

FIAS Update

THE NEWSLETTER OF THE FERTILISER INDUSTRY ASSURANCE SCHEME



Welcome

Welcome to the summer edition of FIAS Update.

Our feature this issue is about selling chemical fertilisers responsibly to link with the new Control of Explosives Precursors and Poisons Regulations 2023 which come into force on 1 October 2023, in addition to the measures within the Poisons Act 1972.

We take a look at what it means for FIAS Participants.



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The Control of Explosives Precursors and Poisons Regulations 2023

The Poisons Act 1972 and The Control of Explosives Precursors and Poisons Regulations are pieces of legislation that exist to reduce the risk from materials that can be used to cause harm. They impose obligations on suppliers of such materials, including restricted supply and suspicious activity reporting.

The Control of Explosives Precursors and Poisons Regulations 2023 add additional measures which come into force on 1 October 2023.

The Chemical reporting Team from the Home Office has provided information to explain the amendments and what support and guidance is available.

FIAS Participants are already very familiar with controls to keep explosives precursors from falling into the wrong hands. Those Participants who sell relevant fertiliser materials or products either to other businesses or professional users will be affected. It is important to make sure the implications of the new regulations for your business are understood.

Note that online marketplaces and website sales are subject to the same requirements as stores or businesses. Page 2 lists the main changes and how they may affect FIAS Participants involved in sales of relevant materials.



Key points from the Regulations

What this means for FIAS Participants

1

Changes to regulated and reportable substance list

The following substances will become regulated explosives precursors:

- Ammonium Nitrate (16% N or higher)
- Hexamine
- Hydrochloric Acid (10% W/W)
- Phosphoric Acid (30% W/W)

Sulfur will become a reportable explosives precursor and Sodium Hypochlorite solutions (above 6% available chlorine) will become a reportable poison.

Ammonium nitrate with a nitrogen content of 16% or more becomes a regulated explosives precursor. This applies to compounds, blends and mixtures such as NPK fertiliser containing ammonium nitrate above the nitrogen content threshold. It applies to solid and liquid formats and any pack size under 16%N, AN remains a reportable substance.



2

Know Your Customer

From 1 October 2023, the new rules mean businesses supplying regulated explosives precursors to professional users and other businesses will need to take additional steps to verify the legitimacy of the user or business. The person making the sale must obtain from the customer:

- Name and address of the business customer. If not an individual, then of an individual authorised on behalf of the business
- Photographic ID of the business customer or authorised representative
- Statement of the nature of the business customer's trade, business or profession
- Customer information should be no older than 18 months i.e. should be reverified every 18 months

The requirements add to those in FIAS to Know Your Customer. Examples of photographic ID are driving licence, passport, trade ID card etc.

For existing customers, if the information is already on record and is not more than 18 months old, then supply can continue after 1 October 2023 with reverification within the following 18 months.

For any new purchases after 1 October 2023, the information is required.



Concerns have been raised by AIC with the Home Office about the practicalities of collecting the above information in time for this autumn's fertiliser purchases by farmers.

3

Supply chain information

Businesses selling reportable and regulated substances to other businesses must inform them of the restrictions and reporting obligations associated with those substances.

Information about relevant products must be passed in writing to the customer, to ensure the next business in the supply chain is aware that the product falls under the Poisons Act, and they can ensure their future sales/uses are compliant.

This could be achieved by, for example, sending a notification when an order is placed, providing notice on invoice, or sending a separate information note with delivery.



4

Staff awareness and training

Businesses supplying any substances to professional users or members of the public (licence required), must ensure, and be able to demonstrate that its staff are aware if its products contain listed substances, and are instructed on obligations, and the potential offences which apply. Information about the regulations must be supplied to workers who are involved in the sale of the product, and who may come into contact with customers.

This means that staff must be trained in the changes to the regulations. They will need to know which products are affected, what verification is needed for customers purchasing regulated substances, how to recognise suspicious activity or transactions, and how to report them supplying the information needed. The Home Office can supply training materials if required.



Suspicious activity reporting

All suspicious transactions must be reported **within 24 hours** of the supplier becoming aware of the suspicious activity and, where possible, must be reported via the electronic reporting system.

When making a suspicious activity report, businesses must **provide all information** that they hold which is likely to be useful in identifying the individual involved in the suspicious transaction.



Any suspicious transactions (business to consumer and business to business) of regulated substances and reportable substances should be reported within 24 hours, via the **Report Suspicious Chemical Activity Service** in the first instance, or via the national contact point: 0800 789321.

Businesses should provide the verification information collected from the customer checks.

