Department
for Environment
Food & Rural Affairs

Official Controls (Plant Protection Products) Regulations 2020

Key information for those businesses and organisations reporting use of Plant Protection Products (PPPs)

WHAT AND WHY

1. What are the Official Controls (Plant Protection Products) Regulations 2020 (the 2020 Regulations)?

In June 2020 new Regulations were introduced that brought plant protection products (PPPs) within scope of the Official Controls Regulation (OCR). The OCR applies official controls throughout the agri-food supply chain with the aim of improving and providing assurance in feed and food safety, animal health and welfare and plant health. The new Regulations are called The Official Controls (Plant Protection Products) Regulations 2020, or the 2020 Regulations.

The Regulations apply to the whole of Great Britain (England, Scotland and Wales) and supplement existing regulations that govern the sale and use of PPPs (the Plant Protection Products Regulations 2011 and the Plant Protection Products (Sustainable Use) Regulations 2012). The 2020 Regulations enable regulators to carry out checks, or official controls, with the aim of ensuring compliance with PPP legislation. They enable regulators to take a risk-based approach to the monitoring and inspection of activities relating to PPPs.

2. Why are the 2020 Regulations important?

PPPs play a vital role in supporting the UK's plant health and crop production. Safe supply and use protect our crops and natural landscapes from native and invasive non-native species, supporting domestic food production and maintaining our recreational, transport and amenity areas. However, it is also essential to ensure PPPs are used sustainably and in accordance with conditions of use.

The 2020 Regulations enable Defra, the Scottish Government and the Welsh Government, working with regulators, to better understand how PPPs are being sold and used, to support businesses and organisations to comply with existing PPP legislation. In the long run, this will help us demonstrate to members of the public and civil society that we have a robust approach to enforcement.

3. What requirements do the Regulations introduce?

The OCR requires Defra and the Welsh and Scottish Governments to establish and maintain an evidence base of businesses across the GB PPP supply chain. The 2020 Regulations require businesses and organisations that carry out activities relating to the manufacture, sale and use of PPPs and their components to provide details of their

activities to their competent authority. This is the Secretary of State in England, the Scottish Ministers in Scotland and the Welsh Ministers in Wales. Defra are collecting this information on behalf of the Scottish and Welsh Governments for the time being.

4. What is the point of collecting this information?

The 2020 Regulations, along with other legislation governing the sale and use of PPPs, enable regulators to monitor compliance with the relevant legislation with the aim of ensuring that anyone working with PPPs does so safely and in accordance with relevant legal requirements.

To be able to do this, it is necessary to hold information on who is working with PPPs throughout the PPP landscape, what their activities are, and the risks associated with those activities. Collecting this information under the 2020 Regulations will enable regulatory authorities to develop a programme of visits to build on our understanding of compliance with existing PPP legislation across the PPP landscape. This will identify where the greatest risks of non-compliance are and enable resources to be focussed on reducing those risks where most needed.

Regulators will be able to support businesses with compliance in a proactive and systematic way, and to target their advice and support to higher risk businesses.

WHO AND WHAT

5. Who is affected by the 2020 Regulations?

All ‘operators’ within Great Britain must comply with the 2020 Regulations. An operator is any natural or legal person who is subject to, i.e. has duties under, the requirements of the existing PPP Regulations.

You must register your details with the competent authority if you are a business or organisation in Great Britain that sells or uses PPPs and adjuvants. This includes:

- Importers, manufacturers, processors, distributors, or sellers of either PPPs, adjuvants or PPP ingredients for professional use in Great Britain.
- Sellers of amateur PPPs in Great Britain. Amateur PPPs are not intended for professional use and amateur users do not need professional certification to apply them.
- Users of PPPs and any adjuvants in a professional capacity, i.e. as part of work whether paid or voluntary, in Great Britain.

Users of PPPs:

If you use professional PPPs and any adjuvants in Great Britain (GB), you have a legal duty to register under 2020 Regulations.

It is important to note that we require the business or organisation to register as a professional user of PPPs, and not the specific individuals who apply PPPs within the

business or organisation. Where a business employs multiple individuals who all apply PPPs, for example, it is only the business that must register.

Local authorities, such as county and district councils, and other non-business organisations that use PPPs, are also required to register as professional users.

Organisations with multiple locations should register their main business site where they store and/or use PPPs or keep records of use. They should also provide details of any other sites where they store PPPs. They do not need to provide addresses of all the sites where they apply PPPs.

6. What do I have to do?

The 2020 Regulations introduced statutory deadlines by which all businesses within scope had to register. For importers, manufacturers, processors, distributors or sellers of either PPPs, adjuvants or PPP ingredients for professional use in Great Britain, the deadline was 22 September 2021. For users of professional PPPs and sellers of amateur PPPs, the deadline was 22 June 2022.

