

### **Avoiding cross compliance penalties under SMR9**

The terms and conditions of the Single Payment Scheme require individuals to follow 18 Statutory Management Requirements (SMR's) – generally known as Cross Compliance. SMR9 deals with the pesticides component of these requirements.

#### Storage

Issue 3 in this sequence of articles dealt with storage requirements for pesticides (see IFJ 31/03/12 or [http://www.pcs.agriculture.gov.ie/Docs/PPP\\_Update\\_Issue\\_3.pdf](http://www.pcs.agriculture.gov.ie/Docs/PPP_Update_Issue_3.pdf)). These storage requirements can generally be met with relatively little expense, but the failure of farmers to invest a small amount of time and effort in taking the necessary actions required has in some cases resulted in financial penalties being applied, and no doubt will continue to do so until remedial action is taken. Given that the main beneficiary of compliance with this requirement is the farmer, through greater safety for himself, his family, the environment and security of stock, the pesticide store should not be a source of contention during the inspection.

#### Pesticides in-store

Aside from storage facilities *per se*, the Inspector will take an inventory of the contents of the store, noting the quantity of each product contained therein. Details for all products purchased in the previous 12 months will also be requested. Ownership of the products within the store will be established, and in the event of more than one person owning products within the store, details of the co-owner(s) will be requested, and the products that are involved. Evidence of ownership may be established by the provision of invoices. Issues that can arise from this inventory are the identification of un-registered product (illegal for use in Ireland), or obsolete PPPs which are no longer legal to use. With regard to the store inventory, a number of individuals have received penalties because product was purchased in the previous 12 months, was used (container only half full), but no record of use was included with the worksheets. Such a basic error would not happen if records/worksheets were maintained and updated as each product was used.

#### Spraying equipment

The Inspector will also record details of any pesticide application equipment on the holding, noting when it was last calibrated, and by whom. All application equipment in use must be calibrated at least once a year. At the moment it is sufficient that this be done by the farmer/owner, but there will be a requirement for all boom sprayers in excess of three metres wide to be subjected to a much more rigorous testing regime when the Sustainable Use Directive is fully in force.

#### Records

On the day of the Inspection you may be asked to present records of PPP purchase, use and, where relevant, disposal over the previous 12 months. Ideally you will be able to present records of use in the format shown in Table 1 (available at <http://www.pcs.agriculture.gov.ie/regulations/FarmersAppRecordLog.pdf>). As a minimum you must be able to present, on demand, a notebook or farm diary

indicating that records are being maintained. The details outlined in Table 1 represent the basic requirements of the DAFM. If your farm software package provides all this information, then a printout of this will be acceptable. Otherwise you will be given copies of Table 1 and asked to transcribe and complete from the farm diary. It is important to write legibly - if the records can't be deciphered, they may either end up being returned to the applicant with a request for clarification, or be misinterpreted which at a minimum may delay payment, or indeed result in a penalty being applied.

Columns 1 and 2 (Product Name and PCS No) should be treated together and should be taken from the container of the product used. It is not uncommon for penalties being incurred where the PCS No recorded is incorrect with regard to the product used. Typo errors are not the primary cause, but rather where the PCS No is obtained retrospectively either from an invoice, or the PRCD website. It can be erroneous to complete the required records from an invoice or other third party information source and assume that this information is correct. Likewise the PCS website should not be used as a source of information to retrospectively complete records. The information provided on the website is "live" and is updated on a daily basis. New label recommendations may result in a new PCS No being assigned to a recognised product brand name that has been in existence for some years.

Sometimes PCS No's are presented for products that were not available on the market at the time of the original product purchase or indeed its use.

Note also that *CMPP*, *Chlorothalonil* etc., are not product names, they are active substances, and as such should not appear in Column 1.

**If errors and possible penalties are to be avoided, the product name and PCS No must be recorded from the container on the day of use and not from any other source**

In column 3, the location should ideally be the LIPIS No., or other unique identifier, or townland. In reviewing the records provided, PRCD will carry out a cross-check of the information provided against the SPS application to ensure that the records detail all the crops grown on the holding. Discrepancies between the worksheet records and the SPS application will inevitably result in a penalty if the records are deemed incomplete.

