

Enforcement challenges in the PPP sector

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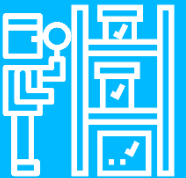
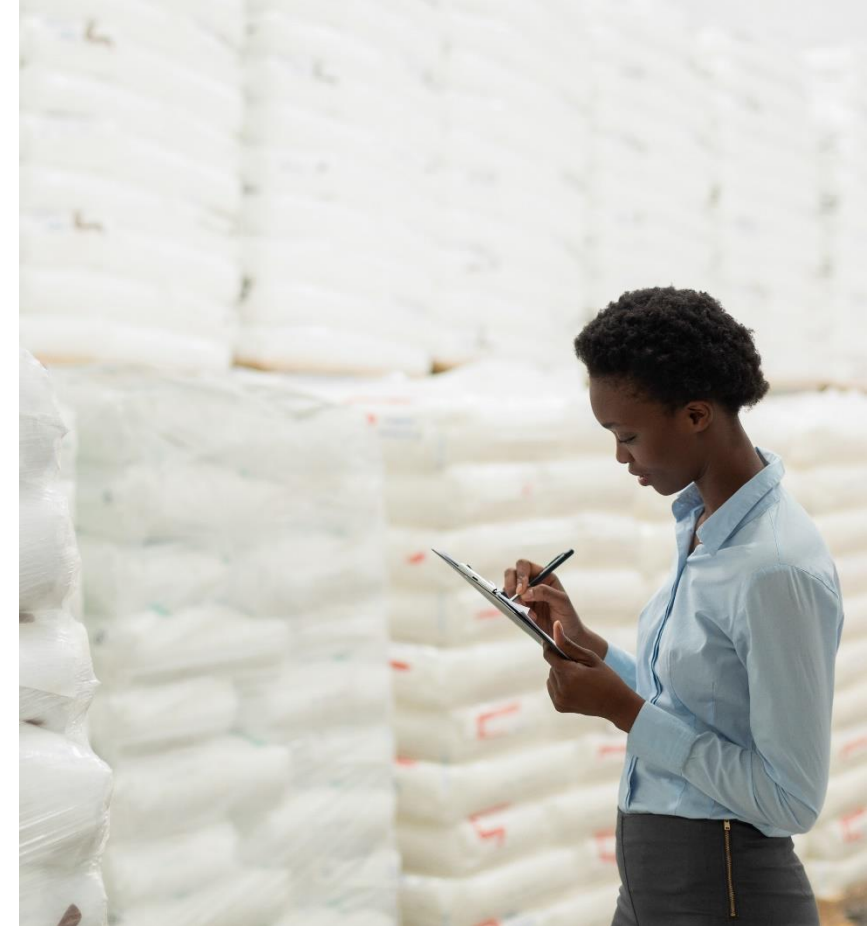


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Challenges faced by PPP enforcing authorities

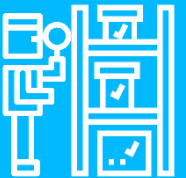
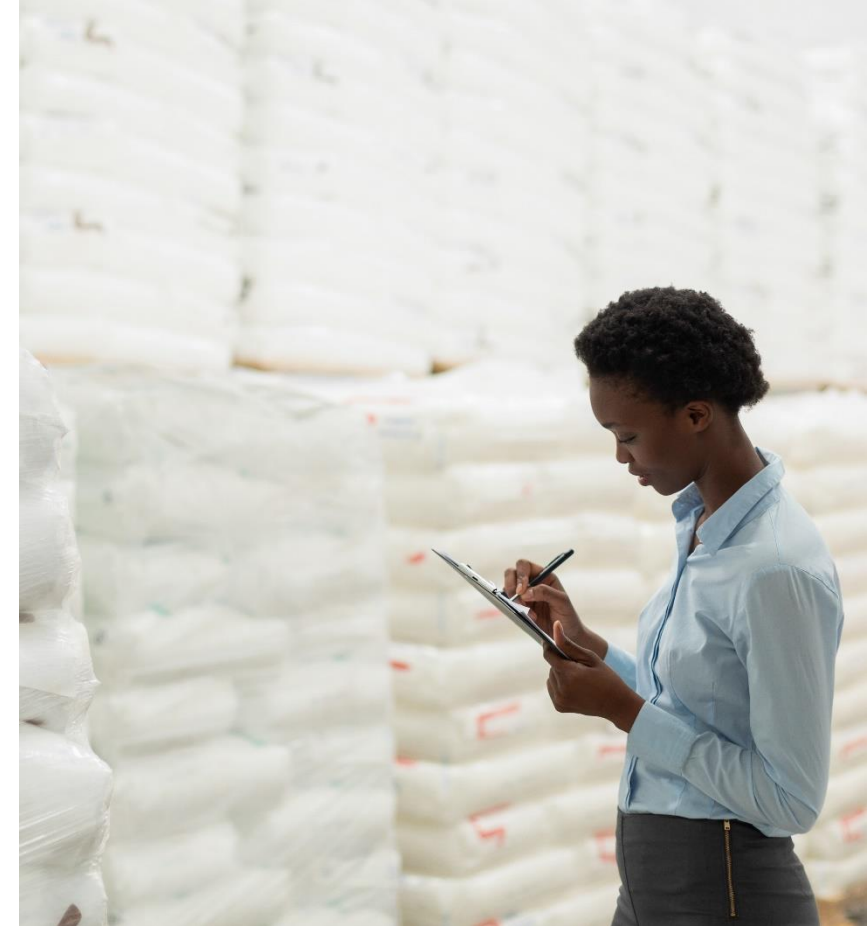
- Lack of resources
- Complexity
- Brexit: transitional arrangements, divergence
- Deregulation
- Organised crime
- Large number of dutyholders (especially when users are taken into account)
- Online sales
- Dutyholders based outside GB
- Prioritisation, e.g. by HSE, police or at the borders