Any new operators should register within 3 months of starting business, and any existing operator who has not yet registered should do so as soon as possible. Failure to register without a reasonable excuse is an offence.

Users and sellers in Northern Ireland, The Channel Islands and the Isle of Man do not need to register with these forms. If you are based in Northern Ireland, you will need to register with the Northern Irish Government.

- Importers, manufacturers, processors, distributors or sellers of either PPPs, adjuvants or PPP ingredients for professional use in Great Britain can register via this link.
- Users of PPPs in a professional capacity can register via this link.
- Sellers of amateur PPPs in Great Britain can register via this link. If your business sells both professional and amateur PPPs, you only need to register once using the registration form for sellers of professional PPPs.

7. Who does not need to register under OCR?

You do not need to register for OCR if you are not a professional user of PPPs, for example if you use them in your garden.

8. How do I register under OCR?

Download the corresponding OCR registration form at GOV.UK, fill it in and email it to Defra.

The form is in a spreadsheet format. You need spreadsheet software such as Microsoft Excel, LibreOffice or Mac OS Numbers on your device to open and fill in the form.

The form is available in 2 different file types:

- OpenDocument format (.ods)
- Excel format (.xls)

If you're using an Apple device and have OpenOffice or LibreOffice, use the OpenDocument (.ods) file type. If you're using Numbers, you'll need to export and save your completed file in Excel (.xls) or OpenDocument .ods format.

Save the completed form as an OpenDocument (.ods) or Excel (.xls or .xlsx) file.

Professional users of PPPs and sellers of professional PPPs should email their form in .ods, .xls or .xlsx format to GB-OCR-notification@defra.gov.uk.

Sellers of amateur PPPs only should email their form in ods., xls. Or xlsx. Format to GB-OCR-amateur@defra.gov.uk.

Defra can only process PPP user registration forms saved in these formats. If you send your form in a different file format, such as a PDF or word document, it will not be processed, and you will be asked to resubmit.

If your company closes after registering, notify GB-OCR-closures@defra.gov.uk.

9. Is it possible to obtain a paper form?

Professional users of PPPs can request a paper registration form by emailing ocr-ppp@defra.gov.uk. Please ensure you provide name and address details for where the form should be sent. A stamped addressed envelope will be provided for you to return the form.

Alternatively, you can print off your completed form and send to:

The Official Controls (PPPs) Regulations Team
DEFRA
Ground Floor
2 Marsham Street
London
SW1P 4DF

It is not possible for Defra to confirm receipt of paper forms, but you will receive email confirmation when your form has been processed.

10. What information will I need to provide about my use of PPPs?

You will be asked to provide information such as "What quantity of PPPs and any adjuvants do you use, or have applied by a third party, in a typical year".

Your products may be measured in either kgs or litres. If you have a mix of litres and kgs, combine these into one total. (You can consider one litre equal to one kg.). You should provide the undiluted quantity of PPPs.

A rough estimate of total annual use will be acceptable, a high level of precision is not necessary. Do not add the unit of measure to your figure. You only need to provide a single figure that is an estimate of total usage in a typical year.

Use of treated seeds is not to be included in quantity applied. This use will be captured in the registration of seed treatment companies who apply the product to the seed.

11. Why are you asking for information on the total volume of PPPs that I use?

The total volume of PPPs used annually gives an indication of the scale of an organisation's PPP activities, which may provide a proxy for risk. We recognise that there is not necessarily a link between the volume of use of PPPs and risk of non-compliance. Collecting this information will provide a simple starting point by which to organise the data. This information is not used to monitor the total volume of PPPs used in GB in a typical 12-month period.

12. Does OCR track the volumes of PPPs that are being used in GB any one year?

No. The overall aim of the OCR is to provide assurance in feed and food safety, animal health and welfare, and plant health. It does this by enabling regulators to carry out checks, or official controls, to ensure compliance with relevant legislation.

In the case of PPPs, the 2020 Regulations enable regulators to take a risk-based approach to the monitoring and inspection of activities relating to PPPs, to ensure that operators are complying with existing PPP regulations.

13. How will regulators use the information; will they visit the biggest users first?

The approach to the visit programme is still being developed. Our aim is to help to support compliance with PPP legislation. We want to direct help with compliance to where it is most needed.

The Health and Safety Executive (HSE) is the main regulatory authority in Great Britain, but other regulators, such as local authorities, may also have a role.

