

PESTICIDES SAFETY DIRECTORATE

BETTER REGULATION, COMPLIANCE & ENFORCEMENT STRATEGY

September 2007

**PESTICIDES SAFETY DIRECTORATE - BETTER REGULATION,
COMPLIANCE & ENFORCEMENT STRATEGY**

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PESTICIDES SAFETY DIRECTORATE

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1. Introduction

- 1.1 Plant protection products (broadly speaking those pesticides used to protect plants from pests and diseases) are widely used in agriculture, the amenity sector, and domestic gardens. Effective crop protection is vital to ensure adequate control measures exist for the diversity of pest diseases and weed challenges faced by UK growers.
- 1.2 Pesticides can present potential hazards to human health and the environment. Regulation is therefore necessary to tackle the health and environmental risks which are not fully captured by the market. The key aim of UK pesticide legislation is to ensure high standards of protection for people and the environment.
- 1.3 The Government is committed to applying regulations in a way which, while still achieving their objectives, minimises the administrative burden which they impose on businesses. One of the objectives of the Pesticides Safety Directorate (PSD) – the UK regulatory agency for plant protection products - is to contribute to that better regulation agenda. This strategy explains how PSD ensure that the control arrangements for pesticides provide the necessary assurance of safety in ways which are least burdensome to manufacturers and users.
- 1.4 The strategy also describes the responsibilities PSD and other bodies have in promoting compliance with pesticides legislation and how we comply with Hampton principles and Macrory characteristics. To that end the strategy also incorporates the provisions of the central and local government Enforcement Concordat on good practice.

2. The UK Regulatory System for Plant Protection Products

- 2.1 Plant protection products are widely used in the agriculture and amenity sectors and have considerable benefits, but they also present potential hazards to human health and to the environment. The present regulatory system aims to ensure that such pesticides are available to those who need them but that proper use of approved products carries no unacceptable risk to people or to the environment. The key elements of current pesticide policy are:
 - to ensure that pesticides approved for agriculture, amenity and home use are safe and effective when properly used;
 - to harmonise pesticide regulation within the EC and provide a level playing field for crop protection; and

- to reduce negative impacts of pesticides on the environment as part of the strategy for sustainable food and farming.
- 2.2 Both plant protection products and biocides (pesticides not used to protect plants) are becoming increasingly subject to European Community rules. Details of the EC regime for plant protection products are given in section 3 below.

Legislative Controls

- 2.3 Legislative controls on the marketing and use of pesticides in the UK were introduced in 1985. The legislation gives Ministers broad powers to protect the health of people, creatures and plants; to safeguard the environment; to secure safe, efficient and humane methods of controlling pests; and to make information about pesticides publicly available. In particular, the advertisement, sale, supply, storage or use of pesticides is prohibited unless they have been approved by Ministers. Approval is given only after satisfactory scientific evaluation.

Approvals Process

- 2.4 Two bodies carry out day-to-day work on evaluating and approving pesticides. PSD deals with plant protection products (mainly agricultural pesticides), whilst the Health and Safety Executive deals with 'biocides' (*i.e.* other pesticides, including wood preservatives, rodenticides etc.). Decisions on the approval of pesticides are taken on behalf of Ministers in Defra, the Department of Health, Department for Work & Pensions and the Devolved Administrations. The major decisions are made following recommendations by the Advisory Committee on Pesticides (ACP). This Committee consists of scientific and medical experts independent of both Government and industry.

Use

- 2.5 In addition to the specific statutory conditions of approval to be followed when using individual pesticide products, the pesticides legislation places general obligations on those selling, supplying, storing, and using pesticides to do so safely. The obligations include the requirement for such people to be properly trained and in certain circumstances to have obtained a government recognised certificate.
- 2.6 In order to provide advice to users without imposing detailed statutory requirements PSD has produced two Codes of Practice:
- the [Code of Practice for Using Plant Protection Products](#) (in conjunction with HSE); and

- the Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture and Forestry
- 2.7 These Codes are designed to provide practical guidance to those at whom they are aimed. Failure to follow the guidance in the Codes may be used in any legal proceedings for breaches of the Regulations.

