
Appendix A Relevant Statutes and Additional Reference Sources

This appendix lists the statutes that relate to the areas covered under the 'Assured Produce' scheme. Members need to be aware of their obligations under these regulations, therefore, it is recommended that they hold (or have access to) current copies of any relevant Codes of Practice. It should be noted that it is a requirement of the Assured Produce Scheme that members hold the following publications:

- i) The "Environmental Matters" series of Codes of Good Agricultural Practice for the protection of water (PB 0587,1998), air (PB 0618,1998) and soil (PB 0617,1998), available free from DEFRA.
- ii) The Code of Practice for Using Plant Protection Products PB11090 available from DEFRA (ISBN 0855211709) or download in pdf format from www.pesticides.gov.uk
- iii) 'The LEAF Handbook for Integrated Farm Management'. A practical guide for the adoption of Integrated Farm Management.

Other sources of information which members may find useful are also given, together with guidance on where they may be obtained.

Acts:

- iv) The Food and Environment Protection Act (1985), Part III Pesticides (ISBN 0-10-544885-0).
- v) Food Safety Act 1990, Sections 7, 8 and 14.
- vi) The Water Resources Act (1991).
- vii) The Clean Air Acts (1956, 1968 and 1993).
- viii) The Environmental Protection Act (1990).
- ix) The Wildlife and Countryside Act (1981).
- x) The Health and Safety at Work Act (1974).

Regulations:

- i) Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) Regulations, 1994 (SI No.1985), and subsequent amendments.
- ii) The Control of Pesticide Regulations (COPR), 1986 (SI No.1510) and the Control of Pesticide (Amendment) Regulations (COP[A]R), 1997 (SI No. 188).
- iii) Control of Substances Hazardous to Health, 1994 (COSHH) (SI No. 3246)
- iv) The Plant Protection Products Regulations 1995 (PPPR) (SI No. 887);
- v) The Plant Protection Products (Amendments) Regulations 1996 (PPP[A]R) (SI No. 1940);
- vi) The Plant Protection Products Regulations (Amendments) 1997 (PPP[A]R) (SI No. 7) and the Plant Protection Products (Basic Conditions) Regulations 1997 (SI No. 189).
- vii) Sludge (Use in Agriculture) Regulations 1989 (SI No.1263).
- viii) Groundwater Regulations 1998 (SI No 2746).
- ix) The Nitrate Vulnerable Zone (Additional Designation)(England)(No 2) Regulations 2002 (SI No 2614)

EC Directives:

- i) EC Prohibition Directive 78/117/EC and subsequent amendments.
- ii) EC Authorisation Directive 91/414/EC and subsequent amendments.
- iii) EC Directive 86/278/EC - on the protection of the Environment, in particular of the soil when sewage sludge is used in agriculture.

Statutory Codes of Practice:

- i) The "Environmental Matters" series of Codes of Good Agricultural Practice for the protection of water (PB 0587, 1998), air (PB 0618, 1998) and soil (PB 0617,1998), available free from DEFRA.
- ii) The Code of Practice for Using Plant Protection Products PB11090 available from DEFRA (ISBN 0855211709) or download in pdf format from www.pesticides.gov.uk
- iii) The Approved Code of Practice for the Control of Substances Hazardous to Health in Fumigation Operations 1996 HSE Publications (ISBN 0717611957) www.hsebooks.com
- iv) The General Approved Code of Practice for Control of Substances Hazardous to Health and Approved Code of Practice for Control of Carcinogenic Substances (includes regulations in full, HSE 1999, ISBN 0717616703
- v) Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity, (SOAEFD) - available from The Scottish Office, Tel. 0131 244 6360.
- vi) Management of Agricultural and Horticultural Waste (PB 3580, DEFRA).
- vii) Code of Practice for the Agricultural Use of Sewage Sludge (DoE, 1996 ISDN 1-85-112005-X www.defra.gov.uk/environment or www.tsoshop.co.uk/bookstore ISBN 0117522562) ,

Non-Statutory Codes of Practice and Guidelines:

- i) Code of Practice for Pesticide Control, 4th edition January 2004 (FPC).
- ii) Pesticide Residues in Food. Codex Alimentarius Commission Vol.II; and Supplement 1 to Vol. II. 2nd Edition 1993 (adopted limits only) and amendments.
- iii) Storage of Approved Pesticides: Guidance for farmers and other professional users, 1996 (HSE AIS 16).
- iv) Agricultural Pesticides, 1995 (HSE AIS 27).
- v) Code of Practice for the Control of Microbial Hazards, 1st edition 1998 (FPC).
- vi) Guidelines for Farmers in NVZs. (revised edition) DEFRA 2002. PB5505
- vii) Manure planning in NVZs, (revised edition) DEFRA 2002 PB5504
- viii) Farm Waste Grant Scheme (revised edition) DEFRA 2002 PB2529

Other Useful Reference Sources:

- i) 'The UK Pesticide Guide 2006 (BCPC, ISBN 0-85199-621-3).www.ukpesticideguide.co.uk
- ii) 'Pesticides 2001' (PSD/HSE). (No longer published, but information available on PSD and HSE websites)
- iii) 'Using Pesticides-Your quick guide to safe spraying' 2006 (formerly Using Pesticides - A Complete Guide to Safe and Effective Spraying) (BCPC, ISBN 1 901396-10-X).
- iv) Field Scale Spraying 2006 (formerly Boom & Fruit Sprayers Handbook)(BCPC, October 2006 ISBN 1 90139 6 08 6).
- v) Small Scale Spraying (formerly Hand Held Amenity Sprayers Handbook)(BCPC, ISBN 1-901396-07 X).
- vi) 'Is your sprayer fit for work?' (PB 3160, available free from DEFRA).
- vii) 'Keeping Pesticides out of water' (PB 2088, available free from DEFRA).
- viii) 'Pesticides and Integrated Farm Management - a guide to responsible use' (PB 9241 (replaces PB 2489), available free from DEFRA).
- ix) 'The LEAF Handbook for Integrated Farm Management'. A practical guide for the adoption of Integrated Farm Management. Please send a cheque for £5, payable to LEAF (p&p incl) with your address to: Linking Environment and Farming, The National Agricultural Centre, Stoneleigh, Warwickshire CV8 2LZ Telephone: 02476 413911.
- x) 'Trees, water and field boundaries' - (a series of countryside management booklets available from DARD in Northern Ireland).
- xi) 'Integrated Farming' (PB 3618, available free from DEFRA).
- xii) NIAB has produced considerable data relating to the varietal performance and disease resistance. Similarly, HRI and HDC have released numerous reports publications on research results into many husbandry techniques.
- xiii) The Approved Code of Practice for the Safe use of Pesticides for Non-Agricultural Purposes 2006 Defra PB11090 (ISBN 0855211709)

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- xiv) CPA have a range of literature on ICM, COSHH and other crop protection issues, including Integrated Crop Management (BAA, ISBN 0-95598-05-9), Arable Wildlife - Protecting Non-target Species (ISBN 0-905598-06-7), B6 Pesticides in Food Safety.
 - xv) NPTC Schedule of Standards, Certificate of Competence in the use of Pesticides.
 - xvi) 'Controlling Soil Erosion' (PB3280, available free from DEFRA).
 - xvii) Local Environmental Risk Assessment for Pesticides - A practical guide. (DEFRA PB 4168).
 - xviii) Local Environment Risk Assessment for Pesticides - Horizontal Boom Sprayers - New Guidance (DEFRA PB5621)
 - xix) Local Environment Risk Assessment for Pesticides (LERAP) Broadcast Air Assisted Sprayers - a step by step guide to reducing aquatic buffer zones 2002 (DEFRA PB 6533).
 - xx) Introduction of the Ground Water Regulations - Environment Agency Leaflet.
 - xxi) PA1 Pesticide Application Foundation Module CD-Rom. Open Country and BCPC (ISBN 1-901396-04-5) or download from www.nptc.org.uk
 - xxii) Fertiliser Recommendations for Agricultural and Horticultural Crops (RB209) (DEFRA).
 - xxiii) Arable cropping and the environment - a guide (2002) (HGCA/DEFRA).
 - xxiv) Safety Equipment Handbook – A Practical Guide to Safety Requirements 2002 ISBN 1 901396 06 1

HACCP

- i) 'Pesticide controls in the food chain' CCFRA Guideline No 19, 1998 (ISBN 0-905942-12-4)
- ii) 'Assured Crop Production' CCFRA Guideline No 10, 1996 (no ISBN)
- iii) 'Assured Crop Production- Case Study 1 - Lettuce' CCFRA 1999 (ISBN 0-905942-18-3)
- iv) 'Assured Crop Production- Case Study 2 - Apples' CCFRA 1999 (ISBN 0-905942-19-1)
- v) 'Assured Crop Production- Case Study 3 - Wheat' CCFRA 1999 (ISBN 0-905942-20-5)
- vi) 'HACCP: A Practical Guide (2nd edition)' CCFRA Technical Manual No.38 (ISBN 0-905942-05-1)
- vii) 'HACCP Documentation Software, Version 3.0, CCFRA 1999 (ISBN 0-905942-25-6)
- viii) 'HACCP User Guide' European FLAIR Concerted Action Project No 7 (available free from the EC, DG II or National Network Leader).

NFU Order-line Reference Sources:

Environment

088 Waste Materials - Legal Considerations for Spreading or Using on Farmland

Food

700 The Food Safety (General Food Hygiene) Regulations 1995

701 An introduction to hazard analysis

Health and Safety

098 Health and Safety (Consultation with Employees) Regulations 1995

062 Health and safety model risk assessment for agriculture

063 Health and safety model risk assessment for horticulture

094 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995

095 Health & Safety Principles for Farmers and Growers

Pesticide

006 Guidelines for handling pesticide field performance problems

613 Spray liaison arrangements to protect bees

615 Pesticides and no-spray zone restrictions

617 Checklist of pesticide products which become illegal in 1998

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- 618 Importation of pesticides for own use
 - 620 List of products approved for use in or near water
 - 621 Disposal of obsolete pesticides
 - 622 Model pesticide emergency action plan
 - 623 Checklist of pesticide products which become illegal in 1999
 - 625 Local environment risk assessment for pesticides (LERAP)
 - 627 Checklist of pesticide products which become illegal in 2000

Availability:

BCPC publications are available from:

BCPC Publications Sales, 7, Omni Business Centre, Omega Park, Alton, Hants GU34 2QD
Tel: 01420 593 200 Fax: 01420 593 209
Email: publications@bcpc.org www.bcpc.org/bookshop

CCFRA publications are available from:

Publications Officer, CCFRA Technology Ltd., Chipping Campden Glos. GL55 6LD
Tel: 01386 842000 Fax: 01386 842100
Email: info@campden.co.uk www.campden.co.uk

CPA publications are available from:

CPA, Units 18& 20, , Evans Business Centre, Cully Court, Bakewell Rd, Peterborough, PE2 6XS
Tel: 01733 367212 Fax: 01733 562523
Email: info@cropprotection.org.uk www.cropprotection.org.uk.

