>x</b></p>	<p><b>x</b></p>
<p>2.2 The applicant provides an appropriate description of personal protective equipment’s (PPE) for workers handling with HHP, in line with safety data sheet.</p>	<p><b>x</b></p>	<p><b>x</b></p>
<p>2.3 <b>For large and medium-scale MUs:</b> The applicant provides a training program on the use of the PPE and the application of the HHP for the requested derogation period.</p>	<p><b>x</b></p>	<p><b>x</b></p>
<p>2.4. <b>For large-scale MUs:</b> commitment with criterion 2 can be additionally demonstrated by having an insurance that provides coverages for pesticides related damage to environmental values and human health.</p>	<p><b>x</b></p>	<p><b>x</b></p>
<p>2.5 <b>For large-scale MUs:</b> Conclusions of the environmental and social impact assessment do not show evidence of negative social or environmental impacts related to the use of HHP occurred during the previous derogation period.</p>		<p><b>x</b></p>

<b>Criterion 3: A program is in place to identify, investigate, and test alternatives to HHPs.</b>	<b>1st time applications</b>	<b>Renewal application</b>
<p>3.1 <b>For large-scale MUs:</b> A research program (individually or in collaboration with other research agencies/institutions or commercial enterprises) and/or field trials of alternative non-chemical or less hazardous methods of pest management have been planned for the requested derogation period.</p> <p><b>For medium-scale MUs:</b> The applicant describes involvement and/or support to a research program from research agencies/institutions (e.g. universities) or commercial enterprises in the requested derogation period.</p> <p><b>For small-scale MUs:</b> The applicant describes a program to exchange information related to pesticides use with other forest managers, contact with research institutions and/or search in alternative databases in the requested derogation period.</p>	x	x
<p>3.2 <b>For large-scale MUs:</b> The applicant demonstrates in the application that a research program (individually or in collaboration with other research agencies, institutions or commercial enterprises) and/or field trials of alternative non-chemical or less hazardous methods of pest management have been implemented during the previous derogation period.</p> <p><b>For medium-scale MUs:</b> The applicant provides evidence of his involvement and/or support a research program from research agencies/institutions (e.g. universities) or commercial enterprises during the previous derogation period.</p> <p><b>For small-scale MUs:</b> The applicant provides evidence of the exchange of information related to pesticides use with other forest managers, contact with research institutions and/or search in alternative databases during the previous derogation period.</p>		x
<p>3.3 The programs put in place were fully implemented and failed to identify a viable non-HH alternative in the available time.</p>		x
<b>Criterion 4: Appropriate public stakeholders consultation has been carried out.</b>	<b>1st time applications</b>	<b>Renewal application</b>
<p>4.1 Affected stakeholders (eg. neighbouring, local communities, forest workers) were consulted on the derogation application and were given the opportunity to provide comments.</p>	x	x
<p>4.2 Other stakeholders (e.g. government agencies for environmental protection or public health, scientific experts, regional/local authorities and associations, representatives of hunters, farmers or non-governmental organizations) were consulted on the derogation application and were given the opportunity to provide comments.</p>	x	x
<p>4.3 Important information on hazards and intended use of the HHP has been provided to stakeholders, as well as information on the applicant's commitment to prevent, mitigate and/or repair</p>	x	x

