



Amenity Forum

# Guidance Note

# Internet Selling



## Introduction

This document was produced by the Agricultural Industries Confederation (AIC) and is used with their permission. It is for guidance purposes and all distributors should satisfy themselves that they are meeting the legal requirements in all aspects of professional and non-professional pesticide sale and supply, storage and transport.

## Sale of professional and non-professional pesticides

### Legal Requirements (All the EU legislation listed below have been transferred to UK law)

- Companies Selling PPP's must be registered with DEFRA under OCR ( [The Official Controls \(Plant Protection Products\) Regulations 2020 \(the 2020 Regulations\)](#) )
- Pesticides must be authorised by Ministers (Article 28, [Regulation 1107/2009](#))
- The advertisement of a pesticide must comply with Article 66, [Regulation 1107/2009](#)
- Records of pesticides imported, exported, stored and placed on the market must be kept for 5 years. (Article 67, [Regulation 1107/2009](#))
- Businesses selling **professional pesticides** must have sufficient numbers of staff with specified certificates ( ) (**BASIS CERTIFICATE IN CROP PROTECTION (AMENITY HORTICULTURE)**) to provide information to customers on pesticide use, health and environmental risks and safety instructions at the time of sale. (Article 9, [The Plant Protection Products \(Sustainable Use\) Regulations 2012](#))
- Businesses selling only **pesticides authorised for non-professional use** (who are not micro-distributors) have been required to employ certificated staff since 26 November 2015. The following are approved certificates – Crop Protection Association and Horticultural Trades Association: *Using Garden Plant Protection Products Safely* (e-learning course specifically developed for those involved with the sale of non-professional products) and BASIS Registration Ltd: *BASIS Certificate in Garden Care*. (Article 9, [The Plant Protection Products \(Sustainable Use\) Regulations 2012](#))

Micro-distributors are excluded from the requirement to have sufficient certificated staff. A micro-distributor is a business that has a turnover of less than €2 million from all goods and services, not only pesticides, in the previous financial year, has fewer than 10 employees for more than half of the year; and only sells non-professional PPPs that are not classified as toxic, very toxic, carcinogenic, mutagenic or toxic for reproduction.

- Safety Data Sheets, where they are required as specified under Article 31 of [Regulation 1907/2006 \(REACH\)](#), must be supplied or availability signposted for each product purchased.

## Recommended Best Practice

- It is recommended that sellers advise customers of the legal requirements regarding the use and purchase of professional pesticides by way of statements displayed prominently on their websites. These could be along the lines of; 'It is a criminal offence to use pesticides authorised for professional use without the appropriate certificate' and 'It is a criminal offence to purchase pesticides authorised for professional use for someone else to use if the user does not hold the relevant certificate of competence (unless the intended end user is working under supervision of a certificated person for the purposes of training')'. [PA certificates](#) can help to identify what training is required.

- The transaction should not proceed until the potential purchaser has acknowledged that they have read the statement regarding certification.
- If the purchaser requires further information or advice on the pesticide, a facility to 'hold' the sale until the customer is contacted by a suitably qualified individual employed by the business could be used.

## Storage of Professional Pesticides

### Legal Requirements

- [The Control of Substances Hazardous to Health Regulations \(COSHH\)](#) requires that employers control exposure to hazardous substances to prevent ill health. This will include an assessment of hazards and a risk assessment on how to control the risk. Some examples of measures used to control risks may include provision of PPE and spill kits and segregation of different classes of products.
- Pesticides must be stored in areas that are constructed in such a way as to prevent unwanted releases (Regulation 17(5) [The Plant Protection Products \(Sustainable Use\) Regulations 2012](#))

Those selling pesticides must take all reasonable precautions when handling and storing pesticides to ensure that such operations do not endanger human health or the environment. (Regulation 17(1) and (2) [The Plant Protection Products \(Sustainable Use\) Regulations 2012](#))

### Recommended Best Practice

- Ensuring that staff have undergone the BASIS nominated storekeeper training course or equivalent qualification would be a good way for suppliers of pesticides to demonstrate that reasonable precautions are being taken.
- A statement indicating that it is a legal requirement that pesticides should be stored so as to prevent unwanted releases to the environment could also be displayed on the website. [HSE Guidance on storing pesticides for farmers and other professional users](#) outlines storage requirements.
- The transaction should not proceed until the potential purchaser has acknowledged that they have read the statement regarding storage.

## Transport of Pesticides

### Legal Requirements

- Adhere to ADR ([The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009](#)) requirements if transporting products classified as dangerous for transport.
- For transport over water of pesticides classified as dangerous goods adhere to [The International Maritime Dangerous goods \(IMDG\) Code](#).
- [Placarding and documentation applicable to a combined road and sea journey](#) gives guidance on combined road and sea transport.

## **Receiving Pesticides**

### **Recommended Best Practice**

- Pesticides can be delivered to a pre-determined safe place.