UK Strategy for the Sustainable Use of Plant Protection Products

2.8 In March 2006 the government published a Strategy for the Sustainable Use of Plant Protection Products. The strategy is UK wide and covers all uses of plant protection products in agriculture and horticulture and in 'amenity' areas such as parks and playing fields and in domestic gardens. The strategy includes:

- information on the legal controls on pesticides and plant protection products in the United Kingdom;
- draft 'action plans' which are being taken forward with stakeholders to promote sustainable pesticide use;
- an examination of other measures that influence plant protection product use; and
- the development of indicators to measure the strategy's success

3. The EC Regulatory System for Plant Protection Products

Authorisation of Plant Protection Products

- 3.1 EC legislation to regulate the authorisation of plant protection products was adopted in 1991 and provides for a major Community review programme of all plant protection product active substances. Pending the conclusion of this review, such pesticides remain subject to the national legislation described in section 2 above. The transition from UK rules to the EC arrangements is likely to be complete by about 2012.
- 3.2 The standards set by the EC legislation in terms of protection of people and the environment are much in line with the UK arrangements. However, the decision-making process in the EC, involving all the Member States, the Commission and the European Food Safety Authority (EFSA), is more complicated and lengthy than the UK system.
- 3.3 PSD is also involved in supporting the EC Commission's pesticide review programme under a contract held jointly with a similar body in Germany. PSD is a popular choice with applicants to act as EC 'rapporteur' for approvals of new products because of its high scientific reputation. PSD is also involved in a number of EC-funded 'PHARE' twinning projects to support new or potential member states.

The Thematic Strategy on the Sustainable Use of Pesticides

3.4 In July 2006 the European Commission published its 'Thematic Strategy on the Sustainable Use of Pesticides'. The strategy is a package of measures designed to achieve a range of environmental objectives set out in the 6th European Environmental Action Programme. It consists of four main elements:

- a proposed Council Regulation concerning the placing of plant protection products on the market;
- a proposed Directive on the sustainable use of pesticides;
- a proposed Regulation on pesticide statistics (published at the end of 2006); and
- a possible amendment to the machinery Directive (to allow certification of new pesticide application equipment).

Maximum Residue Levels (MRLs)

3.5 A second major area of EC legislation relates to controls on pesticide residues in food through a system of Maximum Residue Levels (MRLs). MRLs are set for each pesticidal active substance in each crop and are essentially trading standards which reflect the approved conditions of use of the pesticide in question. They are thus often set well below 'safe' levels although they are still frequently mis-represented as safety levels. The Council and European Parliament recently adopted a new Regulation which paves the way for setting MRLs for all active substance/crop combinations in 2008.

4. The Pesticides Safety Directorate

4.1 The Pesticides Safety Directorate (PSD) is responsible for the regulation of plant protection products and detergents; and for Defra policy on these. It was established as an executive agency on 1 April 1993 and has about 185 staff, of which the majority are scientists dealing with the evaluation of plant protection products. The remainder are administrators providing the policy team, the finance function and support to the scientific staff.

4.2 The Agency has clear objectives and challenging financial and quality of service targets which give it clarity of purpose so as to better serve the need of its stakeholders. PSD's activities are set out in detail in its Business Plan for 2007-10 (copy available from PSD's website (www.pesticides.gov.uk)) but its main functions may be briefly summarised as:

- developing policy advice on the regulation and safe use of plant protection products and detergents;

