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## Guidance for Pesticide Distributors, including internet sales, to achieve compliance under the Sustainable Use (Pesticides) Directive and the Biocidal Products Regulations.

### Is your company compliant?

- ❖ Does your company have appropriately trained staff?
- ❖ Is there correct storage and display?
- ❖ Are appropriate records maintained?
- ❖ Are the products you sell legal for sale?

Pesticides is a broad term that covers two categories of Products, namely:

1. Plant Protection Products (PPPs)
2. Biocidal Products (BPs)

### Plant Protection Products

The Sustainable Use (Pesticides) Directive (SUD) is a European Directive (Directive 2009/128/EC) which seeks to establish a framework to achieve the sustainable use of pesticides by reducing the risks and impacts of pesticide use on human health and the environment. It introduces requirements surrounding advice, sale, supply and the use of Plant Protection Products (PPPs). This Directive was enacted into Irish Law by Statutory Instrument No. 155 of 2012.

Distributors are defined as anyone who makes a PPP available on the market.

#### 1.1 Professional Use or Amateur Use products

PPPs are categorised as either Professional Use or non-Professional/Amateur Use products.

Professional use products are products that may only be applied by Professional Users (PUs) who must be registered with the Department of Agriculture, Food and the Marine (DAFM).

Non-Professional/Amateur use products are products that may be used in a home garden situation by any person. There are no restrictions on the use of such products and there are no current requirements for such users to be trained or registered with DAFM.

Labels in general indicate whether a product is for Professional use or non-Professional/Amateur use but the status of all registered products may be checked at <http://www.pcs.agriculture.gov.ie/registers/plantprotectionproductsregisters/plantprotectionproductsdatabase/>.

The impacts of the implementation of the SUD on the PPP wholesale and retail trade, which includes retailers involved in internet sales of PPPs, may be divided into four key areas namely Training & Registration, Storage & Display, Advice and Record Keeping requirements.

### **1.2 Training & Registration**

A registered Pesticide Distributor (PD) must be available at all times at the point of sale, which also includes internet sales, to ensure that adequate information is provided to customers as regards pesticide use in order to mitigate against any potential operator, bystander or environmental risks.

In order to register as a PD, you must first be appropriately trained. To be eligible to register as a PD (PU products), you must first successfully complete the FETAC Level 5 Handling and Distribution of Pesticides (Code 5N2466) or equivalent.

A list of training providers for the Handling and Distribution course is available at:

<http://www.pcs.agriculture.gov.ie/sud/pesticidedistributors/training/>.

You must then apply to register as a PD at:

<http://www.pcs.agriculture.gov.ie/sud/pesticidedistributors/>. To maintain registration, trained PDs (PU products) will be required to maintain Continuous Professional Education (CPE): <http://www.pcs.agriculture.gov.ie/sud/pesticidedistributors/training/>.

In order to be eligible to register as a PD (Amateur/Home garden products ONLY), you must first successfully complete the online course for PDs of non-professional/amateur products. This course is being facilitated by IASIS and may be accessed at [www.iasis.ie](http://www.iasis.ie). You must then apply to register as a PD at <http://www.pcs.agriculture.gov.ie/sud/pesticidedistributors/>.

N.B. Completion of the non-Professional/Amateur PD course does not allow a PD to distribute professional use PPPs.

### **1.3 Storage & Display**

Wholesale and retail premises, including internet retailers, involved in the storage and distribution of PPPs must comply with specific requirements depending on the category of PPPs being handled.

N.B. All premises storing or distributing PPPs, including distribution from internet sales of PPPs, must register with the DAFM.

The application form for the registration of a pesticide distribution premises is available at <http://www.pcs.agriculture.gov.ie/sud/pesticidedistributors/>.

Only a registered premises may be used for storage of pesticides for the purposes of sale or supply and the premises must comply with a standard determined by the DAFM. Minimum storage standards have been established and details of these are also available at <http://www.pcs.agriculture.gov.ie/sud/pesticidedistributors/distributionstoresandsalesdisplayareas/>. In registering, the owner of the premises commits to ensuring that the store will comply with these standards.

Distribution stores will be inspected on an on-going basis by officers of the DAFM. If the store is found not to comply with the required standard, the necessary remedial actions will be identified in a compliance notice. These must be undertaken within a specified time limit. If the necessary remedial actions are not undertaken, the premises will not be included or may be removed from the register and cannot be used as a distribution point i.e. a place from where PPPs may be sold or supplied, (either in person or as internet sales), until the store has been re-inspected and found to be in compliance with the required standard.