14. I am a member of an assurance scheme, why do I also need to notify the government?

Under the 2020 Regulations, sellers and users of professional PPPs are required to notify the 'competent authority' of their business activities. The competent authorities are the Secretary of State for England, the Scottish Ministers for Scotland and the

Welsh Ministers for Wales. Membership to an assurance scheme does not constitute notifying the competent authority.

Assurance schemes are voluntary schemes that establish production standards, examples include Red Tractor, Organic Farmers and Growers, Leaf Marque, Soil Association, RSPCA Assured, amongst others. We recognise that some assurance schemes gather information about the use of PPPs and that this information could be relevant to the development of risk criteria in the longer term. If your business or organisation is a member of an assurance scheme that covers the use of PPPs, you will be able to provide this information in the registration form.

15. I have missed the deadline to register – is it still worth registering?

Any unregistered operator that has been working with PPPs for more than 3 months should register as soon as possible. New operators should register within 3 months of starting business.

We recognise that it is a very busy time with lots of demands on people's time, but this is a legal requirement and failure to register without a reasonable excuse is an offence.

16. Will I receive notification that I have registered?

You will receive an auto-response email when you submit your form by email to GB-OCR-Notification@defra.gov.uk. You will receive further email confirmation when your form is processed. Please note that if you submit your form in the post, it is not possible for Defra to confirm receipt of your form, but you will receive email confirmation when your form has been processed.

DATA

17. Who will be collecting my personal data?

Defra is collecting your organisation or company name, the most relevant address to your professional PPP activity, your telephone number, organisation email address and data on how you work with PPPs and any adjuvants.

18. Will my personal information be confidential?

Personal information is confidential, and we are committed to doing all that we can to keep your data secure. We have set up systems and processes to prevent unauthorised access to or disclosure of your data - for example, we protect your data using varying levels of encryption.

Defra may be required to release information, including personal data and commercial information, on request under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000. However, Defra will not permit any unwarranted

breach of confidentiality, nor will we act in contravention of our obligations under Data Protection laws.

19. What will you do with the information/data I provide?

The information you provide will be passed onto the relevant regulators and to the Welsh and Scottish Government if you operate in these countries. This information will be used by regulators to conduct a risk-based programme of visits. If you want to know more about how we will be using this data, please read the Defra GDPR privacy notice.

20. I am a Welsh / Scottish user of professional PPPs why am I required to notify Defra?

Defra is collecting information on behalf of the Scottish and Welsh Governments. Defra will share information submitted by operators based in Scotland and Wales with their respective governments.

SCENARIOS

21. I am both a supplier and user of PPPs – do I need to register twice?

Businesses that apply PPPs in a professional capacity for clients and charge those clients for the supply of the PPPs they use, are only required to register as users of PPPs. In these cases, the supply of PPPs is considered a part of the application service.

Businesses that use PPPs in a professional capacity and supply them separately to their application of PPPs, should register as both a business that uses PPPs and a business that places PPPs on the market.

22. I store and spray PPPs for some of my customers, but other customers who I spray for, store their own PPPs. What do I need to register?

You should register the address(es) of your own storeroom(s). You should not register the storeroom(s) of your customers.

When answering the question on the quantity of PPPs you apply in a typical year, you should include the total amount of undiluted PPPs and adjuvants that you apply for all of your clients. If you do not have the exact figure, please estimate this total amount.

Your clients are responsible for registering their own stores and the total quantity of PPPs and adjuvants that they apply or have applied in a typical year. We recognise that there will be some double counting, but this is not an issue.

23. I hire someone to use professional PPPs on my land. Do I need to register under the 2020 Regulations?

If you have professional PPPs and any adjuvants applied by a third party as part of your work in agriculture or horticulture, amenities or forestry, you need to register.

24. I am a landscaper/ I apply PPPs at multiple locations a year, many of which are private homes. Should I register all of these addresses?

Please provide only your own business addresses. Do not provide addresses of your clients where you apply PPPs.

25. I apply PPPs as a volunteer at my local amateur sports club. Do I need to register?

Yes. The application of PPPs during volunteer work is considered professional use, even if unpaid, and therefore such users should register as professional users under OCR.

26. We are a business with multiple locations. Do I need to add extra addresses to cover all locations?

You should register the main business address where you use PPPs and any adjuvants, store them and/or keep records. You should add extra addresses to register the different sites where you store PPPs and any adjuvants. You do not need to provide addresses of all the sites where you apply PPPs or keep records. On the form, there are instructions at the bottom of each extra address sheet explaining how to create additional sheets for further addresses.

If you have more than 40 addresses to register, you do not need to use the registration form on GOV.UK. Email ocr-ppp@defra.gov.uk for further guidance.