Obviously both the crop grown and the area (ha) are crucial in determining the legality of the use of a product. There are a number of examples each year where a product is used on a crop for which it is not approved. Where this occurs a penalty will be applied. The unapproved use of a pesticide is an act that cannot be 'undone', and may well have potential repercussions along the food chain – far beyond the farm gate, as well as potentially adversely affecting human health and/or the environment. It is also critical that the correct crop is identified on the record sheet to avoid misinterpretation of information and the risk of a penalty being applied. Products can have differing application rates and timings when used on either winter or spring crops, or indeed may even be allowed on one crop and not on the other. Also mixing of metric and imperial units of area should be avoided.

In terms of the rate of product use, this again can be a cause of penalties where failing to read the label, results in;

- i) exceeding the permitted Maximum Individual Dose (MID);
- ii) exceeding the permitted Maximum Total Dose (MTD);
- iii) exceeding the maximum number of applications;
- iv) failing to abide by the interval periods between applications;
- v) failing to abide by the pre-harvest interval.

### **READ THE LABEL!**

Details of the volume of water used and the date of treatment must also be recorded.

#### Reviewing records

Under Irish conditions it is difficult to avoid the use of PPPs in crop production, e.g. for most cereal crops, a herbicide and a fungicide program would be required. Where such records are absent, questions will inevitably arise.

In 2011, the inspection program resulted in an increased number of penalties being applied as a result of incomplete records. In a number of instances the inventory of the products in-store (recorded on the day of inspection by the inspecting officer), indicated that product purchased in the previous 12 months had been used, but this use had not been recorded in the records of use.

#### Appeals

Applicants should be aware that they have the right to appeal any penalty imposed, but in applying for a review must submit a valid justification to allow for the removal of the penalty. In considering a review, PRCD can request additional relevant information including invoices for all sprays purchased in the previous 12 months. It should be noted that in applying for a review, the penalty as well as possibly being reduced or rescinded, may also be increased.

The above represents a very black and white picture of the SMR9 requirements. If your storage facilities meet the legislative requirements, and you are keeping accurate and up to date records of the PPPs stored and used on your holding, there should be nothing to fear from an inspection with regard to the SMR9 component of Cross Compliance.

## Product update

The following is a list of products that have recently been re-registered. Products with the old PCS No should be used as soon as possible

Product Name	PCS No	Comment
<b><u>Cereals</u></b>		
Acanto Prima	04043	Old PCS No (02570)
Amistar Opti	03408	Old PCS No (02162)
Bravo 500	03452	Old PCS No (00198)
Cajole Ultra	04507	Old PCS No (04199)
Clovex	04292	Old PCS No (03240)
Croplink Avena	04601	Old PCS No (04334)
Croplink Methrin 100	04621	Old PCS No (02481)
Farmco Axis	04435	Old PCS No (04113)
Farmco Rebel XT	04402	Old PCS No (04156)
Farmco Tusker	04403	Old PCS No (04153)
Fencer P	01770	Old PCS No (02483)
Gex 353	03437	Old PCS No (01720)
Moddus	03849	Old PCS No (01167)
Twinprop*	04427	Old PCS No (92091)
Venture Extra	04581	Old PCS No (04080)
Mastiff	02372	Not reregistered – <b>use by 30/06/2013</b>
Splice Extra	04081	Not reregistered – <b>use by 18/07/2013</b>
Unix 75 WG	00623	Not reregistered – <b>use by 30/10/2013</b>
<b><u>Potatoes</u></b>		
Barclay Dimethosect	90172	No longer approved for use on <b>ware</b> potatoes
Reglone	02453	Approved as a desiccant - must not be used as a herbicide on potatoes
Retro	03712	Approved as a herbicide – must not be used as a desiccant on potatoes

\*The new product is not approved for use on grassland

<b>Remember – Keep your pesticide worksheet updated and current</b>
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**Table 1. Suggested format for recording the use of pesticides on farm**

Product Name (Trade Name)	PCS Number (as printed on product label)	Area treated (ha) (or tonnage treated)			Pesticide Application Rate (kg or L per ha)	Volume of water (L per ha)	Date treated
		Location <sup>1</sup> (of application)	Crop (winter / spring)	Area (ha)			

<sup>1</sup> Where available, the LPIS No of the plot treated must be recorded.