DARD publications are available from:

Dept. of Agriculture and Rural Development, Exhibitions & Publications Div., Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB
Tel: (028) 9052 4999 Email: dardni.com

DEFRA publications and copies of the Acts and Regulations are available from:

accredited Stationery Office outlets (e.g. Dillons Bookshops), or by mail, fax and telephone from:
Defra Publications, Admail 6000, London SW1A 2XX www.defra.gov.uk Tel: 08459 556000
Email: defra@cambertown.com
or TSO Publications Centre, PO Box 276, London SW8 5DT Tel: 0870 6005522 Fax: 0870 6005533
Email: book.enquiries@theso.co.uk www.tso.co.uk/bookshop

FPC publications are available from:

The Fresh Produce Consortium, Minerva House, Minerva Business Park, Lynch Wood, Peterborough, Cambridgeshire PE2 6FT www.freshproduce.org.uk
Tel: 01733 237117 Fax: 01733 237118 Email: info.freshproduce.org.uk

FWAG publications are available from:

FWAG (Farming and Wildlife Advisory Group)
National Agricultural Centre, Stoneleigh, Kenilworth, Warwickshire, CV8 2RX www.fwag.org.uk
Tel: 02476 696699 Fax: 02476 696760 Email: info@fwag.org.uk

HDC publications are available from:

HDC, Bradbourne House Tithe Barn, East Malling, Kent, ME19 6DZ www.hdc.org.uk
Tel: 01732 848383 Fax: 01732 848498 Email: hdc@hdc.org.uk

HRI publications are available from:

Publications Dept., HRI, Wellesbourne, Warwickshire, CV35 9EF www.hri.ac.uk
Tel: 024 7657 4455 Fax: 024 7657 4500 Email: enquiry.hri@hri.ac.uk

HSE publications are available by mail order from:

HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA www.hsebooks.co.uk
Tel: 01787 881165 Fax: 01787 313995 Email: hsebooks@prolog.uk.com

LEAF publications are available from:

LEAF, National Agricultural Centre, Stoneleigh, Warwickshire, CV8 2LZ www.leafuk.org
Tel: 024 76413911 Fax: 024 76413636 Email: enquiries@leafuk.org

NIAB publications are available from:

The Librarian, NIAB, Huntingdon Road, Cambridge, CB3 0LE www.niab.com
Tel: 01223 342200 Fax: 01223 277602 Email: info@NIAB.com

NFU publications are available to NFU members from:

The Orderline service on 0906 8338700 or online. www.nfuonline.com

SOAEFD publications are available from:

Accredited Stationery Office outlets or by mail, fax and telephone from The Stationery Office
Publications Centre in Edinburgh www.tso.co.uk
Tel: 0870 606 5566 Fax: 0870 606 5588 Email: Edinburgh.bookshop@tso.co.uk

Other Website Addresses:

www.assuredproduce.co.uk	Assured Produce Scheme
www.cmi-plc.com	Checkmate International
www.defra.gov.uk	Department of Environment, Food and Rural Affairs (DEFRA)
www.fabbl.co.uk	SAI Global/FABBL Ltd
www.europa.eu.int	European Union (E.U.)
www.eurep.org	EUREP
www.hse.gov.uk/hthdir/noframes/bpav.htm	Health and Safety Executive (HSE)
www.WhatRisk.com	National Britannia Certification Ltd
www.pesticides.gov.uk	Pesticide Safety Directive (PSD)
www.voluntaryinitiative.org.uk	Voluntary Initiative (VI)

Appendix B The FPC's Pesticide "Undertaking" for Suppliers of UK-Grown Produce**PESTICIDE UNDERTAKING**
(Suppliers of UK-Grown Produce)

To: _____

Pesticide Undertaking

With reference to our obligations as a supplier to _____, we confirm that:

- 1 We are aware of the relevant legislation, cited below*, in respect of pesticide controls, permitted maximum residue levels and food safety. We will abide by these and any amendments to UK legislation and any EC Regulations.
- 2 We understand that you will make available details of the legislation, indicated below, upon our request. We confirm receipt of the EC Prohibition Directive list of specifically withdrawn pesticides.

We declare that we have adopted the FPC Code of Practice for Pesticide Control (Fifth edition 2006) for use with UK produced crops.

- 3 We will ensure that all produce supplied to you will have been grown in accordance with Good Agricultural Practice as detailed for UK grown crops in the relevant protocol of the UK Assured Produce Scheme.
- 4 We will ensure that all produce supplied to you from UK growers will have been grown with due regard for the environment as outlined in the Code of practice for the Safe Use of Pesticides on Farms and Holdings (MAFF 1998 Ref. PB3528) or its revision by DEFRA due in 2006.
- 5 We are confident in our technical knowledge on pesticide use and application and/or, where necessary, use the services of a BASIS qualified professional adviser.

Pesticides will only be applied by operators who are trained to the necessary standard.

- 6 For UK grown crops we will only permit pesticides which are:
 - 6.1 approved for use in strict accordance with its UK label recommendations; or
 - 6.2 approved for use on the relevant crop in strict accordance with its UK label recommendations; or
 - 6.3 approved for use where specific off-label approval has been given and a copy of the "Notice of Approval" is held by the grower; or
 - 6.4 approved for use by an off-label extrapolation as detailed in the "Long Term Arrangements" in the PSD website <http://www.pesticides.gov.uk/approvals.asp?id=486>.We understand that compliance with these label and off-label recommendations must ensure that UK maximum residue levels are not exceeded [and] that the pesticide use is in accordance with your prescribed list.
- 7 We will co-operate with you to provide information on pesticide use on all produce supplied to you.
- 8 We will ensure that detailed records, to a standard consistent with that outlined in the FPC Code of Practice (Fifth Edition 2006) of all pesticide applications are maintained for all crops, both pre-

and post-harvest. These records will be made available for inspection by you and your customers upon request and will be held for a minimum of five years.

- 9 We understand that you will sample produce from time to time to analyse for pesticide residues and that these results may be provided to your customers upon their request. We understand that our name will not be disclosed with these results to any third party without specific written agreement from us.

Dated this _____ day of _____ 20_____

Name (print) _____ Signature _____

Position held in company _____

Company name _____

*Relevant legislation:

- a EC Regulation 396/2005
- b The Control of Pesticides Regulation 1986 (SI No 1510).
- c The Pesticides (Maximum Residue Levels in Crops, Food & Feeding Stuffs) Regulations 2005 and amendments.
- d Food Safety Act 1990 Sections 7,8 and 14.
- e Pesticide Residues in Food. Codex Alimentarius Commission Volume 2 and Supplement 1 to Volume 2.
Second Edition 1993 (adopted limits only) and amendments.
- f EC Prohibition Directive 79/11/EEC and amendments.

Appendix C The FPC's Proposed Pesticide Usage (Pre and/or Post-Harvest) Form

Proposed Pesticide Use Form (Pre and Post-Harvest)

To: _____ Supplier: _____

Address: _____

Detailed below is the list of pesticides which we propose to apply to crops from which we may supply you during 20 _____

This Section to be filled in by the grower/supplier				This section to be filled in by the PMO					
Crop	Expected supply season (months)	Pesticide scheduled for use		Is this product approved in the country of origin?	Has the active ingredient been specifically withdrawn in the EU?	Has a UK MRL been set (or about to be changed or set) during this season?			
		Trade Name	Active ingredient			Harvest interval	Origin of approval	YES/NO	YES/NO

I declare that the information given above is correct, and I will advise you immediately before any additional chemicals are used during the season.

I reaffirm my pesticide undertaking previously signed for you.

Completed by: _____ Signed: _____ Date: _____

Approved by: _____ PMO Technical: _____

Date: _____

Grower Name: _____ Farm Name: _____

Address: _____ Tonnage: _____

Store capacity, if applicable: _____

Field Number/Location: _____ Crop Variety: _____ Area: _____ (ha)

Sowing or Planting date: _____

Date and Time Applied	Justification/Target for Application	Pesticide Applied		Field of part of field sprayed	Application details		Wind Direction and Speed	Harvest Interval	First Permissible Harvest Date	
		Product Name	Active Ingredient		Rate	Water Volume				

Audited, checked and approved by: Name: _____

Signature: _____ Date: : _____

Owner of Produce: _____ Farm name: _____

Address: _____

Storage Capacity if Applicable: _____

Field Number/Location : _____

Type of Produce: _____ Tonnage: _____

Date of Application	Lot/Store Identification	Justification/Target for Application	Quantity of Product Treated	Pesticide Applied		Rate and volume	Wind Direction and Speed	Application Utilisation No. of Days
				Product Name	Active Ingredient			

Audited, checked and approved by: Name: _____

Signature: _____ Date: _____

Appendix F An Alternative Layout for Recording Field Applications

Name						
Field Reference						
Crop/Variety/Growth Stage						
Date						
Problem/Reason for use						
Product choice/used (in order of addition to tank)	Product	Dose	Product	Dose	Product	Dose
Water Volume						
Spray Quality/Sprayer Setting						
Harvest Interval/latest application GS or date						
Off Label Approval No.						
COSHH rationale (Ref: Product choice)						
Signature						
Name of Operator						
Date of Application						
Area of field/sprayed						
Time: Start/Finish	/	/	/	/	/	/
Personal protective equipment required						
Bee Warnings/Field signs posted, etc.						
Weather at Application (temp/rainfall/wind/sun)						
Weather post Application						
Soil/Crop condition						
Counter Signature						
Harvest Date						
Crop condition						

Appendix G Approvals for (Extension of Use) Off-Label Uses

1. Specific Off-label Approval (SOLA)

These are uses for which approval has been sought by individuals or organisations other than the manufacturers. Operators making use of such treatments must obtain a copy of the relevant "Notice of Approval" document and comply strictly with the conditions laid down as the conditions of approval given in the document supersede any on the label which otherwise would apply.

2. The Long Term Arrangements for Extension of Use (2002)

Since 1st January 1990 arrangements have been in place which permit many pesticide products to be used for additional specific minor uses, subject to adherence to various conditions.

Please note that these extensions of use are at all times done at the user's choosing, and the commercial risk is entirely theirs.

PSD is in the process of replacing the Arrangements by converting key uses to Specific Off-label Approvals (SOLAs). This exercise relates only to edible uses (and not inedible uses such as ornamentals) as the most pressing difficulties are arising due to maximum residue levels. It will look at what needs to be done for ornamentals and other inedible uses in due course.

Specific Restrictions for Extension of Use Under these Arrangements

To ensure that the extension of use does not increase the risk to the operator, the consumer or the environment, the following conditions **MUST** be followed when applying pesticides under the terms of this scheme:

General Restrictions

1. These arrangements apply to label and specific off-label recommendations for use of **ONLY** products approved for use as Agricultural/Horticultural pesticides.
2. All safety precautions and statutory conditions relating to use (which are clearly identified in the statutory box on product labels) **MUST** be observed. If extrapolation from a specific off-label is to be used then in addition to all safety precautions and statutory conditions relating to use specified on the product label, all conditions relating to use specified on the Notice of Approval for the specific off-label use **MUST** be observed.
3. Pesticides **MUST** only be used in the same situation (outdoor or protected) as that specified on the product label/specific off-label Notice of Approval for the use on which the extrapolation is to be based, specifically:

Pesticides must not be used on protected crops, i.e. crops grown in glasshouses, poly tunnels, cloches or polythene covers or in any other building, unless the product label/specific off-label Notice of Approval specifically allows use under protection on the crop on which the extrapolation is to be based. Similarly, pesticides approved only for use in protected situations must not be applied outdoors.

PLEASE NOTE: Unless specifically restricted to outdoor crops only, pesticides approved for use on tomatoes, cucumbers, lettuce, chrysanthemum and mushrooms are assumed to be approved for use under protection. For all other uses, if the label/specific off-label Notice of Approval does not specify a situation, then only extrapolation to an outdoor use is permitted.

4. When making an extrapolation under these arrangements the latest timing of application on the product label/specific off-label Notice of Approval for the use on which the extrapolation is to be based MUST be observed. Where the latest timing of application for the crop on which the extrapolation is to be based is a growth stage and this is not relevant to the proposed crop to be treated, the latest timing of application MUST be converted into days before harvest i.e. the time between the growth stage and the harvest of the approved crop. That period MUST then be observed as a latest timing of application for the crop to which the pesticide is to be applied.