- administering the plant protection products approvals system in the UK;
 - carrying out monitoring and enforcement work; and
 - managing an R&D programme
- 4.3 As an executive agency, PSD is required to recover the full economic costs of its activities. These are currently in the region of £14 million. Approximately 60% of PSD's funding comes from fees and levy on the agrochemical industry and 40% from Defra for pesticide policy work. Industry charges are based on statute and consist of a range of fees for the evaluation of different types of application for approval and a levy on pesticide sales to recover broader approvals-related and other costs.
- 4.4 Charges to Defra cover a number of matters including policy advice, part of the costs of monitoring residues in food, enforcement costs, research and development and the provision of information to the public. The agency also continues to maintain a strong presence and leadership in the European and International arena where its work is highly respected.
- 4.5 One of the agency's objectives is "Full Cost Recovery and Efficiency Gains" and the agency's performance against this target is reported annually in its Annual Report & Accounts. To this end PSD reviews and revises its programme as part of the on-going process of producing its Framework Document, Annual Report & Accounts; and Corporate and Business Plans.
- 4.6 For 2005/2006 the agency reported that it continued to rigorously monitor its financial performance and seek out opportunities to reduce its costs; for example, introducing its own finance systems, making significant savings whilst improving the effectiveness of its financial reporting arrangements. It also introduced a new debt recovery system which enabled it to improve its invoicing systems and apply rigorous debt recovery procedures.
- 4.7 The Directorate has also put in place a number of programmes that enable it to continuously monitor the quality of its work. Principal amongst these are:
- the Agency Business Plan being subject to scrutiny by Defra's Regulatory Agencies Strategy Board and 'sign-off' by Defra's Director General (Environment) and Minister for Sustainable Farming & Food;
 - the independent scrutiny of major regulatory decisions taken by the agency by the Advisory Committee on Pesticides;
 - the independent evaluation of the scientific quality of the Directorate's evaluations;

- full public consultations of its customers, stakeholders and other interested parties when developing policy on pesticides; and
 - regular customer/stakeholder satisfaction surveys undertaken by independent consultants
- 4.8 Overall the results of these various programmes have been very reassuring. For example the customer/stakeholder satisfaction survey undertaken in 2004 (the 5th such survey) indicated that stakeholders were generally satisfied with their dealings with the Directorate and with the role of the agency's Small Business Champion. The pilot project for evaluating alternative pesticides was widely welcomed and universally praised.
- 4.9 Details of PSD's specific better regulation measures are to be found in sections 5 and 6 of this strategy.

5. Better Regulation – Working with Stakeholders

Liaison with Stakeholders

- 5.1 Regular contact with all our stakeholders occurs at a number of levels. Many smaller companies, environmental groups, farming organisations, various trade associations, as well as the full range of pesticide approval holders, meet or correspond with PSD via the phone or email on a wide range of topics concerning the use and impact of pesticides. These contacts enable government policy on pesticides to be developed and formulated in the full knowledge and understanding of all our stakeholders.
- 5.2 PSD also carries out full consultation with stakeholders on all policy proposals that are likely to affect them. Such consultations typically involve an initial/partial regulatory impact assessment (soon to be replaced by impact assessments) and are sent to around 800 recipients, including agrochemical companies, trade organisations, users groups, trade unions and consumer and environmental organisations.
- 5.3 Additionally, a Pesticides Forum brings together farming, crop protection, environmental, consumer and other interests to advise industry and government on how best to promote and support the responsible use of pesticides. A wide range of largely stakeholder-funded activities such as training, demonstration farms and produce assurance schemes are supported by the Forum member organisations.

PSD's Business Champions

- 5.4 Since 2002 PSD has had a **Small Business Champion** offering a specialised service to small businesses that often have specific needs when making applications to PSD in the complex and ever-changing area of pesticide regulation. The Small Business Champion offers a

range of tailor-made services to small businesses, from individual one-to-one advice and introductory presentations to specific advice regarding regulatory submissions.

- 5.5 PSD has for many years had in place a system for gaining minor use approvals which has provided growers with pesticides that they otherwise would not have had access to. But to further help growers and their organisations in finding solutions to pest and disease problems, and to keep them up-to-date with pesticide issues, PSD has appointed a **Grower's Champion**.
- 5.6 The role of the Grower Champion is to be a specific contact point within PSD for all grower related issues, from helping to explain regulatory issues to helping with submission and evaluation of minor use approvals. The Grower Champion is available to help growers or any individual within the agricultural, horticultural, forestry or amenity industries wishing to find a solution to a pesticide problem or find out more information on UK and EC pesticides regulation and its impact on minor uses.
- 5.7 As part of its scheme for processing applications for alternative control products (pheromone products, plant extract products and products containing a biological organism) PSD has appointed a '**Bio pesticide Champion**' to provide an initial contact point for product innovators/manufacturers to help them through the approval process;
- 5.8 The '**Bio pesticide Champion**' also provides specific guidance to applicants. This includes free pre-submission meetings providing specific guidance to applicants covering legislation, discussions on how to meet data requirements and advising on the best way forward with a view to the most cost effective way to gain approval.