damage to environmental values and human health.		
4.4 Affected stakeholders have agreed (with the applicant) on the measures for preventing, minimizing and mitigating negative social and environmental impacts associated with the use of the 'highly hazardous' pesticide in question.	<b>x</b>	<b>x</b>
4.5 The applicant describes how The Organization has addressed stakeholders' concerns (eg. taking appropriate safety and mitigation measures, having dialogue).	<b>x</b>	<b>x</b>
4.6 The consulted stakeholders were given at least 45 days to provide comments.	<b>x</b>	<b>x</b>
<b>Criterion 5: Payments for processing derogation applications.</b>	<b>1st time applications</b>	<b>Renewal application</b>
5.1 The applicant has paid the fees for processing the derogation applications in the last derogation period.		<b>x</b>
<b>Criterion 6: Requirements and conditions set in the previous derogation approval have been met.</b>	<b>1st time applications</b>	<b>Renewal application</b>
<p>6.1 The certification body confirms, as part of the application, that the applicant has in the last derogation period:</p> <ul style="list-style-type: none"> <li>• Identified and located on maps the streams, rivers, lakes and other water zones, as well as buffer zones and other sensitive areas (e.g. groundwater zone providing water for public consumption, natural reserves, conservation zones and protection areas for rare and threatened species, or habitat with biodiversity refuge);</li> <li>• Effectively implemented control measures to prevent, minimize and mitigate negative social and environmental impacts associated with the use of the 'highly hazardous' pesticides;</li> <li>• Provided workers with appropriate training on the use of the PPE and the application of the HHP</li> <li>• Provided and enforced the use of appropriate personal protective equipment (PPE).</li> <li>• Implemented all the conditions set by the Pesticides Committee as part of the derogation approval.</li> </ul>		<b>x</b>

#### Annex 4: Application form to register a 'National IPM Advisory Group'

This form shall be used by National Offices to apply for registration of their 'National IPM Advisory Group'. A 'National IPM Advisory Group' shall not formally evaluate and recommend on derogation applications before it has been approved by the FSC Pesticides Committee.

Applications shall be submitted in English or Spanish and shall be signed by the Chair of the National Board. The Terms of Reference / Operational Procedures for the 'National IPM Advisory Group' shall be attached.

A. General Information		
<b>Application Submission date:</b>		
<b>Name, and contact details of National Office submitting the application</b>		
<b>Geographic scope of the 'National IPM Advisory Group'</b>		
B. Members of the 'National IPM Advisory Group'		
The Group shall consist of independent experts in forest management and IPM which are accepted by all 3 chambers. A minimum of two (2) members are required, but more can be added.		
Name	Expertise	Contact details
C. FSC Evaluation (to be filled-in by FSC)		
<b>Group members and TORs evaluated</b>		
<b>Group approved and registered</b>		
	(Date and Name)	

## **Annex 5: Minimum elements for the Terms of Reference / Operational Procedures of the 'National IPM Advisory Group'**

### **1. Background**

The FSC procedure for processing derogation applications (FSC-PRO-30-001) establishes the processes through which temporary derogation applications to use 'highly hazardous' pesticides shall be evaluated and approved. When derogation applications are submitted to a National Office, the recommendations for a decision shall follow a thorough evaluation of the applicant's compliance with the requirements for granting a temporary derogation. These requirements are outlined in the main part of this procedure and Annex 3.

### **2. Tasks of the 'National IPM Advisory Group'**

- To evaluate derogation applications in relation to *FSC-PRO-30-001* and to the requirements as outlined in Section 3 (below) and to inform the applicant of any additional information that may be necessary to complete the evaluation.
- To provide recommendations to the FSC Pesticides Committee on the appropriateness of the derogation requested and rationale.
- To propose conditions that should be implemented by the applicant as part of the approval.

### **3. Requirements for approving temporary derogation**

- a) The application must include evidence of demonstrated need justifying the temporary use of a 'highly hazardous' pesticide as the only current socially, environmentally and economically feasible way of controlling forest pests within the requested scope of the derogation. This evidence may consist of previous feasibility study reports on the control methods for the specified pest(s), demonstrated through field-trials of alternative non-chemical or less toxic pest-management methods, cost-benefit analysis, social and environmental impact assessments.
- b) The application must specify the controls (e.g. restrictions related to weather conditions, soil types, application method, waters courses, safety of workers etc.) that are in place to prevent, minimize and mitigate negative social and environmental impacts associated with the use of the 'highly hazardous' pesticide. Documented evidence of specified controls should be part of the derogation application.
- c) The application must specify the forest operation's programs that in place to investigate, research, identify and test alternatives to the 'highly hazardous' pesticide, with clear actions, timelines, targets and resources allocated. Supporting evidence for the specified alternative programs should be part of the derogation application.
- d) The application must demonstrate that during the 45-day public consultation period, the directly affected parties (e.g. the neighboring communities) and other stakeholders (e.g. social and environmental NGOs, environmental departments/authorities, forest/fisheries departments, etc) were given the opportunity to comment on the derogation application and also how their comments have been taken into account during application development process.