A maximum of 500 litres of professional use PPPs may be stored in a retail/display area. Volumes of PPPs in excess of this amount, whether in a retail area or in a store for internet retail, must be stored in a specially constructed PPP store that fulfils the requirements for the design and construction of PPP stores.

The requirements for retail/display areas and for PPP stores can be found at: <http://www.pcs.agriculture.gov.ie/sud/pesticidedistributors/distributionstoresandsalesdisplayareas/>.

It is important to note that any PPPs classified as very toxic or toxic may not be stored in an area to which the public has access, i.e., retail area.

#### **1.4 Advice**

Advice given by a PD, be it verbally, written or *electronically*, is limited to general information regarding the risks posed by pesticides to human health and the environment, on storage requirements and on handling and safe disposal.

N.B. Advice or recommendations (including internet queries) in relation to product selection or the use of a PPP for any purpose may only be given by a registered Pesticide Advisor.

#### **1.5 Record Keeping**

Details of record keeping requirements for all retailers and wholesalers, including internet retailers, of professional use PPPs can be accessed at: <http://www.pcs.agriculture.gov.ie/sud/pesticidedistributors/>.

For purchases from suppliers / returns from customers, i.e., GOODS IN

##### **Record Required;**

- Name and address of the supplier;
- Name of the product;
- PCS No. of the product;
- Pack size;
- Quantity purchased / returned;
- Date purchased / returned;
- Batch numbers.

For sale, (including online sales) i.e., GOODS OUT

**Records Required;**

- Name and address of each individual purchasing PPPs or the waste disposal company;
- Professional User No. (PU No.) or equivalent of the purchaser (if this cannot be provided, the sale should be declined);
- Name of the product(s);
- Pack size(s);
- Volume(s) supplied;
- Date purchased or disposed of.

N.B. Records must be maintained of all sales (including internet sales) of professional use PPPs made at retail level. These records must include a herd number or professional user number, where appropriate, and must be maintained for a period of 5 years from the date of sale.

Record keeping requirements of retailers of amateur use PPPs is limited to details of records of purchases, i.e., goods in documentation.

## **Biocidal Products**

The Biocidal Products Regulation (BPR) Regulation is the European Regulation (Regulation 528/2012) which sets out the framework for the registration, sale, supply and use of biocidal products. This Regulation was enacted into Irish Law by Statutory Instrument No. 427 of 2013.

### **2.1 What are biocidal products?**

There are twenty-two categories of biocidal products, which are grouped into four main areas: Disinfectants, Preservatives, Pest Control and Other Biocidal Products. Ones you may be more familiar with are biocidal products such as hand sanitisers (PT 1), surface disinfectants (PT 2), insecticides (PT 18), rodenticides (PT 14) etc. See [Product-types - ECHA \(europa.eu\)](http://europa.eu).

### **2.3 Biocidal product user categories:**

Biocide users are categorised as follows:

- Amateur also be known as a 'Non-Professional User' = means any person who uses biocidal product(s) in the course of day-to-day activities and is not required to have any formal training.
- Professional = means any person who uses biocidal product(s) in the course of their professional activities and is not required to have any formal training.
- Trained Professional = means any person who uses biocidal product(s) in the course of their professional activities and where additional qualifications or training are a requirement in order to mitigate the risks associated with using a biocidal product. The term specialised professional user has the same definition as trained professional user. Note: All trained professional users of biocidal products must be registered with the Department of Agriculture, Food and the Marine.
- Industrial user = are those involved in manufacturing, handling and/or packaging of actives or products in industry as well as those using biocidal product(s) in their own processes at an industrial setting.

### **2.4 What part of the BPR applies to you?**

In the BPR, the definitions applicable to you are:

*“(i) ‘making available on the market’ means any supply of a biocidal product or of a treated article for distribution or use in the course of a commercial activity, whether in return for payment or free of charge;*

*(j) ‘placing on the market’ means the first making available on the market of a biocidal product or of a treated article;*