Meetings with applicants

- 5.9 PSD's regulatory scientists encourage the industry to discuss their future applications with them so that advice can be given in a product's development stages. Providing potential applicants with the latest thinking in terms of risk assessment can deliver major benefits. PSD's advice is very much valued by the major R&D companies to the extent that it is even approached about active substances for which approval is not being sought in the UK.

Business decisions

- 5.10 To thrive, business needs to reduce uncertainty so that planning is more effective. PSD's consistent delivery of high quality evaluations to published targets is very highly valued. This enables applicants to time their product launches for the most benefit or to enter new markets earlier. PSD also receives a greater than expected proportion of new

active substances to evaluate within the European process, including those that will not be sold in the UK.

Risk envelope

5.11 PSD has published and trained the industry to use the 'risk envelope' approach. Once a risk assessment has been conducted for a use, any further uses of that pesticide that pose no greater risk can simply refer to the earlier evaluation. There is no need to work through the risk assessment again and re-present this for PSD to re-evaluate. This saves the applicant and PSD time, which reduces the application fee and often the target time for the evaluation to be completed.

Voluntary approaches to regulation

5.12 Although the rigorous, safety-based system of regulation is the cornerstone of pesticides policy there are a number of voluntary non-government approaches used to reduce pesticide usage, to minimise their impact on the environment, to reduce pesticide residues in food, and to facilitate technology transfer of best practice techniques.

5.13 Principal amongst these is the Voluntary Initiative for Pesticides. In 2001, the Government invited a group of industry bodies, led by the Crop Protection Association, to implement a programme to reduce the impact of pesticides on the environment – the Voluntary Initiative. PSD takes the lead for Defra in overseeing this work.

5.14 The Initiative has been developed through active participation by all stakeholders and has succeeded in getting significant numbers of pesticide users to sign up to its various schemes and best practice measures thereby showing good progress against its objectives and surpassing many of its initial key targets.

5.15 The Government continues to believe that the Voluntary Initiative, if fully implemented will contribute to the 'Sustainable Use Strategy' and help reduce the environmental pollution associated with pesticides. However, to cover the possibility that the Initiative might fail to deliver the required environmental benefits, the Government continues to keep options for a pesticides tax under review.

6. Better Regulation – PSD Simplification Measures

6.1 Since it was set up as an executive agency in 1993 PSD has undertaken a number of measures to limit the regulatory impact on business whilst maintaining high safety standards.

6.2 In addition to the better regulation initiatives described elsewhere in this document PSD also contributes to the Departmental Simplification Plan of its 'parent' department – the Department for Environment, Food &

Rural Affairs (Defra) – which is committed to reduce the administrative burden of regulation on business by 25% by 2010.

6.3 As part of its contribution to Defra's Departmental Simplification Plan PSD is required to:

- Estimate costs of all new administrative burdens arising from the pesticides legislation and any offsetting savings; and
- Identify new simplification measures and estimate and monitor the cost savings, milestones, risks and stakeholder engagement related to them.