Application Method Restrictions

5. The method of application must be as stated on the pesticide label and in accordance with the relevant codes of practice and requirements under COSHH 1994 (Control of Substances Hazardous to Health).
6. When planning to use hand held equipment to apply a pesticide under these arrangements, users MUST ensure that hand held use is appropriate for the current on-label recommendations/specific off-label Notice of Approval. Notes: unless otherwise stated spray applications to protect crops include hand held uses.

Where hand held use is not appropriate for the use on which the extrapolation is to be based, hand held application should NOT be made if the pesticide label/specific off-label Notice of Approval:

- a) prohibits hand held use;
- b) requires the use of personal protective clothing when using the pesticide diluted to the minimum volume rate recommended on the label/specific off-label Notice of Approval for the dose required;
- c) is classified with one of the following hazard warnings:

‘Corrosive’, ‘Very Toxic’, ‘Toxic’ or ‘Risk of serious damage to eyes’

In other cases hand held application is permitted provided that:

- i) the concentration of the spray volume for the extension of use is no greater than the maximum concentration recommended on the pesticide label;
- ii) spray quality is at least as coarse as the British Crop Protection Council medium or coarse spray;
- iii) operators wear at least a coverall, gloves and rubber boots when applying pesticides below waist level. Use of a faceshield is also required for applications which are above waist height.

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- iv) where there are label precautions with regards to buffer zone restrictions for vehicle mounted use, then users must observe a buffer zone distance of 1 m from the top of the bank of any static or flowing water body when applying by hand held equipment.

Environmental Restrictions

- 7. When planning to apply a pesticide under these arrangements by broadcast air-assisted sprayer (any equipment which broadcasts spray droplets by means of fan assistance which carry outwards and upwards from the source of the spray), only pesticides with specific on-label/off-label recommendations for such use on the crop on which the extrapolation is to be based (e.g. on hops, bush, cane or top fruit) can be used. Any associated buffer zone or other risk management restrictions must be also observed.
- 8. Pesticides classified as Harmful, Dangerous, Extremely Dangerous or High Risk to bees must not be used during flowering of any crop (i.e. from first flower to complete petal fall) unless otherwise permitted. Applications of such pesticides must also not be made when flowering weeds are present or where bees are actively foraging.
- 9. If there is an aquatic buffer zone restriction set for the on-label/off-label use, then where appropriate, users are also obligated to conduct a Local Environmental Risk Assessment for Pesticides (LERAP) for the extension of use.
- 10. All reasonable precautions **MUST** be taken to safeguard wildlife and the environment.

Exclusions

- 11. The following uses are **NOT PERMITTED** under these arrangements.
 - a) Aerial applications
 - b) Use in or near water (in or near water includes drainage channels, streams, rivers, ponds, lakes, reservoirs, canals, dry ditches, areas designated for water storage)
 - c) Use in or near coastal waters
 - d) Use of rodenticides and other vertebrate control agents
 - e) Use on land not intended for cropping, land not intended to bear vegetation, amenity grassland, managed amenity turf and amenity vegetation (this includes areas such as paths, pavements, roads, ground around buildings, motorway verges, railway embankments, public parks, turf, sports fields, upland areas, moorland areas, nature reserves, etc.)

Extensions Of Use

1) Nursery Fruit Crops

Subject to the **SPECIFIC RESTRICTIONS FOR EXTENSION OF USE** set out above, pesticides approved for use on any crop for human or animal consumption may be used on commercial

agricultural and horticultural holdings on nursery fruit trees, nursery grape vines prior to final planting out, bushes, canes and non-fruiting strawberry plants provided any fruit harvested within 12 months of treatment is destroyed. Applications must NOT be made where there are fruits present.

If hand held or broadcast air assisted use is required see paragraphs 6 and 7 respectively of the SPECIFIC RESTRICTIONS FOR EXTENSION OF USE.

2. Crops Used Partly or Wholly For Human or Animal Consumption

Subject to the SPECIFIC RESTRICTIONS FOR EXTENSION OF USE set out above, pesticides may be used on commercial agricultural or horticultural holdings on certain crops. For full details see the PSD website – extrapolation Tables relating to Approvals for (Extension of Use) Off-label uses.

Comment [T1]: Would it be useful to put the URL in?? Same would apply to any references to PSD website.

HOWEVER, BEFORE USING ANY OF THE EXTRAPOLATIONS, THE USER MUST FIRST NOTE THE FOLLOWING:

- a) It is the responsibility of the user to ensure that the proposed use does not result in any statutory UK Maximum Residue Levels (MRLs) being exceeded. MRLs are set out in statutory instrument No: 1985 of 1994: 'The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) Regulations 1999' (The Stationery Office ISBN 0-11-98736-5) and any subsequent updates.
- b) There are situations where these extrapolations DO NOT APPLY (see PSD Website)

Additions

Please see the PSD website Appendix I for Additions relating to specific crops.

Following various questions on extrapolation of latest timing of application under these arrangements over recent years, the following 'GENERAL RESTRICTION' has been added to clarify this point:

Please see para 4 above

PLEASE NOTE that this is not a new restriction. The restriction has been added to clarify how the 'GENERAL RESTRICTION' that 'All safety precautions and statutory conditions relating to use MUST be observed' must be followed under these arrangements.

Appendix H An Introduction to HACCP

Note: The following text is reproduced from “Assured Crop Production – a practical guide to developing a quality management system for primary food production” by kind permission of Campden and Chorleywood Food Research Association and as such is their copyright. Assured Produce believe members will find this brief introduction to HACCP useful and interested members are encouraged to obtain the full document.

“Assured Crop Protection (ACP) is a quality management system that has been developed for farmers and growers to control food safety problems and crop quality aspects. It is based upon the system widely used in food manufacturing called Hazard Analysis Critical Control Point (HACCP); its approach is logical and it is a cost effective basis on which to control hazards in primary crop production.

The ACP manual is designed to guide the reader through the logical sequence of setting up a system but in order to appreciate the rationale behind the system; it is helpful to understand the philosophy and mechanisms of HACCP.

What is “HACCP”?

HACCP originated in the 1960s and the adoption of the HACCP approach to food safety has increased in recent years. HACCP is now nationally and internationally recognised by the food industry and government organisations as the most effective means of assuring food safety. HACCP also provides a powerful method of laying the foundations of an effective quality assurance programme and interfaces with other quality systems such as ISO 9000.

The successful introduction of HACCP into a wide range of food manufacturing operations has demonstrated its benefits and flexibility. HACCP is a straight forward and logical system of control based on the identification and prevention of problems with documented evidence: in effect a common sense approach to food safety and quality management.

It is often a misconception that HACCP is difficult, complicated and bureaucratic, and requires a high degree of expertise. Some knowledge of HACCP is helpful in carrying out a HACCP study but the main requirement is for a thorough understanding of the production process and the products, including those factors which cause concern to the customers.

Principles of HACCP as applied to the food industry

As mentioned previously, HACCP is a systematic approach to the identification of specific hazards associated with all stages of a food operation, defining the means of their control and the identification of so-called ‘Critical Control Points’ (CCPs). In addition, a system must be established to demonstrate that each CCP is under control.

The HACCP system is based on seven principles (CCFRA, 1992; Codex Alimentarius Commission, 1993):-

Principle 1 Conduct a hazard analysis by identifying and listing the hazards associated with each step in the production process and specifying the control measures.

Principle 2 Identify the critical control points.

-
- Principle 3* Establish critical limits which must be met to ensure that each CCP is under control.
- Principle 4* Establish a monitoring system to ensure control of the CCP by scheduled testing or observations.
- Principle 5* Establish the corrective action to be taken when monitoring indicates that a particular CCP is moving out of control.
- Principle 6* Establish documentation concerning all procedures and records appropriate to these principles and their application.
- Principle 7* Establish verification procedures which include supplementary tests, together with a review which confirms that HACCP is working effectively.

Stages in the implementation of HACCP

In food manufacturing, a number of stages have been identified to fulfil these seven basic principles. These stages, outlined below, provide the basis on which to apply the principles of HACCP to crop production.

- | | |
|-----------|--|
| Stage 1. | Define terms of reference |
| Stage 2. | Select the HACCP team |
| Stage 3. | Describe the product |
| Stage 4. | Identify intended use |
| Stage 5. | Construct a flow diagram |
| Stage 6. | On-site verification of the flow diagram |
| Stage 7. | List the hazards associated with each step |
| Stage 8. | Identify CCPs |
| Stage 9. | Establish critical limits |
| Stage 10. | Establish a monitoring system |
| Stage 11. | Establish a corrective action plan |
| Stage 12. | Establish record keeping and documentation |
| Stage 13. | Verification |
| Stage 14. | Review the HACCP plan |

Further details of HACCP and its application are given in CCFRA's Technical Manual No. 38 (CCFRA, 1992).

Principles of HACCP as applied to horticultural production.

A HACCP system may be implemented by the farmer or grower but could be developed in collaboration with consultants, marketing organisations or the customer.

Most crop production operations follow a basic pattern of selection of raw material inputs, crop production operations carried out, harvesting, post harvest handling operations, storage, through to transport to customer. There may be other steps or variations but most crop production operations are very similar.

The HACCP approach starts by breaking down the crop production operation into steps, e.g. selection of crop variety, cultivations, crop protection measures, harvesting, and post-harvest handling. The hazards

associated with each of these steps are then considered. A hazard in terms of food safety is anything that may cause harm to the consumer. Hazards may be biological (e.g. microbiological pathogens), physical (e.g. stones) or chemical (e.g. pesticide residues). However, the approach can also be used to identify hazards associated with quality of products or demonstrate a particular method of crop production.

Next, all appropriate control measures are listed. From these control measures, the steps in the crop production process which are critical to control the hazards are identified (the CCPs). In practice, in a crop production operation, many if not all controls will be critical because, in general, the hazards associated with crops cannot be eliminated or reduced to acceptable levels at any later step in the crop production operation. The decision is then taken on the most appropriate way to check or monitor that these critical controls are working.

Implementation of a HACCP study to horticultural production

The system is suitable for small, medium or large crop production operations. It is a flexible management tool which can be applied to a wide range of simple or complex operations including arable crops, field vegetables, protected crops, soft fruit and top fruit production.

The system can be used for food safety problems as well as quality aspects. It is a business decision as to what is or what is not included, in terms of the crop production operation and the hazards identified, and will depend on the resources of the business, the intended market of the crop or the customer requirements.

However, it is important that the correct focus of the study is identified. In terms of the crop production there are a number of questions to help with these decisions.

1. *Do you want to cover all types of hazards or just selected hazards?*

In some situations it may be easier to limit the number of hazards considered, at least initially. It will be simpler to revisit the study to look at additional hazards that try and do everything at once. It may also be more important to consider the highest priority hazards in the initial study, but this will depend on the intended market.

2. *Will the study cover the whole crop production operation or one specific part?*

It may be appropriate to consider the length and complexity of the crop production operation. Does a long process subdivide logically into several distinct phases which can be evaluated independently (e.g. crop production, harvesting, storage)? These phases can be considered separately if this is easier.

Similarly, the crop may be grown on several different sites (e.g. fields or glasshouses at different locations). A study may be carried out for the crop at all sites, or at individual farms, fields or glasshouses. The approach will depend on the similarity of the production operation and marketing arrangements.

3. *Will the study cover a specific crop or a crop type?*

If the production operation being studied is common to a number of related products (e.g. winter cereals or wheat) then these can be included in one study. Alternatively each crop may be considered in separate studies.

4. *Where should the study start and stop?*

Although it is recommended that the study should include all raw materials and inputs (e.g. site, seed/planting material, pesticides, fertilisers), the study should also clearly specify where responsibility for the crop ends in terms of the production process (e.g. at harvest, after storage, or after dispatch of the harvested product from the farm). It is generally recommended that for food crops the study ends at the point of delivery to the customer. In this way on-farm hazards are covered.