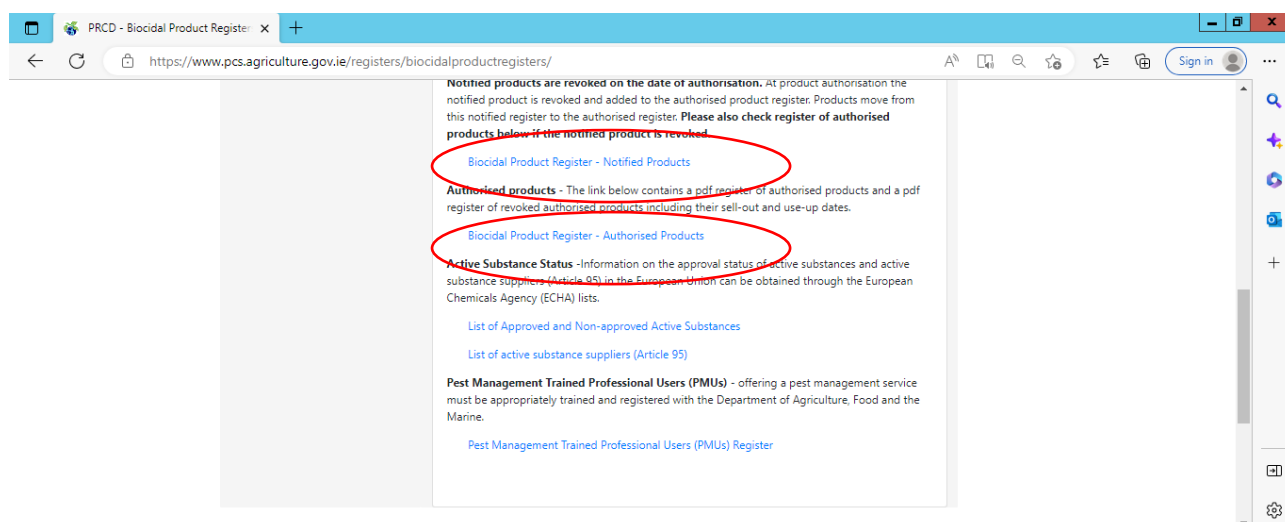
*(k) ‘use’ means all operations carried out with a biocidal product, including storage, handling, mixing and application, except any such operation carried out with a view to exporting the biocidal product or the treated article outside the Union;*

*(y) ‘advertisement’ means a means of promoting the sale or use of biocidal products by printed, electronic or other media;”*

In order for you **to distribute, sell or advertise** any biocidal products, Irish legislation requires that the biocidal products are entered in the “Biocidal Products Register”. In fact, the Register is divided between what are referred to as “notified” products and “authorised” products.

You can check the registers of products online at:

<http://www.pcs.agriculture.gov.ie/registers/biocidalproductregisters/>



A notified product will have a **“PCS”** number which is a unique identifier for each notified product where the active substance/PT combination is being supported under the EU review of existing biocidal active substances.

An authorised product will have an **“IE/BPA”** or **“EU”** number which is a unique identifier for each authorised product where the active/PT combination is approved at EU level and the product is evaluated and authorised for sale and use in Ireland.

The PCS or IE/BPA or EU numbers will be printed on the biocide product label.

N.B. If the product label does not contain any of these number formats (PCS, IE/BPA or EU number) you must not place the product on the market, make the product available on the market or advertise the products. It is illegal to do so.

When checking the status of product on either Register, if the status says **“Revoked”**, this means DAFM has withdrawn the prior notification/approval for that product. You will need to check if the revoked product has a period of grace applied. Details in relation to revocation and sell out of products are as follows:

- Product Revoke Date = Date which product(s) are revoked by DAFM and the last date on which the authorisation holder may place product on the Irish market.
- Sell Out Date of Revoked Products = Shall not exceed 180 days for the making available on the market existing stocks of product by those other than the authorisation holder.

Guidance on the product registers and details of all product types can be found at: [Glossary of terms and abbreviations for the biocide register.pdf \(agriculture.gov.ie\)](#)

## **2.5 Rodenticides (PT14)**

Rodenticides are authorised biocidal products and have an IE/BPA number on the label. Unlike other biocides, as part of the authorisation process rodenticides can have three user categories. Amateur, professional, and trained professional user. The user category will be printed on the label.

In this case, trained professional users must have completed training and must be registered with DAFM as a Pest Management Trained Professional User (PMU).

### **IMPORTANT: RECORD KEEPING REQUIREMENTS**

**Wholesalers and Retailers** of professional and trained professional use rodenticides must keep records as follows:

Purchases from suppliers / returns from customers, i.e., **GOODS IN RECORDS;**

- Name and address of supplier;
- Name of the product;
- IE/BPA No. of the product;
- Pack size;
- Quantity purchased / returned;
- Date purchased / returned;
- The batch numbers.

For sales, i.e. **GOODS OUT RECORDS**

- The name and address of each business supplied with rodenticides;
- The name of the product(s);
- The IE/BPA No. of the product(s);
- The pack size(s);
- The volume(s) supplied;
- The date purchased;
- The PMU No. (only applicable for purchase of trained professional use products by pest control companies);
- The Herd/Flock/HFR/HPR No. (only applicable to professional use products).
- The batch numbers of the product(s) supplied/sold.

**N.B. Records should be retained for a period of 5 years from the date of invoice creation and must be made available to an authorised officer on request**