

FSC PROCEDURE

Processing Pesticide Derogation Applications

FSC-PRO-01-004 (V3-0) EN



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PROCESSING PESTICIDE DEROGATION APPLICATIONS

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

FSC's vision is where 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 accordance with the FSC Pesticides Policy, FSC-certified forest and plantation managers shall not use pesticides containing any of the active ingredients listed on the *FSC list of 'highly hazardous' pesticides (FSC-GUI-30-001 Annex II)* except in specific circumstances authorized by the FSC Board of Directors through the issue of a formal derogation.

This document specifies the requirements and procedures to be followed by FSC certified forest managers and their FSC-accredited certification body for requesting derogations for the use of FSC 'highly hazardous' pesticides.

The objective of this procedure is to ensure that applications for derogations to FSC Pesticides Policy (2005) are handled transparently, consistently, efficiently, timely and in compliance with the policy.

Notes on use of this procedure

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

Notes on development of this procedure

Version 1-0 was approved by the FSC Board of Directors at their 40th meeting in December 2005. This version was again reviewed in August-September 2006 taking into account the solicited stakeholder input.

Version 2-0 was approved by the FSC Executive Committee on the 5th of May 2007. An amendment to section 5.13 of this procedure was approved by the FSC Pesticides Committee in June, 2007.

Version 2-2 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.

Notes on Version 3 of this procedure

Version 3-0 introduces the option of national derogation processes in the context of National Forest Stewardship Standards as proposed by the FSC Pesticides Policy (FSC-POL-30-001 Clause 2.1 b).

As requested by many stakeholders, agreed conditions for derogation will apply nationally rather than on an individual basis, whilst still requiring certificate holders and applicants to apply individually for derogation.

Where derogations are currently granted, these will form the basis of the agreed conditions that will apply nationally instead of to the individual certificate holder. This way FSC will use all of the work done to date and save new applicants from repeating this work as is the current situation.

Where there are no derogations in place at present there will be the option for an FSC National Office (NO) to appoint a 'National Pest Management Group' to analyze which

pesticides on the Highly Hazardous list are needed, if any, and to submit nationally agreed conditions for the derogation request to FSC. Individual applications from certificate holders or applicants will still be required in order to demonstrate they meet the eligibility criteria and conditions of the derogation to ensure that these conditions are applied at the FMU level and the implementation is evaluated by certification bodies on a case by case basis.

The current process for individual applications will still remain an option in cases where no nationally agreed conditions for a derogation request exist.

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A Scope

This procedure applies to staff of the FSC Policy and Standards Unit and Accreditation Services International (ASI) as well as to FSC-accredited certification bodies, FSC certificate holders or applicants, FSC National Offices and to the FSC Technical Advisors.

B Effective date

Effective upon approval.

C References

The following referenced documents are indispensable for the application of this document. For references without a version number, 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-GUI-30-001 FSC Pesticides Policy: Guidance on Implementation
FSC-GUI-30-001a FSC approved derogations for the use of 'highly hazardous' pesticides in FSC-certified forests and plantations
FSC-PRO-01-004a Checklists and forms for pesticide derogation applications
FSC-STD-01-005 (V1-0) FSC Dispute Resolution System
FSC-PRO-01-005 (V2-0) Processing Appeals

D 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:

Note: For the purposes of this document, the term **region** shall be interpreted as an area within a country, and shall be clearly defined in the derogation application.

Note: For the purposes of this document, the use of the term **derogation** shall be taken to mean **temporary derogation**.

FSC Pesticides Committee: Acting on behalf of the FSC Board of Directors. The committee consists of the FSC Policy Director, the FSC Pesticide Derogation Manager and additional experts as required.

Technical Advisors: Independent national and international experts on pesticides use in forestry who are preparing the technical recommendation for the decision derogation requests on behalf of the FSC Pesticides Committee.

FSC National Office: Legally independent entities working as FSC partner organizations to promote responsible management of the world's forests on behalf of FSC at the national level on the basis of a formal bilateral agreement (formally called "FSC National Working Group").