5. *What hazards should be covered?*

HACCP was originally designed for food safety aspects and this is its primary use. However, quality aspects are often of fundamental importance in primary agricultural products and many may need to be included in a study. As a general rule, however, safety aspects should take precedence over quality issues.

6. *What level of monitoring is required?*

At the most basic level, records such as pesticide records required by the Control of Pesticide Regulations (1986) and crop diaries are sufficient but it may be desirable to review the records taken and if necessary develop and implement a specific system. The sophistication of the system will depend to a large extent on the resources of the business.

The scope of a study and its implementation will, therefore, be a decision for each business depending on their own resources, the production operation, the intended market for the crop and the customer requirements. As long as any legal requirements are met it is up to the business to set the hazards, controls and monitoring procedures.



Appendix I Guidelines for the Application of Sewage Sludge

THE SAFE SLUDGE MATRIX

	Untreated Sludge (1)	Conventionally Treated Sludges (7)	Enhanced Treated Sludge (8)
FRUIT	N	N	Y (6)
SALADS	N	N (5)	Y (6)
VEGETABLES	N	N (4)	Y (6)
HORTICULTURE	N	N	Y (6)
COMBINABLE AND ANIMAL FEED CROPS	N (2)	Y	Y (6)
GRASS & FORAGE - Grazed	N	N (2) (3)	Y(3)
GRASS & FORAGE - Harvested	N	Y (3)	Y(3)

Y = all applications must comply with the Sludge (Use in Agriculture) Regulations 1989 and DEFRA Code of Practice for Agricultural Use of Sewage Sludge.

N = applications not allowed (except where stated conditions apply)

GUIDANCE NOTES

- (1) The use of untreated sludge on agricultural land used to grow food crops was banned from 1 January 2006.
- (2) Surface spreading of conventionally treated sludge on grazed grassland is banned, but it can be applied if deep injected into the soil. Where grassland is reseeded, conventionally treated sludge must be ploughed down or deep injected into the soil. Conventionally treated sewage sludge can be applied to the surface of grassland or for forage crops such as maize, which will subsequently be harvested, but there can be NO grazing within the season of application.
- (3) 3 week no grazing and harvesting interval.
- (4) 12 month harvest interval.
- (5) 30 month harvest interval.
- (5) 30 month harvest interval.

- (6) 10 month harvest interval.
- (7) **Conventionally Treated Sludge:** there are a range of different treatment processes used to reduce the fermentability and possible health hazards associated with sewage sludge. These rely on biological, chemical or heat treatment. The most common form of treatment is anaerobic digestion. Conventionally treated sludge has been subjected to defined treatment processes and standards that ensure at least 99% of pathogens have been destroyed.
- (8) **Enhanced Treated Sludge:** originally referred to as "Advanced Treatment", describes treatments capable of virtually eliminating any pathogens which may be present in the original sludge. Enhanced treated sludge will be free from Salmonella and will have been treated so as to ensure that 99.9999% of pathogens have been destroyed.
- Extracts from "Guidelines for the Application of Sewage Sludge to Agricultural Land – The Safe Sludge Matrix" (April 2001, 3rd Edition). Further details available on the WaterUK and ADAS websites: www.water.org.uk and www.adas.co.uk/matrix

MATRIX CROPPING CATEGORIES

FRUIT	SALAD (e.g. ready to eat crops)	VEGETABLES	HORTICULTURE	COMBINABLE AND ANIMAL FEED CROPS	GRASSLAND AND FORAGE	
					HARVESTED	GRAZING
Top fruit (apples, pears, etc)	Lettuce Radish Onions Beans (including runner, broad and dwarf French)	Potatoes Leeks Sweetcorn Brussels sprouts Parsnips Swedes/turnips	Soil based glasshouse and polythene tunnel production (including tomatoes, cucumbers, peppers, etc) Mushrooms	Wheat Barley Oats Rye Triticale Field peas Field beans Linseed/flax Oilseed rape Sugar beet Sunflower Borage	Grass silage Maize silage Haylage Hay Herbage seeds	Grass Forage swedes/turnip Fodder mangolds/ beet/kale Forage rye and triticale Turf production
Stone fruit (plums, cherries, etc)	Vining peas Mange tout Cabbage Cauliflower	Marrows/pumpkins/squashes Rhubarb Artichokes	Nursery stock and bulbs for export Basic nursery stock			
Soft fruit (currants and berries)	Calabrese/broccoli Courgettes Celery Red beet Carrots Herbs Asparagus Garlic Shallot Spinach Chicory Celeriac		Seed potatoes for export Basic seed potatoes Basic seed production			

Appendix J Overview of the Regulations Controlling the Use of Pesticides in the UK

In the UK there are several sets of Regulations pertaining to the use and sale of plant protection products, including growth regulators and rodenticides. These were introduced under the following enabling Acts: the Health and Safety at Work etc Act (1974), the Poisons Act (1972), the Food and Environment Protection Act (1985).

1. The Health and Safety at Work Act (1974) imposes general obligations on:

- (a) employers: to ensure, as far as is reasonably practicable, the health, safety and welfare at work of their employees, including the provision and maintenance of plant and systems of work that are safe and without risks to health, the safe use of substances and the provision of necessary information, training and supervision;
- (b) self-employed: not to put themselves at risk through their work activities;
- (c) employees: to take reasonable care of their own health and safety at work;
- (d) employers, self-employed and employees: not to put at risk, by their work activities, the health and safety of others.

This Act also requires that sufficient information is provided by a supplier of a hazardous substance to enable users to take necessary measures to ensure protection of health and safety. The Act also requires employers to provide, free of charge, protective clothing for their employees as well as any training necessary to ensure safety. The main regulations under this Act pertaining to pesticide use are contained in the so-called "COSHH" Regulations.

1.1 Control of Substances Hazardous to Health Regulations (COSHH) 1994

These regulations cover virtually all substances hazardous to health used in farming, including those pesticides classed as very toxic, harmful, irritant, or corrosive. The basic principle underlying the COSHH regulations is that risks associated with the use of any substance hazardous to health must be assessed before it is used and the appropriate measures taken to control the risk. The emphasis has changed from that pertaining under the old Poisonous Substances in Agriculture Regulations (repealed in 1988) where the principal method of ensuring safety was the use of protective clothing, to the prevention or control of exposure to hazardous substances by a combination of measures.

Consideration must now be given as to whether it is necessary in a given situation to use a pesticide at all and, if so, the product posing the least risk to humans, animals and the environment must be selected. It is essential that all equipment is properly maintained and the correct procedures adopted. Where necessary the exposure of operators must be monitored, health checks carried out and employees must be instructed and trained in precautionary principles. Adequate records of all operations involving pesticide applications must be made and retained. PSD and Defra have yet to determine the length of time these application records should be kept for.

The three key areas relevant to pesticide use addressed in the COSHH regulations are:-

- a) *Occupational Exposure Standards (OES)*

Various substances have been assigned "Occupational Exposure Standards" by the Health and Safety Commission in relation to specified reference periods. For such substances, exposure by inhalation should not exceed the standard or, if exceeded, must be reduced as soon as practical. Full details are given in the HSE Guidance Note EA40/42 Operational Exposure Limits, 1992. Such substances currently marketed as pesticides are given together with their approved standards in the "UK Pesticide Guide".

b) *Maximum Exposure Limits (MEL)*

Under the COSHH regulations certain substances have been assigned maximum exposure limits in relation to specified reference periods. Again, those chemicals covered by these regulations and currently marketed as pesticides are given in the "UK Pesticide Guide".

c) *Protective Clothing*

The COSHH regulations require that whenever there is a label recommendation for the use of protective clothing it should be preceded by the phrase "Engineering control of operator exposure must be used where reasonably practical and in addition to the following protective equipment" and followed by "However engineering controls may replace the personal protection equipment if a COSHH assessment shows that they provide an equal or higher standard of protection". Where other measures do not provide adequate control of exposure and the use of personal protective equipment is necessary, the items stipulated on the product label must be used as a minimum.

2. The Poisons Act (1972)

Certain toxic chemicals are subject to the provisions of the Poisons Act 1972, the Poisons List Order 1982 and the Poisons Rules 1982 which include general and specific provisions for the storage, sale and supply of listed non-medicinal poisons.

Toxic chemicals have been segmented. The sale of so-called 'Part I Poisons' e.g. aluminium phosphide and strychnine, is restricted to registered retail pharmacists and to registered non-pharmacy businesses providing sales do not take place on retail premises. The sale of Part II Poisons e.g. paraquat, is restricted to registered retail pharmacists and sellers specifically registered with the local authority. Again, all chemicals covered by these regulations and currently marketed as pesticides are listed in the "UK Pesticide Guide" (see Appendix A).

3. The Food and Environment Protection Act (1985)

The Food and Environment Protection Act (FEPA) (1985) put in place a statutory approval system which replaced the earlier voluntary Pesticides Safety Precautions Scheme and Agricultural Chemicals Approval Scheme. FEPA introduced powers to control pesticides with the aims of protecting human beings, animals and plants, safeguarding the environment, ensuring safe, effective and humane methods of controlling pests and making pesticide information available to the public.

Two sets of regulations have been introduced under FEPA. First, the Control of Pesticides Regulations (1986) and amendments prescribes the approvals required before any pesticide may be sold, stored, supplied, advertised or used and second, the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) Regulations (1994) and amendments specifies the

legal limits for pesticide residues in food in the UK. The Plant Protection Products Regulations (2005) and amendments implement the Council Directive 91/414/EEC into UK law.

3.1 The Control of Pesticides Regulations (COPR) 1986

These regulations which apply to Great Britain for the purpose of controlling pesticides were enacted under Part III of FEPA.

3.1.1 Scope

COPR applies to any substances, preparations or organism prepared or used for any of the following purposes:

- protecting plants or wood or other plant products from harmful organisms;
- regulating the growth of plants;
- giving protection against harmful creatures;
- rendering such creatures harmless;
- controlling organisms with harmful or unwanted effects on water systems, buildings or other structures or on manufactured products;
- substances prepared or used for disinfecting, bleaching, or sterilising any substances including water, soils, compost or growing medium;
- substances used for modification of micro-biological processes in soil, including soil sterilants;
- pesticides intended for export;
- pesticides used in water supply systems.

The regulations do not apply to organisms other than bacteria, protozoa, fungi, viruses and mycoplasmas used for destroying to controlling pests or to substances whose use or sale within the UK is controlled under the Medicines Act 1968, the Agriculture Act 1970 (Part IV) and the Food Act 1984. They also do not apply to pesticides which use 'physical means'. Members should check with PSD if they are not sure if something falls within the scope of COPR.

3.1.2 Information to the Public

The Regulations also enable the Ministry to make available, on such conditions as they determine, evaluations and study reports of pesticides with a provisional or full approval has been given. The furnishing of copies on payment of reasonable fees is authorised. Commercial use or unauthorised publication of information made available under the regulation is prohibited.

3.1.3 Schedules

COPR specifies the conditions subject to which approval is given by means of various consents. Schedule 1 relates to advertisement, schedule 2 to sale, supply and storage, schedule 3 to use and schedule 4 to aerial application of pesticides.

3.1.4 Types of Approval

Approvals are granted only in relation to individual products and for specific uses. It is an offence to use a non-approved product or to use an approved product in a manner which does not comply with the specific conditions of approval. Statutory conditions which have been laid down for the use of individual products may include the following:

- i) field of use
- ii) crop situations for which treatment is permitted
- iii) maximum individual dose
- iv) maximum number of treatments
- v) maximum area or quantity which may be treated
- vi) latest time of application of harvest interval
- vii) operator protection or training requirements
- viii) environmental protection requirements.

The main source of information on the crops or situations in which the use of a particular pesticide is approved is the product label.

Approval may either be full or provisional. Provisional approvals may be upgraded by manufacturers on submission of required data to the Pesticides Safety Directorate (PSD).