During the evaluation process, the 'National IPM Advisory Group' shall take into account the justification for the scope of the derogation requested, the authenticity of the information provided and the feasibility of the alternative programs that have been proposed in the application.

#### **4. Outcomes and deliverables**

The 'National IPM Advisory Group' is expected to provide FSC with an evaluation report, including:

- A summary on the completeness of the derogation application prior to its evaluation;
- Position of the 'National IPM Advisory Group' regarding the compliance of the applicant with the applicable criteria and indicators in Annex 3.
- Recommendations pertaining to whether the derogation application merits approval and rationale;
- Recommendations of any conditions that should be imposed on the applicant as part of the approval;
- There shall always be a condition requiring forest managers to maintain records of their use of pesticides.

In all cases, the recommendations of the 'National IPM Advisory Group' shall be based on consensus. Consensus in the FSC system is understood as the lack of sustained opposition. If consensus cannot be achieved the different positions shall be captured in the evaluation report.

#### **5. Record keeping**

The National Office shall keep the following records with regards to the 'National IPM Advisory Group'.

- a) Approved registration of the 'National IPM Advisory Group';
- b) Names and affiliations of the members of the 'National IPM Advisory Group';
- c) Minutes of meetings held by the 'National IPM Advisory Group';
- d) Copies of the application submitted by the certification bodies;
- e) Copies of the evaluation report (incl. the recommendation and any conditions) of the 'National IPM Advisory Group'.
- f) Decisions from the Pesticides Committee.

NOTE: the Terms of Reference of the 'National IPM Advisory Group' will also regulate issues of impartiality and confidentiality.

## Annex 6: Fee structure

In order to cover the administrative costs of handling derogation applications by FSC International and the FSC Technical Advisors to the FSC Pesticide Committee, a Derogation Administration Fee will be charged by FSC International.<sup>4</sup>

The Derogation Administration Fee (DAF) for one derogation application submitted to FSC IC directly is calculated as follows:

$$DAF_{IC} = \text{Fee per application} + \sum \text{Fees per applicant}$$

The Derogation Administration Fee (DAF) for one derogation application submitted to FSC IC through a National Office is calculated as follows:

$$DAF_{NO} = 0.5 * DAF_{IC}$$

NOTE: a National Office operating a 'National IPM Advisory Group' may develop its own fee scheme for processing derogation applications. Any national fees have to be paid in addition to the fees charged by FSC International and will be charged by the National Office directly

**Table 1: Derogation Administration Fees**

<b>Fee for applications</b> submitted to FSC IC directly	1000 Euros	Flat rate per initial application or application for renewal
<b>Applicant fee</b> for applications submitted to FSC IC directly	500 Euros	Per applicant in an individual or joint derogation application with < 10 applicants*
	400 Euros	Per applicant in a joint derogation application with 10 - 20 applicants
	350 Euros	Per applicant in a joint derogation application with 21 - 50 applicants
	300 Euros	Per applicant in a joint derogation application with > 50 applicants
<b>Applicant fee</b> for 'late-comers'	80% of the applicant fee in P1** 50% of the applicant fee in P2**	Per each applicant joining an existing approved derogation
<b>Applicant fee</b> for SLIMFs	50% of the applicable applicant fee (above)	Per SLIMF applicant in an individual or joint derogation application

\* The applicant fee for individual applicants in an initial or renewal application will be waived. They will only be charged the application fee of 1000 Euros.

\*\*P1: first half of the derogation validity period.

\*\*P2: second half of the derogation validity period.

<sup>4</sup> Per decision of the FSC Director General, the pesticides derogation program must be financially independent from the FSC core budget. The fees are therefore calculated to cover the costs of managing and maintaining the pesticides derogation program.