Any significant disappearances or thefts of regulated and reportable substances must be reported within 24 hours to the local police force using 101 (or 999 in an emergency). Include a reference to the Poisons Act in your report and details of the precursor/poison.

Where to find out more:

New legislation: [The Control of Explosives Precursors and Poisons Regulations 2023 \(legislation.gov.uk\)](#)

The Poisons Act: [Poisons Act 1972 – Selling chemicals responsibly | Protect UK](#)

Official Guidance: [Supplying explosives precursors and poisons](#). Contact for questions about these changes and to access training materials: ChemicalReportingTeam@homeoffice.gov.uk

Webinar: a recording of a recent AIC webinar with presentations by the Home Office is available. Request access details from roberta.reeve@agindustries.org.uk

Compliance checklist: produced to help Participants assess their level of compliance with the new Regulations.

Scan the code for checklist



AIC's Fertiliser Sector is working closely with the Home Office and other stakeholders to reduce the impact of the new Regulations for Participants.

Further updates will be issued as information becomes available.

Earned Recognition update

Earned Recognition is an agreement between the Department for Transport (DfT) and AIC Services for FIAS Participants involved in the Carriage of Dangerous Goods (CDG) and ADR.

FIAS certification demonstrates compliance with those regulations and this recognition may qualify those FIAS hauliers for reduced ADR compliance inspections.

DfT compliance inspectors will shadow Kiwa FIAS audits over the coming months to support this agreement.



Certification Audits and learning from the pandemic

The FIAS Working Group has been monitoring the effects of the coronavirus pandemic on auditing and compliance for FIAS.

Moving to remote audits accelerated the use of supporting technologies such as video calls and the Portal for uploading of documents. Compliance standards and levels of non-conformances have remained stable across both remote auditing and on-site audits.

With benefits to both audit types, FIAS aims to provide flexibility in audit format to suit Participants and the scheme. AIC will issue details shortly.





Security reminder

Protect UK has lots of information about security issues and general counter terrorism guidance covering topics such as threat levels, cyber security, insider threat, incident reporting, and suspicious activity reporting as well as links to ACT Awareness e-learning.

While not all related to fertiliser, it's a valuable source of information and support for FIAS Participants. Create an account to receive regular updates.

Protect UK can be downloaded from Google Play store and Apple's App Store.

ProtectUK



20 years serving the agri-supply industry

AIC and AIC Services are celebrating their 20th anniversary this year.

The FIAS scheme is not quite that old, having been launched in 2006, but its development is recognised as a significant achievement working with industry and Government to develop an assurance scheme for the fertiliser industry.

A special report is being produced to record the history of FIAS, how it works, and the benefits seen to date as well as looking to the future. This will be published later in the year.

AIC's website is running a special series all this year to mark the anniversary, featuring a major achievement each week, including those that relate to FIAS and the fertiliser sector.

Take a look here:

<https://www.agindustries.org.uk/20th-anniversary.html>



- Policy |
- Lobbying |
- Assurance |
- Technical Support |

Participant audit feedback

Thank you to all Participants who have completed the Kiwa Audit Feedback Forms.

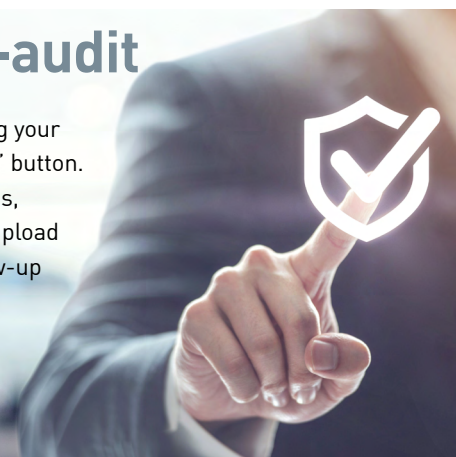
Your comments and feedback are vital to the development and management of the FIAS scheme, which is why it is important to return the form to Kiwa after your audit.



Submission of Corrective Actions post-audit

By far the best method of submitting corrective actions to any non-conformances raised during your audit is via the participant portal on the 'Non-Conformances' tab in the 'Audits and Certificates' button. It is important that sufficient evidence is included with your corrective actions (e.g. photographs, updated documents, records) to allow the reviewer to close off non-conformances. Failure to upload enough evidence or uploading in the wrong place could delay the completion of the audit follow-up and ultimately affect your certification.

If you or a colleague require access to the Participant Portal – or you need further guidance – please contact uk.training@kiwa.com or call 01423 878875. For queries regarding audit arrangements, please contact uk.fias@kiwa.com or call 01423 878873.



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Design & Development by RDP