3.1.5 Withdrawal of Approval

Approvals may be reviewed, amended, suspended, revoked at any time. Although revocation may occur for various reasons, a period of two years is normally allowed to permit the using up of stocks by persons other than the approval holder.

3.1.6 Approval of Commodity Substances

Certain chemicals with both pesticidal and non-pesticidal uses are often supplied as commodity substances rather than pesticide products e.g. formaldehyde, methyl bromide, strychnine hydrochloride and sulphuric acid.

3.1.7 "Off-label" Approval

Although it is a legal requirement to adhere to label recommendations (i.e. use in an approved manner) it is legally acceptable to use a product in an "off-label" manner provided that use is approved by specific off-label approval (SOLA) or 'Essential Uses'

Although approved it must be understood that such treatments are not endorsed by manufacturers so farmers and growers are reminded that when using a product in an off-label manner the liability for crop safety (selectivity) and efficacy lies with the user and/or their advisor. Off-label use may only take place if the conditions of approval in the product label and/or leaflet and any additional guidance on off-label approvals have first been read and understood by the grower and sprayer operator. Derogations for 'Essential Uses' are permitted until 31st December 2007. Requests have been made to the European Commissions by Member States to allow the use of a few unsupported active substances after 2003 for key uses where no alternative exists. The Commission decided in June 2002, to allow 49 active substances to be used in this way, until December 2007, in order to provide time for alternatives to be researched and developed. These

'Essential Uses' are only for the crops specified and only apply to SOLAs for products already registered for that use. Extrapolations to other crops are not permitted.

"Off-label" Approval by Extrapolation –

(See Appendix G - Approvals for (Extension of Use) Off-label Uses)

3.1.8 Imports of Pesticides

A farmer or grower may import pesticides into the UK for his own use provided that the pesticides are identical to products already approved in the UK. Prior to importation, he must apply in writing to the Pesticides Safety Directorate, Mallard House, Kings Pool, 3 Peasholme Green, YORK, Y01 7PX.

3.1.9 Breach of Regulations

In the event of a breach of the specified prohibitions in relation to any pesticide or of the conditions of an approval, the Regulations authorise:-

- ix) the seizure or disposal of the pesticide or of anything treated with it;
- x) such remedial action as appears to a Minister to be necessary as a result of a contravention and
- xi) in the case of an imported pesticide, the removal of that pesticide from the UK .

3.1.10 Disposal of Pesticide Waste

Guidance on the correct disposal techniques consistent with the statutory conditions of approval is given in the Defra Code of Practice for using plant protection products' (see Part 5) and the Groundwater Regulations 1998.

Their main objective is to protect groundwater from pollution by a broad range of potential pollutants by requiring prior 'authorisations' to be obtained from the Environment Agency for the disposal of these substances to land. An agricultural activity which requires authorisation is the disposal of pesticide wastes to land (although application of washings to the crop within the terms of an approval is not regarded as disposal).

From 1st April 1999, it is an offence to dispose of certain listed substances to land without having applied for an authorisation. It is not necessary to have received an authorisation for once an application has been made, it is regarded as approved until the Agency makes a definite decision. Applications for authorisation can be made to the Environment Agency on special forms which are available from offices of the Agency.

A "consent to discharge", issued by the Environment Agency, is required for the disposal of all wastes into controlled waters. Discharges containing substances most damaging to the aquatic environment (i.e. 'the Red List') also require approval from the Secretary of State for the Environment, Food and Rural Affairs, advised by Her Majesty's Inspectorate of Pollution. Those 'Red List' pesticides currently marketed in the UK are listed in the "UK Pesticide Guide".

3.1.11 Adjuvants and Tank-Mixes

Pesticide adjuvants are not themselves classed as pesticides but under the COPR "No person shall use a pesticide in conjunction with an adjuvant except in accordance with the conditions of the approval originally given in relation to that pesticide, or has varied subsequently by lists of authorised adjuvants published by the Ministers."

Additions to the list of approved adjuvants are published on the PSD website at intervals. All approved adjuvant products are listed with the names of their suppliers and their authorised adjuvant number in the "UK Pesticide Guide", published annually and on the PSD website. Adjuvant product labels must be consulted for details of compatible chemicals or products, rates etc. Protective clothing requirements and label precautions details are also given in the Guide and may include warnings about products harmful or dangerous to fish.

Regarding tank-mixes, no person shall combine or mix for use two or more pesticides unless all the conditions of the approval relating to this use can be complied with. In particular no person shall combine or mix for use two or more pesticides which are anti-cholinesterase compounds unless the label of at least one of the pesticide products states that the mixture may be made.

3.1.12 Reduced Spray Volume Applications

The statutory conditions of use indicated on the label must always be followed but the spray volume is one recommendation which may in some cases be altered to suit the needs of the equipment or of the user.

The conditions under which reduced volumes may be used are given in the Defra, Code of Practice for using plant protection products. The term "reduced volume" means any spray volume lower than the minimum recommended on the label.

3.1.13 Certification of Competence

No-one may use a pesticide in the course of business unless he has received adequate instruction and guidance in the safe, efficient and humane use of pesticides and is competent in their use. A certificate of competence, i.e. certificates issued by the NPTC or the Scottish Skills Testing Service, is required by operators born after 31 December 1964 (unless working under direct supervision of a certificate holder). A certificate of competence is also required by all persons applying pesticides as contractors. This includes the treatment of seed with the use of mobile or static equipment. A certificate of competence is also needed by anyone supervising operators born after 31 December 1964 who do not themselves hold a certificate of competence.

A recognised Storeman's Certificate of Competence is required by anyone who stores pesticides for sale or supply.

Members must ensure that a recognised certificate of competence (i.e. certificates issued by BASIS [Registration] Ltd.) is held by any agrochemical distributor staff. Members may also want to make sure that consultants and independent advisers whose advice is sought regarding the use of agrochemicals also have the necessary skills, knowledge and training, perhaps an appropriate certificate from BASIS, before they consult them, though this is not a statutory requirement.

3.1.14 Aerial Application

No one may carry out an aerial application unless he holds an aerial application certificate granted under the Air Navigation Order 1985 (SI 1985 No 1643). He must have, not less than 72 hours before the commencement of the aerial application, consulted:-

- a) the Nature Conservancy Council if any part of the land which is subject to the order under the Wildlife and Countryside Act 1981 is within a distance of 1500 metres from any part of the land to which the pesticide is to be applied;
- b) the Water Authority for the area in which he intends to apply the pesticide if the land is adjacent to water, and also obtained their consent if he intends to apply the pesticide for the purpose of controlling aquatic weeds or weeds on the banks of watercourses or lakes.

A person must give notice of not less than 24 hours and not more than 48 hours before the commencement of aerial spraying to the Chief Environmental Health Officer for the district in which he intends to spray and give notice of the intended operation to the occupants of each building within 25 metres of the spray area and to the owner of any livestock or crops within 25 metres of the boundary of the land on which he intends to apply the pesticide.

Notice of not less than 48 hours must be given to the appropriate reporting point of the local beekeepers' spray warning system operating within the district in which he intends to apply the pesticide. Details of the UK Beekeepers Spray liaison contact points are available via the NFU Orderline service.

3.2 Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) Regulations 1994 and subsequent amendments.

Statutory limits have been established for pesticide residues in food crops and animal products. Approval for pesticide products is granted on the basis that, with the relatively small number of treatments which are liable to result in pesticides in foodstuffs, such residues will be below internationally agreed levels where the treatment is applied in accordance with the approved conditions of use. Thus, as long as products are used according to the label instructions and relevant good agricultural practice, the maximum residue level (MRL) should not be exceeded. The responsibility of the farmer or grower is likely to be discharged by ensuring compliance with the approved label or off-label instructions.

An overview of the MRL regulations is given in Appendix K.

4. Plant Protection Product Regulations 2005 and Subsequent Amendments.

The Plant Protection Products Regulations 2005 and the Plant Protection Products (Fees) Regulations 1995 implement Council Directive 91/414/EEC, the so-called "Authorisations Directive", into law in Great Britain.

These Regulations apply to an agricultural pesticide when its active ingredient has been authorised by the EC under the Directive. Until then the Control of Pesticides Regulations 1986 (COPR) will continue to apply. Like the existing United Kingdom requirements, the Directive demands extensive scientific evidence that a pesticide can be used safely before it can be approved.

5. The Code of Practice for using plant protection products

The Code of Practice for using plant protection products gives guidance on meeting member states responsibilities under these regulations. Failure to follow these guidelines is not an offence in itself but the Code may be used in any legal proceedings for breaches of the Regulations. The Code covers operator training and certification, COSHH assessment, pesticide selection, choice of application method, precautions when working with pesticides, disposal of pesticide waste and containers and the keeping of records.

6. The 'Authorisation' Directive

European Council Directive 91/414/EEC, known as the 'Authorisation' Directive, is intended to harmonise national arrangements for the authorisation of plant protection products within the European Union. It became effective in UK on 25 July 1993. Under the provision of the Directive, individual Member States are responsible for authorisation within their own territory of products containing active substances that appear in a list agreed at Community level. This list, known as Annex I, is being created over a period of time by review of existing active ingredients (to ensure they meet present safety standards) and authorisation of new ones.

Individual Member States are amending their national arrangements and legislation in order to meet the requirements of Directive 91/414/EEC. In the UK this has been achieved by the Plant Protection Products regulations (PPPR), under which, over a period of time, all agricultural and horticultural pesticides will come to be regulated. Meanwhile existing product approvals are being maintained under COPR, and new ones are granted for products containing active ingredients that were already on the market by 25 July 1993. Products containing new active substances are regulated solely under PPPR. Active ingredients in this Guide that are included in Annex I are identified in the 'Approval' section of the profile.

The Directive also provides for a system of mutual recognition of products registered in other Member States. Annex I listing, and a relevant approval in the Member State on which the mutual recognition is to be based, are essential pre-requisites.

The Review Programme

The process of reviewing active ingredients is taking considerably longer than originally anticipated. The Programme is designed to ensure that all available plant protection products are supported by up-to-date information on safety and efficacy. Because of the cost of providing this information, many substances are not being supported. For the remainder, the complex packages of data have to be evaluated. At the start of the Programme it was envisaged that all active substances that were on the market on 25 July 1993 would have been reviewed by 25 July 2003 but this has not proved possible.

Approximately 850 substances are being reviewed in four phases. It is possible that some may not achieve Annex I listing, in which case their approvals will be revoked at that time.

Approvals for unsupported actives were revoked on 25 July 2003. Growers were not able to use products containing these actives after 31 December 2003.

A few substances are temporarily reprieved by derogations for 'Essential Uses' granted by the European Commission (see below). However, even allowing for this temporary relief, the effect on the horticultural industry will be serious, with fewer products available, especially herbicides, and little prospect of new developments for minor crops coming forward.

Derogations for 'Essential Uses' permitted until 31st December 2007

Because of the scale of the likely loss of compounds and products, and the impact this would have on some sectors, requests have been made to the European Commission by Member States to allow the use of a few unsupported active substances after 2003 for key uses where no alternatives exists. UK requests were co-ordinated by BCPC and HDC. The Commission decided in June 2002 to allow 49 active substances to be used in this way until December 2007, in order to provide time for alternatives to be researched and developed. In UK this includes 9 herbicides, 2 fungicides, 1 fumigant, 1 acaricide and 1 insecticide.

These 'Essential Uses' are only for the crops specified and only apply to SOLAs for products already registered for that use. Extrapolation to other crops is not permitted. Affected products must be re-labelled for 2003. However, growers have no guarantee that manufacturers will continue until 2007.

It is possible that there will be further losses of products as a result of range rationalisation by companies, or failure of some active substances to achieve Annex I listing. Even where active substances *are* supported in EC Review rounds 2 and 3, not all *uses* will be supported and growers need to be aware of these so that applications for SOLAs can be made.

