

RAMPSUK

The Register of Accredited Metallic
Phosphide Standards in the United Kingdom

**ARE YOU FAMILIAR WITH THE LAW
REGARDING THE SALE AND USE OF
ALUMINIUM PHOSPHIDE PRODUCTS?**



JULY 2013

The sale and use of aluminium phosphide products are controlled by two main pieces of legislation.

As part 1 poisons, they are covered by the Poisons Rules 1982.

When sold and used to control rabbits and moles as Plant Protection Products they are authorised under regulation EU 1107/2009 concerning the placing of plant protection products on the market and UK regulations to implement the Sustainable Use of Pesticides Directives (209/128/EC).

When sold and used to control rats, they are authorised under UK regulations to implement the Biocidal Products Directive (98/8/EC). On 1st September 2013, this directive will be replaced by the Biocidal Products Regulations (EU 508/2012).

USE

The Chemicals Regulation Directorate of the HSE has advised that under the Sustainable Use of Pesticides Directive, the following requirements will apply:

From 26 November 2015 anyone who uses a plant protection product authorised for professional use must hold an accredited certificate. Also, from this date, anyone who purchases such a product can legally only do so if the intended end-user (whether it is themselves or someone else) has an accredited certificate.

Other certificates (relating to the use of aluminium phosphide) may be accepted up until 26th November 2015. However, from that date, only accredited certificates will be accepted.*

Users seeking to obtain an accredited certificate should make sure that the certificate obtained is recognised by the Competent Authority to ensure they do not have to undergo further testing, post 26 November 2015.

Accredited certificates are those recognised and listed by the Chemicals Regulation Directorate of the Health and Safety Executive, in accordance with Regulation 5 (11) of the Plant Protection Products (Sustainable Use) Regulations 2012.

The list of accredited certificates, (which is updated as necessary,) can be found on http://www.pesticides.gov.uk/Resources/CRD/Migrated-resources/Documents/R/Recognised_certificates.pdf

* Please note this is a revised requirement issued by the HSE.

SALE

Poisons Rules

We have taken advice from the Home Office about the interpretation of restriction of sales of Part 1 poisons to shopkeepers.

The Poisons Rules' 1982, S.I. 1982/218, Rule 11 states:

11. It shall not be lawful to sell by way of wholesale dealing any poison included in Part 1 of the Poisons List to a person carrying on a business of shop-keeping unless the seller –

- a) has reasonable grounds for believing that the purchaser is a person lawfully conducting a retail pharmacy business; or
- b) has received a statement signed by the purchaser or by a person authorised by him on his behalf to the effect that the purchaser does not intend to sell the poison on any premises used for or in connection with his retail business.

Sale by way of wholesale dealing is defined in the Poisons Act as “Sale to a person who buys for the purpose of selling again.”

Plant Protection Products

It should also be remembered that products used for plant protection purposes, which includes the control of rabbits and moles as well as food storage practices, are authorised under Regulation (EC) 1107/2009. Under current UK regulations distributors of plant protection products must employ sufficient staff holding an accredited certificate recognised by the Competent Authority, or must work under the direct supervision of someone who does.

For fumigants for invertebrate control, the current accredited certificate is the BASIS certificate in Stored Combinable Crops.

RAMPS is currently discussing with BASIS the provision of a new specific certificate for the sale of aluminium phosphide products for vertebrate control. RAMPS will circulate details of this certificate in due course.



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