National Pest Management Group: Optional group of impartial individuals seeking consensus on the use of 'highly hazardous' pesticides at country level in line with FSC rules and regulations. The group needs to be established by an FSC National Office which also takes the responsibility for the National Pesticide Assessment Process.

National Pesticide Framework Conditions: Conditions for an exceptional temporary use of a 'highly hazardous' pesticide in a certain *pest scenario* defined

through a set of eligibility criteria, including the forest region, the forest type and the potential threat by known pests, developed by a 'National Pest Management Group' in a 'National Pesticide Assessment Process'. Upon formal approval by the FSC Pesticides Committee these conditions define the framework for all derogation applications from that country.

Emergency: Emergencies may include sudden invasions or infestations of animal pests, weed plants, certain fungal diseases, or dramatic changes in vegetation composition, which threaten ecological stability long-term functioning of the forest ecosystem or human well-being, which require immediate action and which cannot feasibly be controlled by pesticides not listed on the list of FSC's 'highly hazardous' pesticides. Scenarios which are predicted through planning and 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.

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PART 1 GENERAL REQUIREMENTS

1 Basic principles

- 1.1 Each FSC certified forest operation shall implement an Integrated Pest Management (IPM) system as required by the FSC Principles and Criteria and in order to avoid the use of pesticides prohibited by the FSC Pesticides Policy.
- 1.2 Each FSC certificate holder who has identified the need to use a 'highly hazardous' pesticide through the Integrated Pest Management system shall individually request a derogation for the use from the FSC Board of Directors acting through the FSC Pesticides Committee (see Part 3).
- 1.3 Certificate holders applying for FSC certification who are currently using a pesticide on FSC's list of 'highly hazardous' pesticides, shall discontinue the use of the pesticide or obtain a valid derogation before they can become FSC certified.
- 1.4 The use of a 'highly hazardous' pesticide by FSC certificate holders without a valid derogation is temporarily permitted where:
 - a) a new pesticide becomes listed by FSC as 'highly hazardous' and an FSC approval for derogation is pending (see Section 19);
 - b) an application requesting an extension of the use of a pesticide that had a previously approved derogation has been submitted to FSC and approval is pending (see Section);
 - c) the occurrence of an emergency situation which requires the use of a 'highly hazardous' pesticide (see Section 9);
 - d) the use is ordered by governmental authorities (see Section 14).
- 1.5 Whenever possible, a 'National Pesticide Assessment Process' shall be conducted by a National Office in order to define the criteria and conditions for using 'highly hazardous' pesticides in known pest situations at country level (see Part 2).
- 1.6 If the use of a 'highly hazardous' pesticide is required in an emergency situation or ordered by public authorities, the fast track notification procedure as described in Sections 9 and 10 shall be applied.
- 1.7 Unauthorized use of 'highly hazardous' pesticides in an FSC certified forest shall be graded as major nonconformity.

2 Roles and responsibilities

- 2.1 Certificate holders and applicants are responsible for:
 - a) Supporting the national 'Highly Hazardous Pesticides Assessment Process' where a FSC National Office has set up a 'National Pest Management Group';
 - b) Requesting a derogation for the use of 'highly hazardous' pesticides from the FSC Pesticides Committee via their certification body;
 - c) Implementing any conditions that are determined by the FSC Pesticides Committee in relation to the approved use of 'highly hazardous' pesticides;
 - d) Recording quantitative data of the use of pesticides including 'highly hazardous' pesticides under derogation in FSC certified forest management units;
 - e) Submitting a report at the end of the derogation period as required by Clause 17.1.