(Extract from the UK Pesticide Code 2003)

For details of pesticides included in the review, refer to the UK Pesticide Guide or PSD.

7. Statutory and Other Reference Sources.

The official list of products with full and provisional approval together with the names of marketing companies and the product registration numbers is available on the PSD website listed as Pesticides – The Blue Book (Electronic Copy) under PSD Publications Index.

In addition, details of new approvals (both full and provisional) and amendments to existing approvals are published periodically on the PSD website.

Appendix K Overview of the Regulations Controlling Pesticide Residues in the UK

Introduction to the Pesticide Residue Regulations.

1. Introduction.

The use of pesticides in the UK on food, crops and feeding stuffs is limited by statutory controls on their supply and use. As part of the approval process for a specific pesticide, the potential exposure of consumers to residues in food is carefully assessed and uses are only approved if the likely residues present no risk to health.

Pesticides are approved for use on the basis that i) the treatment is applied in accordance with the approved conditions of use and ii) with the relatively small number of treatments which are liable to result in residues, any residues in treated foodstuffs will be at or below agreed maximum residue levels. This should ensure that any pesticide residues are as low as practicable and are toxicologically acceptable.

2. The Definition of a Maximum Residue Level (MRL).

MRLs are defined as the maximum concentration of pesticide legally permitted in or on food commodities and animal feeds after the use of a pesticide according to good agricultural practice (GAP). It should be noted that the existence of an MRL in a particular foodstuff does not indicate that the use of the chemical has been approved on that crop in the UK. MRLs are not themselves safety limits. They are intended primarily to act as a check that good agricultural practice is being followed to allow international trade to take place. During the approval process for pesticides, the potential exposure of consumers to residues in food is carefully assessed, and uses are approved only if likely residues present no risk to health. MRLs do, therefore, take account of consumer safety aspects. Eating food containing residues above MRLs does not automatically imply a risk to health.

There is a general obligation placed upon all users of pesticides that they shall take all reasonable steps to protect the health of human beings, creatures and plants and to safeguard the environment. This general obligation is often expressed in terms of the concept of "good agricultural practice in the use of pesticides"(GAP), which can be summarised as the achievement of the desired degree of control of pests and diseases at an economic cost and with minimum hazard to operators, agricultural workers, consumers, non-target animals and the environment.

A key feature of GAP is the latest time of application or "harvest interval", which is laid down as a statutory condition for use of a particular product for individual crops. It is quoted on the label in terms of the period which must elapse between the last application and harvesting for human or animal consumption. It is an offence not to adhere to these intervals.

Thus, as long as products are used according to the statutory conditions of use included in label instructions and following the appropriate GAP, the maximum residue levels should not be exceeded. Therefore, the responsibility of the farmer or grower is likely to be discharged by ensuring compliance with the label instructions.

3. Pesticides Residues in Fresh Produce/Food - The Legal Context

Although MRLs are classed as “national, European or Codex”, it should be noted they only become operative in the UK when incorporated into UK law. NB: Codex MRLs are not statutory in the UK, but may be used as guidance levels where no EU or UK MRL exists.

i) European MRLs

EU activity to harmonise the national MRLs of Member States started in 1975 with negotiations on Council Directive 76/895/EEC. This fixed harmonised maximum levels for pesticide residues, in and on produce, in an organised and scientific manner for the first time. The implementation of the MRLs set in this directive was optional for Member States who were constrained only by the fact that they could not establish national MRLs that were lower than the level in the directive, since this might act as a trade barrier. This Directive has been followed by a further three Framework Directives establishing obligatory MRLs. These are Council Directives 86/362/EEC and 86/363/EEC which establish EC MRLs for cereals and foodstuffs of animal origin respectively, and Council Directive 90/642/EC, an additional Directive establishing MRLs in a much wider range of products of plant origin, including fruit and vegetables.

Since adoption, a sizeable number of individual Directives amending the above Framework Directives have been voted through by the Standing Committee on the Food Chain and Animal Health – Residues Group.

All EC MRLs set by these Directives must be transposed into UK legislation. The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) Regulations 2005 are the latest consolidated regulations applying to England and Wales, although subsequent amending regulations have also been issued. For Scotland the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Regulations 2005 (as amended) apply. In Northern Ireland it is the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Northern Ireland) Regulations 2006

The Regulations specify MRLs for named raw agricultural commodities, but also extend the scope of these MRLs to processed and composite foods, taking account of the concentration or dilution of the residue that occurs, as a result of the processing. Pesticide residues found in any processed food can also be dealt with using powers under the Food Safety Act 1990. Any foodstuff subject to the Regulations found to breach the MRLs may be seized and disposed of and those responsible would be liable to prosecution. The penalties are fines up to £5000 on summary conviction and unlimited fines on indictment.

ii) United Kingdom MRLs

EC MRLs made on a provisional basis can be overwritten by UK temporary MRLs to take account of new authorisations and uses. These are issued and published separately on the Pesticide Safety Directorate’s website (www.pesticides.gov.uk), but are not incorporated into specific regulations.

iii) Codex Alimentarius Commission MRLs

Where UK or EU MRLs have not been set, residue concentrations may be compared with Codex Alimentarius Commission MRLs. For the full details and definitions, however, and for information on chemicals not currently marketed in Britain, it is necessary to consult the relevant overseas regulations.

It is not true that UK MRLs are more stringent than EU or the UN's FAO/WHO Codex Alimentarius Commission levels. As a very broad generalisation Codex limits until recently have tended to be less stringent than EU limits. This is partly because Codex limits are designed to cover the approved uses of pesticides throughout all countries participating in Codex activities. In fact some UK MRLs are based on Codex levels.

Within the European Commission there is increasing and heavy pressure to keep MRLs as low as possible, therefore, it is likely that some UK MRLs will need to be reduced as EU figures are agreed for the relevant pesticide/commodity combinations. Recently there are clear signs that Codex is adopting a more rigorous approach, including querying the agricultural practices of those countries who seem to need higher MRLs than could be accepted by others.

A question often asked is why, up until now, is there not an MRL for every crop/pesticide combination? As stated above, the setting of EU MRLs has been by priority lists and has thus far covered those pesticides of concern to the authorities in terms of human health or trade.

The European Commission has published an on-going programme of work to set MRLs for further crop/pesticide combinations. This is available on the Commission's website the address of which is http://europa.eu.int/comm/dg06/phyt/residues/index_en.htm

4. The Monitoring of Pesticide Residues

Under early EU legislation (86/362/EEC and 86/363/EEC), each year the UK Government is required to provide the Commission with the results of residue surveillance programmes on cereals and products of animal origin. Information on pesticide residues in fruit, vegetables and other plant products has been required from 1993 onwards under EC Directive 90/642/EEC. However, DEFRA's reports, covering all UK surveillance results, have been submitted to the Commission since 1989.

The UK Government undertakes two "types" of monitoring: -

a) Surveillance Monitoring

DEFRA's Pesticide Residues Committee (PRC) co-ordinates a surveillance programme, and annually analyses 2-3,000 samples for a wide range of pesticide residues. This programme cannot be expected to detect every case where an MRL is exceeded, but is intended to ensure that overall exposure of the UK population to pesticide residues is kept within acceptable limits. Surveillance effort is particularly directed towards areas where experience and intelligence indicate it to be most needed. Hence the proportion of samples analysed by the PRC and found to contain residues is expected to be greater than the proportion of foodstuffs containing residues in the food supply as a whole.

The main aims of the surveillance programme are to:

- xii) monitor residues likely to occur in home-produced and imported commodities
- xiii) target monitoring of specific pesticide/commodity combinations as indicated by data emergent from (i) or on the basis of other reliable information.

The surveillance programme falls into 5 categories:

-
- xiv) annual monitoring of *dietary staples*, that is bread, milk and potatoes;
 - xv) rolling programmes covering the *main food groups* of fruit and vegetables, cereals and products of animal origin. A rolling programme for fish and fish products was started in 1992;
 - xvi) surveys designed to estimate overall *human dietary exposure* to pesticide residues;
 - xvii) surveys of *miscellaneous* foodstuffs and animal feedingstuffs;
 - xviii) EU surveys carried out under the EU co-ordinated monitoring programme.

This programme is essentially designed as a ‘shopping basket’ survey and samples are taken at random from across the food supply chain throughout the UK. The significance of attributing the country of origin correctly has increased with brand naming. It is clearly important that the trade is given all the correct information regarding a sample for them to trace back the source of an unusual or adverse finding.

The results of the surveillance programme are now published once a quarter with the overall annual report generally published in the September following the year in which the samples are collected. Results are published early if they are viewed as of ‘public interest’ and are published immediately they are available if they are of safety concern. Most of the samples are stored after initial processing and analysed in batches.

The surveillance reports publish the brand names for samples where a residue is detected. The brand name information is set out in full in the Annex to the report.

b) Enforcement Monitoring

If surveillance monitoring reveals a problem, then enforcement action can be taken. When foodstuffs are found to contain residues in excess of MRLs or for UK produce found to contain residues of a pesticide not approved for use in the UK, it is the policy of the PRC to establish reasons and propose solutions.

If MRLs are exceeded in imported produce, the appropriate national authorities are informed and, if appropriate, enforcement monitoring may be carried out at the ports of entry into the UK so that consignments found to contain residues in excess of statutory MRLs are denied entry. If residues are found in excess of MRLs in UK produce, local authority officers and the Government veterinary service officers may be specifically authorised to take samples of the foodstuff concerned as part of an enforcement campaign.

Enforcement samples may be taken anywhere in the food chain. Samples from third countries are taken at the port of entry.

5. Imported Foods

Residues in both imported and home produced food must comply with UK or EU MRLs or, if such are not available, Codex MRLs are used as guidance.

6. The Consequences of Exceeding an MRL

Regulation 6 of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs Regulations) enable DEFRA or the Secretary of State to seize or dispose of any crop, food or feeding stuff containing a residue level in excess of any maximum residue level or require some other person to