6.4 PSD's current simplification measures are:

- Seeking to ensure that the EC Thematic Strategy for Pesticides is consistent with the UK government's better regulation agenda;
- Seeking opportunities to simplify EC pesticides regime through zonal approach to pesticide approvals;
- Providing business champions particularly to help companies develop 'alternative pesticides';
- Developing work sharing with, and improve co-operation between, other member states;
- Introduction of a new 'unified' Code of practice for using plant protection products;
- Providing guidance on the new Code of practice for using plant protection products;
- Implementation of a simplified EC MRLs regime; and
- A proposal to abolish some redundant pesticides legislation in England & Wales: The Farm & Gardens Chemicals Act 1967 and associated 1971 Regulations;
- A proposal to consolidate the UK pesticides legislation on the control of pesticides: the Control of Pesticides Regulations, and the Plant Protection Products Regulations;
- PSD Business Planning: the fast-track scheme whereby applicants can 'fast-track one of their applications each year to a lower PSD processing time, e.g. from 30 to 18 weeks or from 18 to 9 weeks; and
- PSD 'Risk Envelope' approach to approving products which extrapolates regulatory risk assessments across a range of a product's uses.

7. Monitoring, Compliance & Enforcement

Monitoring

- 7.1 PSD co-ordinates the monitoring and enforcement of the pesticides legislation. Monitoring covers three major areas:
- residue levels in crops and food products are monitored and the results are published quarterly, along with the brand name of the manufacturer and retailer of the tested product. An independent committee – the Pesticide Residues Committee – advises on this monitoring programme;
 - levels of pesticide product use are monitored and recorded; and
 - incidents involving the possible poisoning of animals by plant protection products and other pesticides are monitored and investigated

Surveillance and Enforcement

- 7.2 At the time of drafting this strategy the government is consulting on two proposals for a new *Regulatory Enforcement and Sanctions Bill* and a new *Code of Practice for Regulators*. Both are aimed at implementing the Hampton vision for a risk-based approach to regulation that is consistent, proportionate and effective.
- *Consultation on the draft Regulatory Enforcement and Sanctions Bill*
- 7.3 This Bill will comprise of two parts. The first part will establish the Local Better Regulation Office (LBRO) as a statutory corporation. The aim of this body is to secure more effective and less burdensome approaches to the way in which regulations are enforced by local authorities. Its remit will initially apply to trading standards and environmental health services, including alcohol licensing, although the Bill does provide for it to extend its scope to other services later.
- 7.4 The second part of the Bill will incorporate proposals that implement the key recommendations of the Macrory Review. ‘Macrory’ recommended a range of new regulatory sanctions to help ‘Hampton-compliant’ regulators reduce the burdens of the criminal courts. The new sanctions include fixed and variable monetary penalties, discretionary requirements; cessation notices and enforcement undertakings. Each of these new sanctions will have a suitable appeal route open to them.
- *Consultation on a Code of Practice for Regulators*
- 7.5 The Government believes that not only should legislation be fit for purpose, its enforcement needs to be proportionate, flexible and risk-

based, with resources focused on areas where risks to society are greatest. The enforcement of a regulation can be as important as its design in the first place. Where regulations are over-implemented or enforced in a heavy-handed way, they can stifle innovation and economic growth, and produce other unintended consequences. The purpose of the Compliance Code is to promote efficient and effective approaches to regulatory inspection and enforcement.

Enforcement Action taken by PSD

- 7.6 PSD, in liaison with Defra Investigating officers, may take direct enforcement action in specific cases such as enforcement following investigation of wildlife incidents reported under the Wildlife Incident Investigation Scheme, or arising from the Committee's programme of surveys to monitor residues in food, or from its enforcement surveys.
- 7.7 The conduct of an investigation and any consequent action will depend on the evidence provided, the nature of any breach of the controls, and, where appropriate, an assessment of the public interest when deciding what action to take.
- 7.8 A variety of enforcement actions may be taken, including:
- Sending a warning letter to the suspected offender explaining to them their legal obligations and warning them of the consequences of continuing to act in contravention of them. This approach is only taken where the breach does not pose an immediate or high risk to people or the environment and a warning is likely to result in compliance.
 - Issuing enforcement notices. These place legal requirements on recipients to discontinue illegal activities, and, where appropriate, take remedial measures. In some, but not all, cases these may be followed by prosecution action.
 - Taking prosecution action. This can result from such things as receiving evidence of a serious breach of the pesticides legislation or an incident serious enough to pose an actual or high risk to human or environmental safety. If found guilty, defendants may be fined up to a maximum of £5000 for each offence in a magistrates court or an unlimited fine in the Crown Court.