- 2.2 FSC National Offices are responsible for:
- a) Setting up a 'National Pest Management Group' (see Section x);
 - b) Leading the 'Highly Hazardous Pesticides Assessment Process' at the national level for each of the 'highly hazardous' pesticides that may be needed by forest managers to respond to known pests (see Section x);
 - c) Submitting national derogation applications to FSC.
- 2.3 FSC accredited certification bodies are responsible for:
- a) Advising their clients on the appropriate derogation application mechanism;
 - b) Evaluating the derogation application of their clients to check for its eligibility and completeness (based on this procedure) and submitting the derogation application to the FSC Policy and Standards Unit and transferring the attached administration fee;
 - c) Submitting notifications on emergency use or publicly ordered pesticide use to FSC;
 - d) Monitoring the use of 'highly hazardous' pesticides and the implementation of derogation conditions in each annual audit;
 - e) Evaluating the data on the use of pesticides collected by the forest manager and reporting the summary data and the results of monitoring (as above) in each annual audit report.
- 2.4 The FSC International Center is responsible for:
- a) Evaluating the completeness of applications from 'National Pest Management Groups' and certificate holders;
 - b) Managing the relationship with the Technical Advisors and the FSC Pesticides Committee;
 - c) Managing the FSC list of 'highly hazardous' pesticides and monitoring the overall implementation of the FSC Pesticides Policy.
- 2.5 The Technical Advisors are responsible for:
- a) Reviewing 'National Pesticide Framework Conditions' and individual derogation applications;
 - b) Providing technical recommendations to the FSC Pesticides Committee in support of the decision making process.
- 2.6 The FSC Pesticides Committee is responsible for:
- a) Evaluating and approving 'National Pesticide Framework Conditions' developed by 'National Pest Management Groups';
 - b) Evaluating and approving derogation applications from certificate holders in accordance with the FSC Policy and associated guidance;
 - c) Updating the list of 'National Pesticide Framework Conditions';
 - d) Transferring approved individual applications into 'National Pesticide Framework Conditions' as applicable.

PART 2 NATIONAL DEROGATION PROCESS FOR NATIONAL OFFICES

National Offices may proactively define criteria and conditions for the use of FSC listed 'highly hazardous' pesticides that may be needed by forest managers within the country to respond to known pest threats. Following subsequent approval by FSC these will define the 'National Pesticide Framework Conditions' for each forest manager who is applying for pesticide derogation within the country.

3 Setting up a 'National Pest Management Group'

- 3.1 FSC National Offices may set up a 'National Pest Management Group' if the Board of the National Office decides to get involved in defining national scenarios that would allow FSC certified forest operations to apply for the use of 'highly hazardous' pesticides under defined 'National Pesticide Framework Conditions'.
- 3.2 A National Office can register their 'National Pest Management Group' by submitting the registration form (see Addendum) to the FSC International Center.
- 3.3 The 'National Pest Management Group' shall consist of a national technical expert or panel of experts, which shall report to the board of the National Office.

4 The FSC national 'Highly Hazardous Pesticides Assessment Process'

The objective of the 'Highly Hazardous Pesticides Assessment Process' is the development of 'National Pesticide Framework Conditions' in a consultative manner which will then have to be implemented consistently by all applicants from within the country.

- 4.1 The national 'Highly Hazardous Pesticides Assessment Process' shall not be initiated before the registration and the work plan of the 'National Pest Management Group' has been approved by FSC.
- 4.2 The national 'Highly Hazardous Pesticides Assessment Process' shall be implemented according to the work plan approved by FSC.
- 4.3 One individual from the National Office shall take the lead and be responsible for overseeing the process and for communicating with FSC.
- 4.4 The National Office shall keep the following records:
 - a) The approved workplan;
 - b) Names and affiliations of members of the 'National Pest Management Group' and of other stakeholders that were consulted on the proposal during their development;
 - c) Minutes of meetings held by the 'National Pest Management Group';
 - d) Copies of public draft derogation applications circulated for comment;
 - e) Copies of all comments received on public draft applications;
 - f) Summary of comments received in response to public drafts, together with a general response to those comments;
 - g) Copies of technical drafts;
 - h) Any decisions of FSC in relation to the requirements of this process.