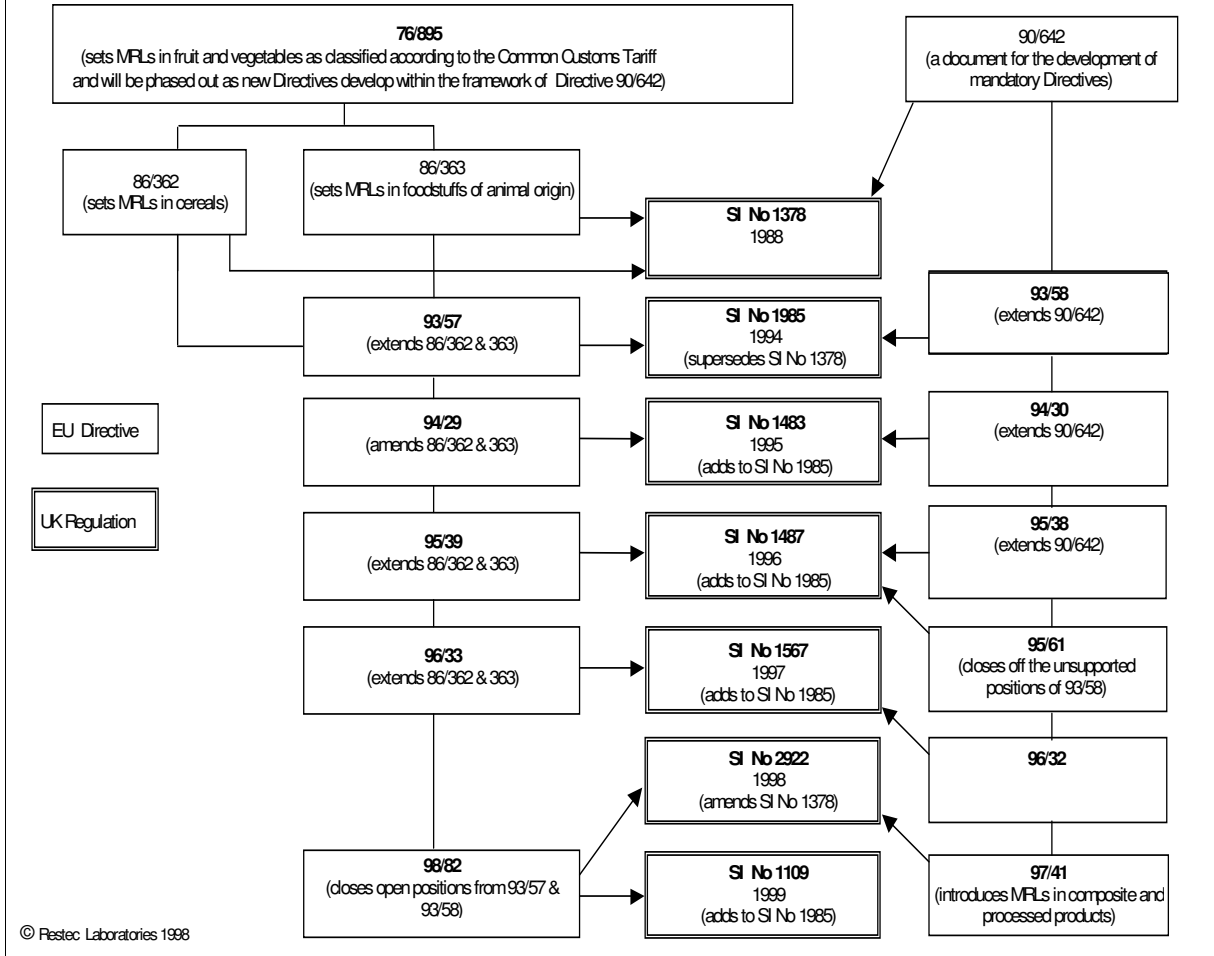
dispose of that crop, food or feeding stuff. He may also direct some other person to take such remedial action as appears to him to be necessary.

Powers to seize and destroy offending produce are contained in both the Control of Pesticides Regulations and MRL Regulations which enable officials acting for Ministers to seize or dispose of any crop, food or feeding stuff containing a residue level in excess of any maximum residue level or require some other person to dispose of that crop, food or feeding stuff. Officials acting for Ministers may also direct some other person to take such remedial action as appears to them to be necessary and those responsible would be liable to prosecution. The penalties are fines up to £5000 on summary conviction and unlimited fines or indictment. Under the Imported Food Regulations, consignments can be held at ports for six working days.

Appropriate provisions exist under sections 8 and 14 of the Food Safety Act for where pesticide /product combinations, for which MRLs have not yet been set, are found at a level sufficient to pose a safety risk or render the product not 'of the substance demanded'. Offences and penalties for contravention of national MRLs are prescribed respectively by Sections 16(12) and 21(3) of the Food and Environment Protection Act 1985. The statutory defence of 'due diligence' is provided under Section 22(1). A person is taken to have established the defence if he proves: -

- xix) that he acted under instructions given to him by his employer; or;
- xx) that he acted in reliance on information supplied by another person without any reason to suppose that the information was false or misleading.

The relationship between the EU MRL Directives and the UK Regulations



Appendix L Contractors Document and Contractors Matrix

CONTRACTORS APS COMMITMENT DOCUMENT (*)

APS Member Name

Membership No

Address

.....

Contractor Name

.....

Address

.....

CONTRACTOR'S SERVICE (e.g. ploughing, pesticide application)

.....

(a) **Contractor's Assured Produce Commitment**

It is the responsibility of the member to make known to the contractor any special conditions or work practices that are necessary as a consequence of the Assured Produce Protocols.

In the absence of any such information, the contractor will ensure that all contract work will be undertaken to a reasonable standard given the quality of the equipment and materials supplied by the grower.

In consequence we, the contractors have read and understood the relevant Assured Produce protocols and we commit ourselves to abide by the Statutory requirements and Good Agricultural Practice guidelines detailed therein (available at www.assuredproduce.co.uk).

(b) **Contractor's required documentation evidence**

When undertaking pesticide applications we will supply the above member documentary evidence of:

- 1) Calibration of pesticide application equipment.
- 2) An Emergency Plan for Pesticide Spillage which complies with the requirements of the Assured Produce Scheme.
- 3) Pesticide application qualifications for the operators used.

(c) **APS Member's written instructions to contractor** (e.g. advisors pesticide recommendations)

(Details as follows or on attached sheet)

.....
.....
.....
.....
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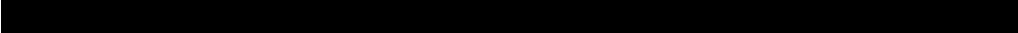
(d) **Verbal briefing of requirements given to the contractor by the APS member**

APS Member signature

Contractor Signature
(or signature of contractors representative)

(Tick boxes as detailed on Contractor's commitment matrix)

(*) A duplicate copy of this document must be provided to the contractor.



Appendix L Contractors Document and Contractors Matrix (Continued)

Contractor's APS Commitment Matrix

Contractors Services	(a) Contractors compliance covered in the APS assessment	(b) Contractors written commitment to statutory requirements and GAP guidelines within APS	(c) Written instruction issued by APS Member to contractor	(d) Verbal instruction issued by APS Member to contractor
<u>General Services</u> (to include:)				
Subsoiling	-	-	-	(d)
Ploughing	-	-	-	(d)
Cultivations	-	-	-	(d)
Drilling/Planting	-	-	(c)	-
Haulage	-	-	-	(d)
Harvesting	-	-	(c)	-
Hedge Trimming	-	-	-	(d)
<u>Nutrient Application</u> (to include:)				
Fertiliser application	-	-	(c)	-
FYM application	-	-	(c)	-
Lime application	-	-	(c)	-
<u>Pesticide Application</u> (to include:)				
Pesticide storage	-	(b)	-	-
Transport to farm	-	(b)	-	-
Application instructions	-	(b)	(c)	-
Mixing and measuring	-	(b)	-	-
Operator training	(a)	(b)	-	-
Calibration of applicator	(a)	(b)	-	-
Use of PPE's	-	(b)	-	-
Emergency Spillage Plan	(a)	(b)	-	-
Disposal of washings	-	(b)	-	-
Empty pesticide container disposal	-	(b)	-	-

Bracketed letters indicate Contractor's requirements as outlined in Contractor's APS Commitment Document.

Members must be aware that, in the eyes of the law, contractors operating on member's farms must be treated as if they are employees, i.e. their safety and the results of the contractor's actions are the member's responsibility.

Appendix M Secure Storage of Fertiliser – Self Assessment Checklist for Farmers

Mineral [or Manufactured] fertiliser is a valuable product for farmers and growers but is potentially dangerous in the wrong hands. The storage and security of fertiliser in your possession is therefore of paramount importance and the purpose of this self assessment is to help you to ensure that basic storage and security is maintained.

You must not sell fertiliser unless the purchaser is known by you to be a bona-fide user and if you re-sell ammonium nitrate fertiliser with a high nitrogen content, (i.e. a nitrogen content of more than 28% of its weight), you must be in possession of a valid detonation resistance certificate for that batch.

		Yes	No
1.	Did you obtain your fertiliser from a Fertiliser Industry Assurance Scheme (FIAS) approved supplier?	<input type="checkbox"/>	<input type="checkbox"/>
2.	Is your fertiliser stored away from areas where there is public access?	<input type="checkbox"/>	<input type="checkbox"/>
3.	Have you ensured that your fertiliser is not stored or left unattended within sight of a public highway?	<input type="checkbox"/>	<input type="checkbox"/>
4.	Do you have a current inventory of your fertiliser stock?	<input type="checkbox"/>	<input type="checkbox"/>
5.	Does your inventory detail the type and brand of fertiliser delivered, stored and used?	<input type="checkbox"/>	<input type="checkbox"/>
6.	Do you have a record of the manufacturers' code numbers	<input type="checkbox"/>	<input type="checkbox"/>
7.	Is your fertiliser stored in a secure building or compound? Or Is your fertiliser stored fully sheeted with tamper evident precautions?	<input type="checkbox"/>	<input type="checkbox"/>
8.	Do you have a protocol, which is known to all staff, detailing what action must be taken if stored fertiliser is tampered with or unaccountably goes missing (i.e. theft)?	<input type="checkbox"/>	<input type="checkbox"/>
9.	How often do you check your fertiliser stock to ensure that any discrepancy is noticed as soon as possible? <i>(Tick as appropriate)</i> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/>		
10.	If you store 25 tonnes or more of fertiliser, have you notified your local fire officer and Health and Safety Executive (HSE)? For further advice please refer to SI 1990 No. 304 – The Dangerous Substances (Notification and Marking of Sites) Regulations 1990.	<input type="checkbox"/>	<input type="checkbox"/>
11.	If you are storing 150 tonnes or more of ammonium nitrate or ammonium nitrate based fertilisers which contain more than 15.75% nitrogen by weight, have you notified the Health and Safety -Executive?	<input type="checkbox"/>	<input type="checkbox"/>

If you have answered 'No' to any of the above questions record what steps you are taking to make it 'Yes'.

Appendix N Secure Storage of Fertiliser – Protocol

Farm Name:	Scheme ID:
Name of member of staff responsible for checking store and reporting:	

PROTOCOL

1.	The fertiliser store/s must be checked at the frequency stated below to ensure stock has not been tampered with or stolen. <i>E.g. Daily/Weekly/Monthly</i>
2.	Any evidence of tampering or loss must be reported immediately to: the Police Anti-terrorist hotline (0800 789321)

GENERAL NOTES ON STORAGE OF FERTILISER**DO NOT:**

- X** Store fertiliser where there is public access.
- X** Leave fertiliser in the field overnight.
- X** Store fertiliser near to, or visible from, the public highway.
- X** Sell fertiliser unless the purchaser is personally known by you to be a bona-fide farmer user and who is aware of the need to follow this guidance.

DO:

- ✓ Record fertiliser deliveries and usage.
- ✓ Wherever possible, and with regard to HSE safety guidance, store fertiliser inside a locked building or compound.
- ✓ Fully sheet fertiliser when stored outside and regularly check to ensure that the stack has not been tampered with.
- ✓ Carry out regular stock checks.
- ✓ Report immediately any stock discrepancy or loss to the police anti-terrorist hotline.
- ✓ Record any manufacturer code numbers from the bags and, if available, the number of the detonation resistance test certificate.
- ✓

Appendix O Traceability and Recall Procedure

IMPORTANT NOTICE – MUST BE DISPLAYED TO ALL STAFF

CRISIS MANAGEMENT PROCEDURE

The following CRITICAL ISSUES arising from WITHIN THE CONTROL OF THIS BUSINESS MUST IMMEDIATELY ACTION the following CRISIS MANAGEMENT PROCEDURE

The PRIMARY PERSON RESPONSIBLE WITHIN THIS BUSINESS 24 HOURS PER DAY for ensuring the Crisis Management Procedure is carried out immediately:

	Full Name:	
	Position:	
	Emergency Telephone Number:	

CRITICAL ISSUES 1-4

1. Unapproved pesticide applied to crop	→	Within 5 minutes of the person responsible (stated above) being made aware of an unapproved pesticide being applied to a crop, this procedure must be immediately followed
2. Exceeded maximum rate applied to crop	→	Within 5 minutes of the person responsible (stated above) being made aware of an exceeded pesticide ratio application, this procedure must be immediately followed
3. Unapproved pesticide residue reported from crop sampling	→	Within 5 minutes of the person responsible (stated above) being made aware of an unapproved pesticide residue being reported back for a crop, this procedure must be immediately followed in full
4. Exceeded maximum residue level reported from Crop sampling	→	Within 5 minutes of the person responsible (stated above) being made aware of an exceeded maximum residue being reported back for a crop , this procedure must be immediately followed in full



IMMEDIATE NEXT STEPS

1. Gather all relevant paperwork	→	Spray Records and/or residue sampling records
↓		
2. Contact customers using emergency numbers provided	telephone →	IMMEDIATELY inform your customer(s) of ALL the details, be prepared to email, fax, and verbally forward all paperwork.