27. Will I have to update my information every year / register again in the future?

There is a requirement on the competent authorities to keep the evidence base up to date. We are reviewing options for doing this and will communicate the process for doing this soon. For farmers and growers, each of the GB governments will work closely with their replacement farming schemes to consider whether OCR registration can align with their future developing initiatives. We do not expect businesses to have to register using this mechanism again in future.

VISITS

28. When can I expect to be visited?

Visits to the top of the PPP supply chain began in December 2022 and these will continue. Commencing early in 2023, OCR visits will be expanded to include users of PPPs in the agricultural and amenity sectors. This is separate to HSE's usual activities in the agricultural sector, which continue.

29. What is the purpose of the visits?

The purpose of a visit is to check how well you are complying with your duties under plant protection product law.

30. What will happen during a visit?

Regulators should have their own guidance to help you prepare for what will happen during a visit. For example, HSE has developed this guidance.

31. How often can I expect to be visited?

It is not possible to say how often individual businesses or organisations will be visited as this will be dependent on the risk profile of your organisation.

32. Will I get any notice of a visit?

Visits may be conducted without prior notice. This is not unusual, and the law permits a visit at any reasonable time if they have reason to believe that it is necessary for the purpose of enforcing the 2020 Regulations.

33. Visits to sectors other than agricultural and central and local government premises

We are currently reviewing arrangements with other regulators and Local Authorities. We will provide updates on visits to PPP users in sectors other than agriculture and amenity in the coming months.

DEFINITIONS

34. What are plant protection products (PPPs)?

PPPs are used to control pests, weeds and diseases. Examples include:

- insecticides
- fungicides
- herbicides

- molluscicides
- plant growth regulators

PPPs can exist in many forms, such as solid granules, powders or liquids. They consist of one or more active substances, co-formulated with other materials. PPPs can be used with adjuvants. An adjuvant is a substance that enhances or is intended to enhance a PPP's effectiveness.

Biocides do not fall with scope of the 2020 Regulations.

Biostimulants and trace elements do not fall with scope of the 2020 Regulations.

35. What is meant by "professional use"?

"Professional user" means any person who uses plant protection products in the course of their work activities, including operators, technicians, employers and self-employed people, both in the farming and other sectors. This includes volunteer work and the professional use of amateur plant protection products.

36. What is meant by agriculture and horticulture?

This includes work in agriculture or horticulture, for example when farming or maintaining arable crops, forage crops or livestock, or when treating seeds.

37. What is meant by amenity?

This includes work in gardening, landscaping or grounds maintenance, or another role in an amenity setting such as in:

- schools
- parks
- sports grounds, including golf courses
- public or private property
- infrastructure, such as roads, railways and waterways
- utilities, such as transport and water companies

38. What is meant by forestry?

This includes work in forests or woodlands, such as in:

- tree management
- tree planting
- use of forests or woodland

39. What is meant by “retailer of amateur products”?

Retailers of amateur products are businesses that sell PPPs for amateur use. These products are not intended for professional use and users do not need professional certification to apply them. Businesses that sell both professional PPPs and amateur PPPs should register as a seller of PPPs for professional use.

POLICY AND ADDITIONAL INFORMATION

40. Have you informed businesses about these requirements before?

We first issued a policy statement on GOV.UK in July 2021. This provided details of the 2020 regulations and was circulated widely to key stakeholder groups. We have since updated the policy statement to reflect the current situation.

41. This is putting an extra burden on farmers and businesses – is it really necessary?

The 2020 Regulations create a legal requirement for sellers and users of professional PPPs to register their activities relating to PPPs with Defra, Scottish Government and Welsh Government. They supplement the pre-existing Plant Protection Products Regulations 2011 and the Plant Protection Products (Sustainable Use) Regulations 2012.

The GB governments do not consider this requirement to be an unreasonable burden. All businesses within scope of the 2020 Regulations are already required by law to retain records of the PPPs they place on the market and/or use. We are asking for a small proportion of this information to enable us to establish and maintain an evidence base of GB businesses across the PPP supply chain, as required by the Regulations.

42. Registering with a form returned by email is a rather old-fashioned way of collecting this information

It is important to register as it is a legal requirement. Defra, the Scottish Government and the Welsh Government have aimed to make the process for registering as easy and straightforward as possible.

43. What is the Official Controls Regulation?

The Official Controls Regulation (OCR) applies official controls throughout the agri-food supply chain with the aim of improving and providing assurance in feed and food safety, animal health and welfare and plant health. This EU law was directly applicable in the UK before we left the EU, hence it was also necessary to implement it for PPPs before we left the EU.