5 Approving 'National Pesticide Framework Conditions'

- 5.1 The National Office shall submit the 'National Pesticide Framework Conditions' proposed by the 'National Pest Management Group' to the FSC Policy and Standards Unit for approval.
- 5.2 The proposed 'National Pesticide Framework Conditions' are evaluated by FSC involving the Technical Advisors in the same way like individual derogation applications (see Section 13).
- 5.3 Approved 'National Pesticide Framework Conditions' will set a precedent for all applications from certificate holders from within the country matching the eligibility criteria of a defined pest scenario.

NOTE: Approved 'National Pesticide Framework Conditions' will be published on the FSC website.

PART 3 APPLYING FOR DEROGATION

6 Submitting applications

- 6.1 Each certificate holder shall individually request a derogation for the use of 'highly hazardous' pesticides from the FSC Pesticides Committee by completing the respective application form (see Addendum) and by submitting supportive evidence as required.

NOTE: Individual applications are also required from certificate holders in countries which have developed 'National Pesticide Framework Conditions'.

- 6.2 The responsible certification body shall evaluate the application for its completeness and submit the application and supportive evidence to the FSC Policy and Standards Unit.

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

- 6.3 The responsible certification body shall pay a fee for each certificate holder and applicant requesting a derogation to cover the administrative costs of the evaluation. The derogation fee is set at **six hundred (600) Euros** per initial application and per application for extension (individual SLIMF certificate holders get a 50% discount).

7 Simplified applications

- 7.1 For pesticides included in approved 'National Pesticide Framework Conditions', all individual applications for derogations meeting the respective national eligibility criteria shall use the simplified application process (see Addendum).
- 7.2 The responsible certification body shall evaluate and confirm that the applicant is meeting the national eligibility criteria of the referenced 'National Pesticide Framework Conditions' before submitting the derogation application to FSC Policy and Standards Unit for approval.

8 Full applications

- 8.1 For pesticides not included in approved 'National Pesticide Framework Conditions', all application for derogations shall be submitted by using FSC's template "Application for a derogation to use a 'highly hazardous' pesticide" (see Addendum).

9 Emergency derogations

- 9.1 If an emergency situation requires the use of a 'highly hazardous' pesticide, the certificate holder shall inform its certification body within thirty (30) days of the beginning of the use of the pesticide. Failure to do so shall lead to the suspension of the certificate.

NOTE: In the case of an emergency, the certificate holder can start using the pesticide without waiting for approval from FSC.

- 9.2 The certification body shall immediately inform the FSC Policy and Standards Unit at the FSC International Center of the occurrence of the emergency (see Addendum), 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 needs to be continued or repeated. The latter requires the submission of a separate derogation application within six (6) months of the initial use of the pesticide.

10 Publicly ordered pesticide use

Governments generally order the control of a certain pest but may not in these cases specify a certain pesticide for use. In this scenario, alternative control methods shall be considered first.

- 10.1 If a certificate holder has received order from governmental authorities to use certain pesticides which are classified by FSC as being 'highly hazardous', the certificate holder shall inform its certification body within thirty (30) days of the order. Failure to do so shall lead to the suspension of the certificate.

NOTE: In the case of a governmental order to use pesticides, the certificate holder can start using the pesticide without waiting for approval from FSC.

- 10.2 The certification body shall inform the FSC Policy and Standards Unit of the governmental order using the form provided in the Addendum, including a description of the pest problem and the pesticides to be used together with a copy of the order.
- 10.3 Where national 'Highly Hazardous Pesticides Assessment Processes' are in place, they shall analyse the circumstances of the government order and where possible involve government officials in exploring the alternatives to use of the 'highly hazardous' pesticide, in order to allow FSC certified operations to use such alternatives.

PART 4 DECISION MAKING

11 General principles for evaluating and approving applications

11.1 In all cases, applications shall be evaluated on the basis of documented evidence of compliance with the requirements specified in *FSC-POL-30-001 FSC Pesticides Policy* (2005) and the associated guidance specified in *FSC-GUI-30-001 FSC Pesticides Policy (2005): Guidance for Implementation*.