Enforcement by other authorities

- 7.9 In general terms, the Health & Safety Executive (HSE) enforce controls on pesticides where they are used as part of someone's job. Many types of work are included but PSD's concern lies with those products used in farming, the amenity sector, and in the garden. HSE enforce controls over the storage and use of pesticides, including monitoring work to

ensure that users carry out appropriate local environment risk assessments for pesticides (LERAPS) when using pesticides near to watercourses. PSD may also take direct enforcement in collaboration with Defra Investigation Services during the course of specific investigations into possible offences.

- 7.10 Local authorities monitor the advertisement, sale, supply, storage and use for those areas not covered by HSE. They also carry out some tests for residues in food, and carry out enforcement action at a local level where food safety is threatened.
- 7.11 The Department for Environment, Food and Rural Affairs (Defra), PSD and the Scottish, Welsh and Northern Ireland administrations are responsible for monitoring the effect of agricultural pesticides on wildlife, for monitoring pesticide residues, and have a central responsibility for enforcing legislation governing residues.
- 7.12 The Food Standards Agency (FSA) is responsible for administering the European Commission's Rapid Alert System for Food and Feed on behalf of the UK. The FSA refers pesticide-related alerts to PSD, which conducts risk assessments and recommends appropriate action. Where PSD advises that enforcement action is necessary, the FSA contacts relevant local authorities so that, in extreme cases, produce can be taken out of circulation
- 7.13 The Environment Agency and the Scottish Environment Protection Agency are responsible for dealing with incidents of environmental pollution caused by pesticides. In Northern Ireland this is the responsibility of the Environment and Heritage Service of the Department of Environment.
- 7.14 In addition to these controls Cross Compliance inspections carried out by Rural Payments Agency (RPA) also check that only approved pesticides are used and that they are used in compliance with their conditions of use, good agricultural practice and where possible as part of an integrated approach to controlling pests and disease. In 2006 over 1500 farms were inspected for cross compliance under Specific Management Requirement 9 (SMR 9). SMR 9 sets out detailed requirements on pesticides and failure to comply with these requirements may lead to reductions in a farmer's single farm payment.
- 7.15 Surveillance and enforcement of pesticide controls is carried out by HSE or local authority inspectors, who decide independently on any enforcement action that should be taken. For its part PSD assists HSE and local authorities in their work by promptly forwarding information received about possible breaches, and by providing information on individual products that enforcing inspectors require to help them to complete their investigations, including the production of witness statements. PSD will similarly assist when requested with any actions taken by the Natural England, the Royal Society for the Protection of

Birds, the Environment Agency or the Scottish Environment Protection Agency.

PSD's Approach to Achieving Compliance with Pesticide Controls

7.16 PSD is strongly committed to advising and assisting those who market or use pesticides to comply with their responsibilities.

7.17 To this end the compliance objectives of this strategy are to:

- Help all those concerned to understand and comply with pesticide legislation, and in particular their duties and responsibilities concerning the advertisement, sale, supply, storage and use of individual pesticide products.
- Distribute clear and constructive guidance including the publication of Codes of Practice and other guidelines.
- Liaise effectively with other government organisations that have dealings with pesticide controls, including the FSA who are interested in the monitoring of pesticide residues, and to support and co-operate with the enforcing bodies in their work.
- Liaise effectively with the Pesticide Residues Committee, who conducts a residues surveillance programme. The results of the Committee's monitoring programme are used by PSD's Enforcement Team to determine where PSD's residues enforcement programme needs to be targeted.
- Take appropriate and proportionate enforcement in those areas enforced by PSD.