CUSTOMER 24 Hour Crisis Management Emergency Contact Details

Trading Name:	Contact Names:	Telephone Number(s):
	Primary Contact:	Office: Mobile:
	Secondary Contact:	Office: Mobile:

Appendix O Traceability and Recall Procedure (continued)

stop harvesting affected crop	Where crop is being harvested contact staff immediately and STOP harvesting.
segregate and quarantine in storage and clearly label on all sides of containers 'hold' from affected source	Where product has been harvested and stored, yet remains within the control of the business, clearly mark each side of bin/trays ensuring no product gets mixed up with non-affected product or dispatched from site.
secure all crop in potentially affected fields	Where crop is still to be harvested, ensure all Staff and Customer(s) are aware this crop/field reference MUST NOT be harvested. Clearly mark at field entrance MUST NOT BE HARVESTED.
↓	
Next steps - Critical Issues 2 & 4 ONLY	
↓	
2 maximum residue test and/or re-test product	Exceeding the maximum application rate specified in the STATUTORY box within the product label is a breach of the approval and therefore breach of UK Pesticide Legislation. However, where this issue has been identified whilst 'some' of the affected crop is left in the field (and/or storage) and/or 'some' has left the control of the farm business, i.e. has moved further along the food chain, it is imperative that the chemical composition of the product in terms of Maximum Residue Levels (Legal Trading Limits) has not been exceeded (high risk potential Food Safety breach). Samples must be taken from the remaining affected field (and/or stored stock) and arrangements will be made by your customer(s) to collect the samples. Results will be requested within 24 hours and all costs charged to the producer business. These results will be reported back to your customer(s) immediately, after which you will be made aware of the results and any subsequent actions necessary to be taken.
4 maximum residue test and/or re-test product	Where Maximum Residue Level sampling is undertaken internally within your business and results reported which exceed the Maximum Residue Levels, the product is in breach of Legal Trading Limits, cannot and should not be legally be sold and in turn has high risk Food Safety potential. Where this issue has been identified whilst 'some' of the affected crop is left in the field (and/or storage) and 'some' has left the control of the farm business, i.e. has moved further along the food chain, it is imperative that the chemical composition of the product in terms of Maximum Residue Levels is re-checked by the laboratory responsible for producing the original Maximum Residue Level exceedence results. Further samples must be taken from the remaining affected field (and/or stored stock) and arrangements will be made by your customer(s) to collect the samples. Results will be requested within 24 hours and all costs charged to the producer business. These results will be reported back to your customer(s) immediately, after which you will be made aware of the results and any subsequent actions necessary to be taken.
REMEMBER MISTAKES CAN HAPPEN, IT'S WHAT YOU DO ABOUT THEM THAT MATTERS	

SCHEME MEMBERSHIP RULES

1. Any grower producing commercially one or more of the crops for which an Assured Produce Scheme protocol exists shall be eligible to apply to join the Assured Produce Scheme.

-
2. For the purposes of this Scheme, a grower is the person who has functional responsibility for the management decisions and operating systems being assessed in this Scheme. Where the responsibility and operational control is devolved to a number of different units within a single business, separate membership will be required for each unit. The position of the qualifying grower within the overall business should be clearly stated on the application form.
 3. It is perfectly acceptable for a grower to receive outside advice on the completion of the forms. However, all documents should be signed by the grower, who will be expected to demonstrate to Scheme assessors' knowledge and awareness of their content. The grower will be expected to be aware of the Scheme's objectives and procedures and to confirm adherence to the requirements of the appropriate protocols. The grower is also required to ensure that any contractors undertaking work on the production of crops covered by the Scheme adhere to the Scheme protocols. Assured Produce reserves the right not to accept applications where these conditions are not met.
 4. The initial application and each subsequent annual renewal will ask growers to commit themselves to the Scheme for a period of one year by completing the application/renewal form and pay the non-refundable annual subscription. By signing and returning an application or renewal form growers agree to be bound by the rules of the Scheme. Assured Produce reserves the right to alter the rules where, at its absolute discretion, it considers it necessary to do so.
 5. Following receipt of the application form, growers will be sent a checklist and relevant protocols.
 6. Applicants will be granted full membership once an external -assessment has taken place and it is confirmed that all of the 'Critical Failure Points' (CFP) within the protocol standards have been complied with together with 90% of all other questions (minor non-compliances).
 7. If an applicant fails an initial external assessment or a subsequent external assessment and his membership is suspended, this suspension will remain in force for a maximum of 6 months. Within this time, the member must have provided documentary evidence of subsequent compliance or been subject to an additional verification, or membership will be terminated. An external assessment will be undertaken at least annually.
 8. It is a requirement of membership that growers supply Assured Produce, or its nominated agents, with the necessary information to calculate the correct subscription payable for Scheme membership and to assess whether one or more memberships will be required. The decision of Assured Produce will be final in this area.
 9. The Scheme year runs from 1 October to 30 September. Growers may join at any time within this scheme year, membership renewal will be conditional upon the receipt of the appropriate fee. Annually a member will receive a renewal

notice and two reminder letters, if he fails to rejoin within two months of the renewal date, membership will be terminated. If a subsequent application is received to rejoin the subscription will not be backdated, the status will be that of a new applicant and an external assessment will be required.

10. Assured Produce reserves the right to refuse/terminate membership when it considers that it is necessary to do so to prevent the Scheme from being brought into disrepute.

ASSESSMENTS AND APPEALS

11. All applicants and Scheme members agree to give employees and agents of Assured Produce reasonable access to their businesses and production sites to carry out the assessments required under the Scheme rules. Failure to do so shall result in the suspension of membership. At least two week's notice will be given of any routine on-farm assessment. The right is reserved, in exceptional circumstances, to make un-announced visits.
12. Assessors may refuse to carry out an assessment in the presence of a third party who they believe will, intentionally or otherwise, influence its outcome in an inappropriate manner.
13. The Scheme will operate on annual assessment with an in built random element. Acceptance of this inspection timetable is a condition of Scheme membership.
14. In the event of a member failing an external assessment he will be informed of that fact as quickly as possible, his membership will be 'suspended' and he will be given full details of the reason for that failure. Where there are less than 40% 'Critical Failure Points' (CFPs), the applicant must provide documentary evidence of subsequent compliance to gain full membership. Where there are 40% or more CFPs an additional successful assessment visit will be required before membership is granted.

Once the deficiency has been rectified, Assured Produce and/or its agents will carry out the procedures to verify compliance as soon as possible. The costs associated with these procedures, including any additional farm visits, will be borne by the grower, but will be kept as low as reasonably possible.

15. In the event that a grower feels he has been incorrectly assessed during an assessment, he has the option to ask for a re-assessment by another assessor. If the grower's complaint is upheld, there will be no cost for this and any suspension of membership that may have been imposed will be immediately lifted. If the findings of the original assessment are corroborated, or if it is clear that the grower has taken action in the interim that will materially affect the outcome of the re-assessment, the cost of the visit will fall upon the grower. Any requests for re-assessments will be met as soon as possible by Assured Produce or its agents.
16. If a grower still feels that he has been incorrectly treated once the procedure set out in 15 has been gone through, he shall have the option of having his case

heard by a special panel convened for this purpose by Assured Produce. This panel shall consist of at least three persons and will normally include within it one person involved in primary production, one person involved at another stage in the supply chain and one person not directly involved in the production and distribution of the crops covered by the Scheme. A grower may either put his own case to the panel or nominate someone to do so, on his behalf. In the latter case he will still be expected to attend the panel session. Both sides will do everything they reasonably can to keep costs to a minimum. In the event that an appeal to the panel is upheld, all costs reasonably incurred by the appellant will be met by Assured Produce and its agents. If an appeal is turned down, all costs reasonably incurred by the panel will be met by the grower. In this situation the grower will also have to meet those costs outlined in **15** above.

USE OF TRADEMARK AND/OR LOGO

17. Scheme Members shall be permitted to indicate that they are members of the Scheme and, for that purpose only, shall be permitted to use on stationery, publicity materials, exhibition stands and signage, the Trade Mark and/or the Logo. Scheme Members agree to observe all such directions.
18. The above consent, in so far as it applies to use of the Trade Mark, is limited to using the entire designation 'Assure Produce' and, in so far as it applies to using the Logo, is limited to using the Logo in an identical form to that used by the Company. The consent is personal to the Scheme Member and may not be transferred or licensed to any other person.
19. The Scheme members shall not use (or authorise or license others to use) the Trade Mark and/or the Logo in any way outside the scope of the above consent and they shall not use or authorise or license others to use any name, mark, sign or device confusingly similar to the Trade Mark and/or the Logo nor file or cause to be filed any Trade Mark or company name registration applications containing, or confusingly similar to, the Trade Mark and/or the Logo. The Scheme Member will not oppose or cause any oppositions to be filed to any Trade Mark applications filed by the Company register, the Trade Mark and/or the Logo anywhere in the world not otherwise cause any question to be raised concerning the company's ownership of the Trade Mark and the Logo.
20. The Company reserves the right to withdraw from any Scheme member the permission granted hereunder, after giving one months' notice or upon immediate notice if the Scheme member fails to observe the directions of the Company with regard to the use of the Trade Mark or the Logo or if the Scheme Member's membership is suspended or terminated for whatever reason.

CONFIDENTIALITY

21. Clearly others in the supply chain will on occasion wish to ascertain a grower's status in the Scheme. Where an enquirer is able to quote the grower's name, address or membership number of a member, Assured Produce Limited or its agents will confirm membership status as full, suspended, suspended pending

appeal or non-member. The date of the last assessment visit and renewal date may also be given, and the range of crops assessed.

Assured Produce and its agents reserve the right to also release information from its database about the certification status of a member to a person (for example such as Assured Food Standards Ltd) with a legitimate interest in knowing that information if proof of certification might be in the members' interest. The member accepts that information about his lack of certification may be revealed under the provisions of this paragraph.

22. In all other respects, Assured Produced and its agents will respect absolutely the confidentiality of information supplied to them by growers, or otherwise acquired as a result through their operation of this Scheme. As part of its work to assure consumers and promote the development of integrated crop management, Assured Produce will produce reports drawing upon aggregated Scheme data, but this will only be done when it is certain that the information released cannot be traced back to individual members.
23. Assured Produce will (if appropriate) comply with and use all reasonable endeavours to ensure compliance by its agents with the requirements of the Data Protection Act 1998 affecting any information held or stored by either of them.

DISCLAIMER

24. Under no circumstances shall Assured Produce or its employees or agents be liable for any losses, damage, charges, costs or expenses of whatever nature (including consequential loss) which any grower may suffer or incur by reason of, or arising directly or indirectly out of the administration by Assured Produce or its employees or agents of the Scheme or the performance of their respective obligations in connection with the Scheme save to the extent that such, loss, damage charges, costs and/or expenses arise as a result of the finally and judicially determined gross negligence or wilful default of such person.
25. If any competent authority considers that any of the rules of the Scheme are unreasonable, then the rules shall be taken to be varied, in such a way as shall make them reasonable, but no other part of the rules shall be affected.
26. The rules of the Scheme represent the entire understanding between the growers and Assured Produced and each grower acknowledges that they have not relied upon any other statement (written or oral) in applying to join the Scheme.

April 2008