Many of these challenges are shared by industry...



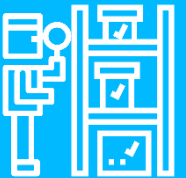
On a more positive note...

- Recent substantial increase of PPP enforcement resource within HSE, driven by the Official Controls Regulation (OCR)
 - Pesticide Enforcement Officers (PEOs)
 - Inspectors
 - Non-warranted enforcement staff
- More inspection, investigation and enforcement activities conducted under PPP than other chemicals regulations in GB
- Significant experience and competence in PPP regulation (mature enforcement regime)
- HSE's enforcement activities are guided by the Enforcement Policy Statement (EPS) and Enforcement Management Model (EMM)
 - Proportionality
 - Discretion



HSE's activities on PPP enforcement

- **Proactive** (inspection/monitoring)
 - Pesticides formulation survey
 - Official Controls Regulation (OCR)
 - Residue monitoring programme
 - Official Recognition inspections
- **Reactive** (investigation)
 - Complaints
 - Referrals
- **Enforcement**
 - Letters, notices, prosecution



Priority 1: Official Controls Regulation (OCR)

- OCR requires enforcing authorities to apply official controls throughout the agri-food supply chain in GB
- It aims to provide assurance in feed and food safety, animal health and welfare and plant health
- Its requirements are largely placed on regulatory authorities
- One new duty on industry was introduced – registration
- This requires businesses that manufacture, supply and use PPPs to provide details of their activities to Defra and equivalent Welsh and Scottish government departments, for instance:
 - Their business details
 - How they work with PPPs
 - Approximate quantities handled/used per year



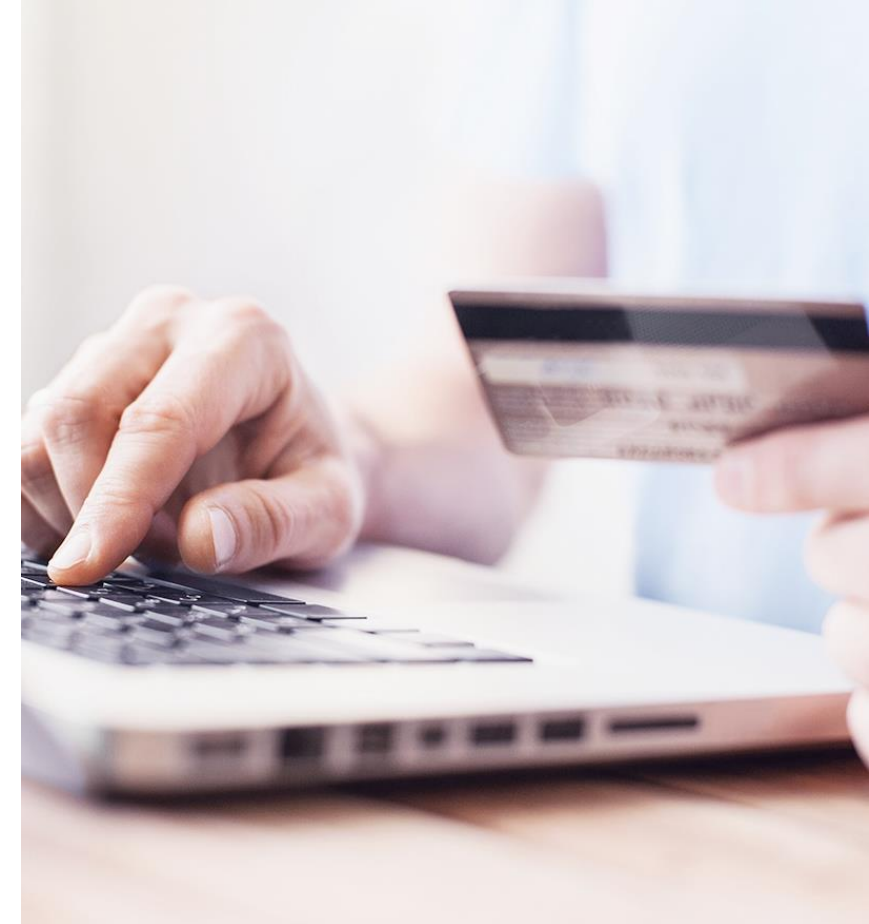
Priority 1: Official Controls Regulation (OCR)

