

Procedures Manual for the Guidance of Authorised Officers of the Pesticide Controls Division (PCD) when completing Part 2 of SMR 10 – Pesticides 2015

Cross Compliance Basic Payment Scheme

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1 Introduction

This manual provides guidance in the assessment of PPP IRF 15 Part 1 forms and their associated worksheets, which have been provided by Integrated Control (IC) inspectors.

1.1 Background

Officers from IC Division (to ensure compliance with specified legislation) inspect a random 1% of recipients of the 2015 Basic Payment Scheme annually.

SMR 10 deals with the storage and use of Pesticides. Inspections are carried out at local level and report forms and worksheets are submitted to PCD for review and completion.

2 Health and Safety

Where follow-up inspections are required to be carried out by personnel from PCD, Inspecting officers should be familiar with the Safety Statement for Field Staff.

In this context it is recommended that where appropriate, Personal Protective Equipment (PPE) must be used.

3 Preparation for assessments

3.1 Documents/actions required in advance of commencement of assessments

- Obtain data extract from ICD inspection database (typically can expect 3 data sets per annum).
- PCD to format data extracts and create Excel file on shared drive at S:\\Pesticides\06 Cross Compliance\2015\Applications 2015.xlsx.
 - The following column headings are created; Herd Number, First Name, Surname, County, Date of Inspection, Date Received, Inspector, Cat, SMR Y/N, IPM worksheets provided, Worksheets Y/N, PPP Y/N, Biocides Y/N, Product in store Y/N, Own Sprayer Y/N, Tractor mounted/trailed, Knapsack, Other, Uses a Contractor Y/N, Is a contractor Y/N, Applicant is the sole owner/user of the store Y/N, 1A, 1B, 1C, 1D, 1E, 1F, 2A, 2B, 2C, 3A, 3B, 4B, 5A, 5B, 6, 7A, 7B, Sum of weightings, Comments, Exemption Applicable Y/N, Follow-up Y/N, Date queried, Weightings applied, Aut. Officer, Date Signed, Date Returned, QC check, SPS Check, Penalty appealed Y/N, Appeal Upheld Y/N, Reason for removal of penalty, IRF Result,
- Print out or refer to,
 - Current list of approved products
 - List of expired registrations and use-by dates
 - List of approved products by crop
 - List of expired approvals by crop
 - List of Herd owners investigated as part of residue control follow-ups
 - List of Herd owners that received CLT's from 2012, 2013, or 2014

- Pesticides Inspection Manual 2015 Part 1
- Pesticide Inspection Report Form SMR 10 PPP IRF 15, Part 2 (ver 23/02/15);
- Decisions Library – S:\Pesticides\Cross Compliance\Decisions Library
- Pesticide Weighting Guidelines 2015
- Exemption Criteria
- Worksheet(s)

4 Log in Procedure for Inspection Report Forms PPP IRF 15 SMR 10

On receipt of IRF's/worksheets from local offices the following procedures must be carried out.

Date stamp the PPP IRF 15 on receipt in PCD.

On the basis of the information available from the IRF Part 1, and the worksheet, record where appropriate, the required details on excel file.

Carry out an initial completion check of the information provided in order to identify data gaps, i.e. are all boxes completed on Part 1 of the IRF and are all questions on the worksheet answered? Where data gaps have been identified, the local office must be informed of these as soon as possible.

5 Assessment of the Worksheet

Using the information gathered at **3** above (Preparation for assessments) examine in detail the information provided on the worksheet.

Particular attention must be paid to the questions regarding;

- *the calibration of application equipment,*
- *the suitability of application equipment*
- *whether or not the applicant is a contractor,*
- *the volume and type of products in store when compared to the crops grown, the supplier of the products, the date purchased*
- *the current status of products in store*
- *the provision of IPM records*
- *the use records supplied at Q 7, ensuring that all records provided are consistent with the approved GAP for the product.*

Where the information provided is complete and correct, proceed to completing IRF Part 2.

Where non-compliance is detected it must be recorded in the Comments column on the excel file.

6 Completion of the Inspection report Form – Part 2

6.1 PPP IRF 15 - Part 2

Enter the applicants Name, Herd number.

6.2 Section 3 – Maintenance of Records on Plant Protection and Biocidal Products

6.2.1 Q.3B – Are records provided complete

Enter **CL**, if Yes

Otherwise enter **weighting** as appropriate if non-compliance is found by reference to the relevant *Pesticide Weighting Guidelines*.

6.3 Section 5 – Checks to ensure that Plant Protection and Biocidal Products used and in store are registered and are appropriate for the crops grown and enterprises on the holding

6.3.1 Q.5A - Are all products used and stored, currently registered or were registered at time of purchase or acquisition, and are they in compliance with conditions of registration?

Enter **CL**, if Yes

Otherwise enter **weighting** as appropriate if non-compliance is found by reference to the *2015 Pesticide Weighting Guidelines*.

6.3.2 Q.5B - Are all products stored and were all products used, appropriate for the crops grown and enterprises on the holding?

Enter **CL**, if Yes

Otherwise enter **weighting** as appropriate if non-compliance is found by reference to the relevant *Pesticide Weighting Guidelines*.

6.4 Section 6 – Checks to ensure that Plant Protection and Biocidal Products used and the timing and numbers of applications/treatments reflect approved label instructions.

6.4.1 Q.6 - Are the results of residue monitoring or analyses taken, consistent with the use of products in accordance with approved label instructions?

Enter **CL**, if Yes

Otherwise enter **weighting** as appropriate if non-compliance is found by reference to the relevant *Pesticide Weighting Guidelines*.