8. Communications & Access to Information

Openness

- 8.1 The pesticide arrangements in the UK are open to public scrutiny. Since the arrangements were placed on a statutory basis in 1985 Ministers have made clear that the public have a right to see the basis on which decisions are taken on individual pesticide active substances.
- 8.2 To that end PSD provides a great deal of factual information on pesticides, their approval, use and regulation and the results of post approval monitoring. This is achieved in line with all relevant legislation including the Control of Pesticides Regulations 1986 (as amended), the Freedom of Information Act 2000, and the Environmental Information Regulations 2004. The Advisory Committee on Pesticides and the Pesticide Residues Committee both publish reports and notes of meetings, some of which are held in public. All the Advisory Committee's detailed UK scientific evaluations are made available to the public and there are also arrangements for public inspection of the underlying data provided by companies on which those evaluations are based
- 8.3 The availability of this information has provided considerable transparency about the safety of pesticides and the rigour with which evaluation work is undertaken.

Corporate Communications

- 8.4 PSD communicates with a wide range of stakeholders including the crop protection industry, farmers, farm advisors, agricultural distributors, food manufacturers and retailers, conservation organisations, consumer and environmental Non-Governmental Organisation and the general public. Many of these groups are brought together through the Pesticides Forum which advises government on pesticide issues. As well as establishing good communication links with external stakeholders PSD runs a Pesticides Policy Network to ensure that all Defra and other government interests are actively and collectively involved in pesticides policy development.
- 8.5 PSD is already a respected, outward-facing, stakeholder focussed organisation. To continue with this consistent tailored approach, corporate communications is encompassed in the planning stage of all the messages the agency delivers. To that end PSD has produced a Corporate Communications Strategy which sets out the way it aims to communicate and outlines the methods, standards and responsibility for corporate communications. The purpose of the communication strategy is to ensure that PSD's stakeholders understand what the agency is trying to achieve and to that end PSD:

- maintains effective dialogue so that all stakeholders get the same, correct message, which minimises the risk of fragmented communications and reduces the risk of delays;
- provides information to its stakeholders that is up-to-date, relevant, accurate and provided in a suitable way;
- seeks stakeholders' views in order to ensure that the agency takes account of their needs and that their issues and requirements are better understood; and
- takes account of stakeholder feedback in our policies and communicate what influence their feedback has had on these.

8.6 Below are some examples of the types of communication that PSD regularly and proactively provides to its stakeholders:

- regular liaison with pesticide manufacturers and user representatives, *e.g.* agrochemical companies and growers;
- regular communications with other interested regulatory bodies on activities and procedures, including monitoring/educational activities;
- publication and distribution of targeted information and guidance about general pesticide controls and individual products;
- production of Statutory Codes of Practice, e.g. the [Code of Practice for Using Plant Protection Products](#), which provides specific advice and practical assistance in the handling and use of pesticides;
- dissemination of information about Maximum Residue Levels (MRLs) to pesticide manufacturers, growers and the food trade; and
- brand naming of samples from the Pesticide Residues Committee residues surveillance programme and notification to retailers and brand owners where MRLs are breached or non-approved uses found

8.7 A copy of PSD's Communication Strategy can be found on the PSD website.

Communicating Enforcement Action taken by PSD/Defra

8.8 In accordance with the Enforcement Concordat, those being investigated will be given as much warning as possible of any intended enforcement action. Normally this will be in the form of a letter setting out the action to be taken, with time provided for representations to be made, including, where appropriate, the opportunity to meet with PSD staff. Any representations are fully considered before a final decision is made. However, in those cases where immediate enforcement action is

necessary, an explanation of why such action was required will be given at the time and confirmed in writing.

Feedback & Confidentiality

8.9 PSD values all the information it receives, from members of the public and others, about possible breaches of pesticide legislation. However because of the need to maintain confidentiality during any investigation it is necessary to limit the feedback that we can give on any action we may be taking.

8.10 PSD's policy is to maintain appropriate confidentiality, as disclosure may:

- Be prejudicial to our investigations and undermine the basis for any enforcement action;
- Breach our strict requirement to maintain confidentiality during investigations;
- Unfairly damage the reputation of a company or individual subject to investigation if the allegation is not subsequently proven

8.11 PSD will, however, publicise breaches of regulations and any enforcement action taken where it is legally possible and appropriate to do so, as a deterrent to other offenders.

**Pesticides Safety Directorate
September 2007**