- Enforcing authorities will then implement a “risk-based visit programme” using registration information
- Based on a large list of dutyholders to visit (manufacturers, suppliers, users who have submitted registrations)
- CRD’s PEOs will be heavily involved in this programme, supported by its inspectors
- Local authorities may become involved later
- Hopefully the inspection programme will not overlook dutyholders that are not on the list, but who should be!
 - The need to register under OCR was not especially heavily publicised / promoted
 - As a result, the list of registrants is likely to be missing many dutyholders
 - Focusing only on those who have registered will not fulfil the objectives of OCR



Priority 2: Online sales

- As with everything else, trade in chemicals is increasingly moving online
- Suppliers can sell online directly to businesses and consumers via:
 - Their own websites
 - Online marketplaces
 - Social media
- The cost and complexity of chemicals regulations and the conventional approaches and resources of enforcing authorities create an attractive environment for those wanting to bypass compliance
- There is a relatively low risk of being caught and, if detected, enforcing authorities often struggle to take effective action
- It's difficult to quantify the scale of the problem – other than knowing that it's a very big problem



Priority 2: Online sales

“Policymakers and enforcement agencies have limited awareness of the scale of the problem, and thus chemicals enforcement does not rank high in the national political agendas”

UN Environment Programme, 2020



Priority 2: Online sales

Available for sale now...



eBay (UK)



schpock.com



Onbuy.com



Amazon (UK)

Priority 3: Deregulation


The UK Government has recently announced:

- Reduction in the size of the Civil Service of a fifth
 - >90,000 posts
 - Unclear how this will affect Defra and HSE
- ‘Brexit Freedoms Bill’
 - Retained EU Law (Revocation and Reform) Bill
 - Presented to the House of Commons for its first reading in September 2022
 - If passed, the Bill would set a sunset date for all retained EU law (law of EU origin), causing it to expire at the end of 2023, unless a positive decision is made to keep it
 - Around 2,400 pieces of legislation are in-scope, listed on a retained EU law ‘dashboard’ on the www.gov.uk site



Priority 3: Deregulation

Regulation (EC)
No 1107/2009



Select Department

All

Search plant protection products

REUL Details

Department	REUL Name	Legislation Description	Sector	Type of REUL under EUWA	Status
Department for Environment, Food and Rural Affairs	Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market	This Regulation lays down rules for the authorisation of plant protection products in commercial form and for their placing on the market, use and control within the Community.	Manufacturing	N/A	Unchanged
Department for Environment, Food and Rural Affairs	Regulation (EU) 2017/625,	Official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (see Article 19, Article 24)	Manufacturing	N/A	Unchanged
Department for Environment, Food and Rural Affairs	The Official Controls (Plant Protection Products) Regulations 2020	The Official Controls (Plant Protection Products) Regulations 2020 allow regulatory authorities to enforce legal requirements that apply to the placing on the market and use of PPPs throughout the supply chain, and to	Manufacturing	N/A	Unchanged
Department for Environment, Food and Rural Affairs	The Plant Protection Products (Sustainable Use) Regulations 2012	(PPPSUR) sets out the competence requirements for sale and use of PPPs, the use, handling and storage requirements of PPPs (including aerial spraying) and requirements for the inspection of PPP equipment.	Manufacturing	N/A	Unchanged
Department for Work and	The Plant Protection Products (Fees and Charges) Regulations 2011 (S.I.	The Regulations provide the charging regime to meet costs incurred by the UK competent authorities in	Manufacturing	EU-derived domestic legislation preserved under	Unchanged

Thank you

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