11.2 Derogation applications shall only be approved where:

- a) there is a demonstrated need - the use of the pesticide as the only socially, environmentally and economically feasible way of controlling specific organisms which are causing severe damage in natural forests, plantations or nurseries in the specified country or region (as indicated by documented evidence of current feasibility study reports: field-trials of alternative non-chemical or less toxic pest-management methods, cost-benefit analysis, social and environmental impact assessment);
- b) controls are specified to prevent, minimise and mitigate negative social and environmental impacts associated with the use of the 'highly hazardous' pesticide in question (for example restrictions related to weather conditions, soil types, application method, waters courses);

NOTE: Prevention of negative social and environmental impacts shall always take priority over minimization and mitigation measures.

- c) there are programs in place to investigate, research, identify and test alternatives to the 'highly hazardous' pesticide, with clear actions, timelines, targets and resources allocated;

NOTE: The information on requirements a) through c) shall be specifically provided for each forest management enterprise. However, a general description may be provided if multiple companies within a region can demonstrate that they have common protocols with regard to a) through c) above.

- d) The public consultation part of the derogation application process shows that:
 - directly affected parties (e.g. neighboring communities) have had an opportunity to provide comments on the derogation and 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;
 - other stakeholders (e.g. social or environmental non-governmental organizations (NGOs), government agencies for environmental protection, wildlife conservation, or forestry, regional/local authorities, representatives of local communities, unions of forest workers, associations of hunters, farmers or local residents, etc.) have been consulted and have had an opportunity to provide comments on the need for the derogation and on the controls established to prevent, minimise and mitigate negative impacts associated with the use of the 'highly hazardous' pesticide; and,
 - Stakeholders have been given appropriate time, not less than 45 days, to provide their comments.

11.3 Derogations will be approved for a period of five (5) years. Expired derogations may be extended on re-application (see Section 15).

12 Evaluation and approval of simplified applications

- 12.1 Applications that demonstrate compliance with national eligibility criteria of approved 'National Pesticide Framework Conditions' shall be approved by the FSC Pesticides Committee without further evaluation within two (2) weeks.
- 12.2 Approval shall be granted for five (5) years of the date of approval.
- 12.3 With the approval of the application, the certificate holder is committed to implement all the requirements specified in the 'National Pesticide Framework Conditions'. The implementation is evaluated and reported by the responsible certification body.
- 12.4 If the 'National Pesticide Framework Conditions' are changing during the period of validity of a derogation, the certificate holder needs to adapt to the new conditions within a period of twelve (12) months.

13 Evaluation of full applications

- 13.1 When a derogation application is complete, the Policy and Standards Unit will within four (4) weeks send it to the Pesticides Technical Advisors.
- 13.2 The Pesticides Technical Advisors will evaluate the appropriateness of the derogation request and provide their opinion to the FSC Policy and Standards Unit within four (4) weeks of receiving the application.

NOTE: The FSC Pesticides Committee may request the involvement of additional local expertise as necessary.

- 13.3 The FSC Pesticides Committee shall decide on the derogation application based on the facts and recommendations of the Pesticides Technical Advisors. The decision may consist of approval (with or without conditions), request for more information, or disapproval.

NOTE: When a derogation request for use of a 'highly hazardous' pesticide has been rejected and the decision has been communicated, the continued use of the pesticide constitutes a major nonconformity with FSC certification requirements.

- 13.4 When the FSC Pesticides Committee has taken its decision, the FSC Policy and Standards Unit will immediately inform the certification body responsible for the application of the decision in writing as well as of any conditions. It is the responsibility of the certification body to forward the decision to the applicant and to monitor the implementation of the conditions.
- 13.5 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 before and an approval in the current case is likely.
- 13.6 Approval of full derogation applications within a country provides a precedent in terms of establishing the need for this derogation. FSC will transfer approved full derogations into 'National Pesticide Framework Conditions' and will publish them.