6.5 Section 7 – Checks to ensure that the principles of Good Plant Protection Practice, and where appropriate Integrated Control Techniques have been followed

6.5.1 Q.7A - Are inspection findings indicative of use in accordance with the principles of Good Plant Protection Practice or are the results of, residue monitoring or analyses of samples taken, consistent with the use of products in accordance with the principles of Good Plant Protection Practice?

Enter **CL**, if Yes

Otherwise enter **weighting** as appropriate if non-compliance is found by reference to the relevant *Pesticide Weighting Guidelines*.

6.5.2 Q.7B - Where appropriate, are inspection findings indicative of use in accordance with Integrated Control Techniques or are the results of, residue monitoring or analyses of samples taken, consistent with the use of products in accordance with Integrated Control Techniques?

Enter **CL**, if Yes

Otherwise enter **weighting** as appropriate if non-compliance is found by reference to the relevant *Pesticide Weighting Guidelines*.

6.6 Answering remaining questions on Part 2

Where Qs 1 to 7 have been answered as CL,

Q (A) Is the applicant eligible for an exemption in accordance with Regulation 13 of S.I. No 155 of 2012 and/or

Q (B) Is the applicant eligible for an exemption in accordance with Regulation 9 (4) of S.I. No 625 of 2001 as amended

may be answered 'No'

Where some or all of Qs 1 to 7 have been assigned weightings, or where issues have arisen from the information provided in the worksheet, it may be necessary to seek further information from the local officer that carried out the inspection, or decide to include for a PCD follow-up inspection. This inspection should be carried out in accordance with procedures laid out in the PCD Manual of Procedures for Enforcement Programmes 2015 with emphasis being placed on the issues under investigation.

A detailed report outlining results of the investigation and recommendations should be attached to the IRF.

Where appropriate, following an inspection/investigation it may be appropriate to declare an applicant eligible for an exemption from some or all of the assigned weightings. In such cases,

Q (A) Is the applicant eligible for an exemption in accordance with Regulation 13 of S.I. No 155 of 2012 and/or

Q (B) Is the applicant eligible for an exemption in accordance with Regulation 9 (4) of S.I. No 625 of 2001 as amended

may be answered as 'Yes'.

In the event of a scenario(s) arising that is/are not covered by this guidance documentation, it should be referred to the next review meeting for discussion and decision.

Regular review meetings of all PCD enforcement staff involved in the processing of the inspection report forms are held throughout the processing period.

7 Calculation of the Sanction

Reference should be made to the Principles of the Penalty Framework as outlined in Section 7 of Pesticides Manual for the Guidance of Inspection Staff Part 1.

The results for each of the Sections are summed (i.e. 3B + Sections 5, 6 & 7), and added to the result entered of the Interim Sum of Section Weightings near the bottom of page 1 of PPP IRF 15 Part 1, and entered in the Overall Sum of Section Weightings box on PPP IRF 15 Part 2.

Establish if **Extent, Severity or Permanence** applies and if so they are added to give the **Overall Sum of Weightings**.

Calculate the overall result and indicate as CL, CLT, and % sanction in the appropriate box at the bottom of PPP IRF 15 Part 2.

8 Signing off and return of Inspection Report Forms

8.1 Signing off

Where the question on PPP IRF 15 Part 1 – *Are Plant Protection or Biocidal Products present on the holding or have Plant Protection or Biocidal Products been used on the holding within the last 12 months?* been answered as “No” – this is accepted as the final sign off for PPP IRF 15 and it is not necessary to complete a PPP IRF 15 Part 2.

For such IRF's it will be necessary to indicate in the date signed and date returned fields of the excel file Applications 2015.xlsx. 'NFR'.

An Authorized Officer of the PCD must sign every Part 2 of a PPP IRF 15.

8.2 Dispatch

Part 2 of the PPP IRF 15 and where appropriate, a copy of any follow-up inspection report and/or file note must be returned by the PCD to the appropriate IC officer.

A cover letter should be sent with the IRF's and should record the herd number(s) and date of dispatch from the PCD.

All returns should be sent by registered post.

9 Quality Control/Consistency Checks

Quality Control checks should be carried out in accordance with the agreed SOP which can be found at

S:\\Pesticides\06 Cross Compliance\2015\Inspection Report Review Aids\Schedule of PCD QC checks.doc.

The QC checks should be carried out by an experienced designated officer reporting to the Enforcement Officer.

10 Applications for Review of Sanction

On receipt of a sanction imposed under SMR 10, an applicant has the right to appeal to the PCD for a review of this decision. Appeals of sanctions imposed are submitted to PCD via the local DI, and should be accompanied by any additional supporting documentation provided by the applicant.

All such appeals received by PCD are date stamped on receipt, and are reviewed by the Enforcement Officer in chronological order. Depending on the issues raised in the appeal, additional information may be requested of the applicant, e.g. purchase invoices etc.

Applicants are aware that in appealing a decision the initial sanction imposed may be increased as well as being reduced or rescinded.

The results of all appeals are communicated to the submitting DI as quickly as is reasonably practical. Where appropriate, all relevant PCD files must be updated to reflect the revised sanction.

Appendix 1

AAI	Assistant Agricultural Inspector
CL	Clear
CLT	Clear with a Transgression
DI	District Inspector
GAP	Good Agricultural Practice
GPPP	Good Plant Protection Practice
IC	Integrated Controls
IPM	Integrated Pest Management
IRF's	Inspection Report Forms
NFR	Not for Return
PCD	Pesticide Controls Division
PPE	Personal Protective Equipment
SMR 10	Statutory Management Requirement 10