14 Evaluation of emergency derogations and ordered pesticides uses

- 14.1 The FSC Pesticides Committee shall determine if the use of the 'highly hazardous' pesticide is justified in the absence of an approved derogation and decide if:
 - a) the one time 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 lead

to the immediate suspension of the certificate by the certification body. A formal derogation application in addition to the notification is not required;

- b) 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 six (6) months of the initial use of the pesticide. Failure to do so shall lead to the immediate suspension of the certificate by the certification body;
- c) the use of the 'highly hazardous' pesticide was not justified under the circumstances presented in which case its continued or repeated use shall lead to the immediate suspension of the certificate by the certification body. Following the complete discontinuation to use the pesticide for which the emergence use has been rejected, the certificate holder may formally submit an application in accordance with Section 7 or 8 (as applicable).

15 Extension of derogations

15.1 Extension will not be granted unless there are exceptional circumstances and it can be clearly demonstrated that the program to identify alternatives was fully implemented but has failed to identify an acceptable alternative in the available time.

15.2 In such cases, at the end of the derogation period forest management enterprises operating under a national derogation shall provide a final report to their respective certification body on their Integrated Pest Management Strategy implemented for the five (5) previous years. The certificate holder shall submit a request for a derogation extension together with the report at least three (3) months before the expiration of the approved derogation, if the certificate holder has a need to continue using the derogated pesticide.

NOTE: Applications for extensions without the submission of the final report according Clause 17.1 will not be processed.

NOTE: The certificate holder may continue to use the pesticide while the request for extension of the derogation is being processed.

15.3 The applicant seeking a derogation extension shall be required to fill in the application template in the Addendum.

15.4 The approval of an extension shall be based on the provided evidence that:

- a) specified controls were fully implemented and there is no evidence that negative impacts occurred during the previous derogation period as a result of the use of the 'highly hazardous' pesticide; and,
- b) during the derogation period alternatives to the use of a 'highly hazardous' pesticide have been identified and are under development (as indicated by field trials) or that the program to identify alternatives has been fully implemented but has failed to identify a viable option in the available time.

NOTE: There may be cases where a new pesticide has been found to replace the 'highly hazardous' pesticide but for which the national registration process takes longer than the approved derogation period. In such circumstances, certificate holders with approved derogations shall request an extension of the derogation to the FSC, following the requirements established in this section, including the information on the registration process. This information will be taken into account when evaluating requests for the extension of a derogation.

NOTE: Although the forest management enterprise may apply for a five-year extension to the derogation period, the decision to grant the five-year extension shall

be at the discretion of the FSC Pesticides Committee based on the Technical Advisors recommendations. This implies that after an approved five-year derogation, any extension period may be granted from one to five years, depending on the justification for the extension request.

16 Appeal to the decisions of the FSC Pesticides Committee

- 16.1 Decisions of the FSC Pesticides Committee may be appealed, in which case the appellant shall follow the FSC dispute resolution protocol.
- 16.2 Alternatively, the applicant may modify the original derogation request or provide additional supporting documentation to respond to any issues identified by the Technical Advisors or the FSC Pesticides Committee, and then resubmit the derogation application. In this case the FSC Policy and Standards Unit will repeat the steps established in this procedure.

PART 5 OTHER ISSUES

17 Reporting

- 17.1 The certificate holder shall submit a report on the progress made on researching and using alternative methods and implementing the Integrated Pest Management System to their certification body within the last twelve (12) months of the validity of the derogation. The report shall be forward to the FSC Policy and Standards Unit. Failure in submitting a report shall be treated as major nonconformity.

18 Changes in the FSC 'highly hazardous' pesticides list

- 18.1 Certification bodies and National Initiatives shall be informed by FSC of any new pesticide added to the 'highly hazardous' pesticides list, which is updated periodically.
- 18.2 Certification bodies shall inform 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.