

IDENTIFYING ILLEGAL TRADE OF PESTICIDES

Best practice guidance for regulatory authorities and inspectors

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Why this guidance?

Manufacture, trade and use of illegal pesticides is a growing concern for governments.

Illegal pesticides can have impacts on human health, food chain safety, the environment, crops, and farmers' revenues.

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Best practice guidance

to identify illegal trade of pesticides

Guidance on best practices for identifying and tackling illegal pesticides throughout their complete lifecycle.

Developed by the OECD Network on Illegal Trade of Pesticides (ONIP).

Target audience: Regulatory authorities and inspectors in countries.

BPG Guidance

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OECD Council Recommendation

on illegal trade of pesticides

The OECD Council recommends the Adherents to the Recommendation to:

- Ensure an appropriate regulatory framework for the management of agricultural pesticides.
- Ensure that there are systems in place to detect and take regulatory action against illegal trade of pesticides.
- Co-operate with other countries on minimizing illegal trade.
- Use the BPG as guidance.

Recommendation OECD/LEGAL/0446

Any non-OECD country can become an Adherent to the Recommendation

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What is an illegal pesticide?

A pesticide that is not legal in the country of destination.

This includes:



Counterfeit pesticide

An illegal copy of a legitimate, branded pesticide with high quality branding and packaging (difficult to distinguish).



Fake pesticide

An illegal copy of a legitimate, branded pesticide with poor quality product and packaging (can be identified with relative ease).



Obsolete pesticide

A pesticide that is no longer authorised.



Unauthorized pesticide

A pesticide that is not authorised for use in the country in which it is being placed on the market.

Regulatory authorities and inspectors

Main roles and tasks

Regulatory authority

- National authority with competence to implement national legislation (includes authorisation, registration and monitoring tasks).
- Keeps up to date records of pesticides (also illegal).
- Ensures traceability of the pesticide throughout the supply chain.
- Formalises protocols and procedures to monitor trade of pesticides.

Inspectors

- Officials in charge of documentary and on-site inspections to ensure compliance.
- Do regular inspections of enterprises involved in trade of pesticides.
- Do targeted inspections based on intelligence and risk analysis.
- Keep clear and standardised protocols for inspections and follow-up actions.

- Both shall be constantly trained on protocols, strategic and tactical analyses, and methods to identify illegal pesticides.

The lifecycle of pesticides

- The Guidance provides recommendations to identify illegal pesticides throughout the complete lifecycle of a pesticide.
- Regulatory authorities and inspectors can then take more effective action at different parts of the pesticides supply chain.



MANUFACTURE

Production of a pesticide by chemical reaction of two or more raw materials



Content:

- Best practices for regulatory authorities
- Records of manufactured pesticides
- Best practices for inspectors

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STEP1 manufacture

MANUFACTURE

Best practices to counter illegal manufacturing

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Regulatory authorities should:



1. Maintain up-to-date lists of manufacturing and storage facilities to enable inspections.
2. Require manufacturers to keep records for at least 5 years.
3. Keep record of any previous case of illegal pesticide.
4. Ensure valid authorisations and labels for the destination country.
5. Ensure that batch numbers are printed indelibly on the packaging to ensure traceability.

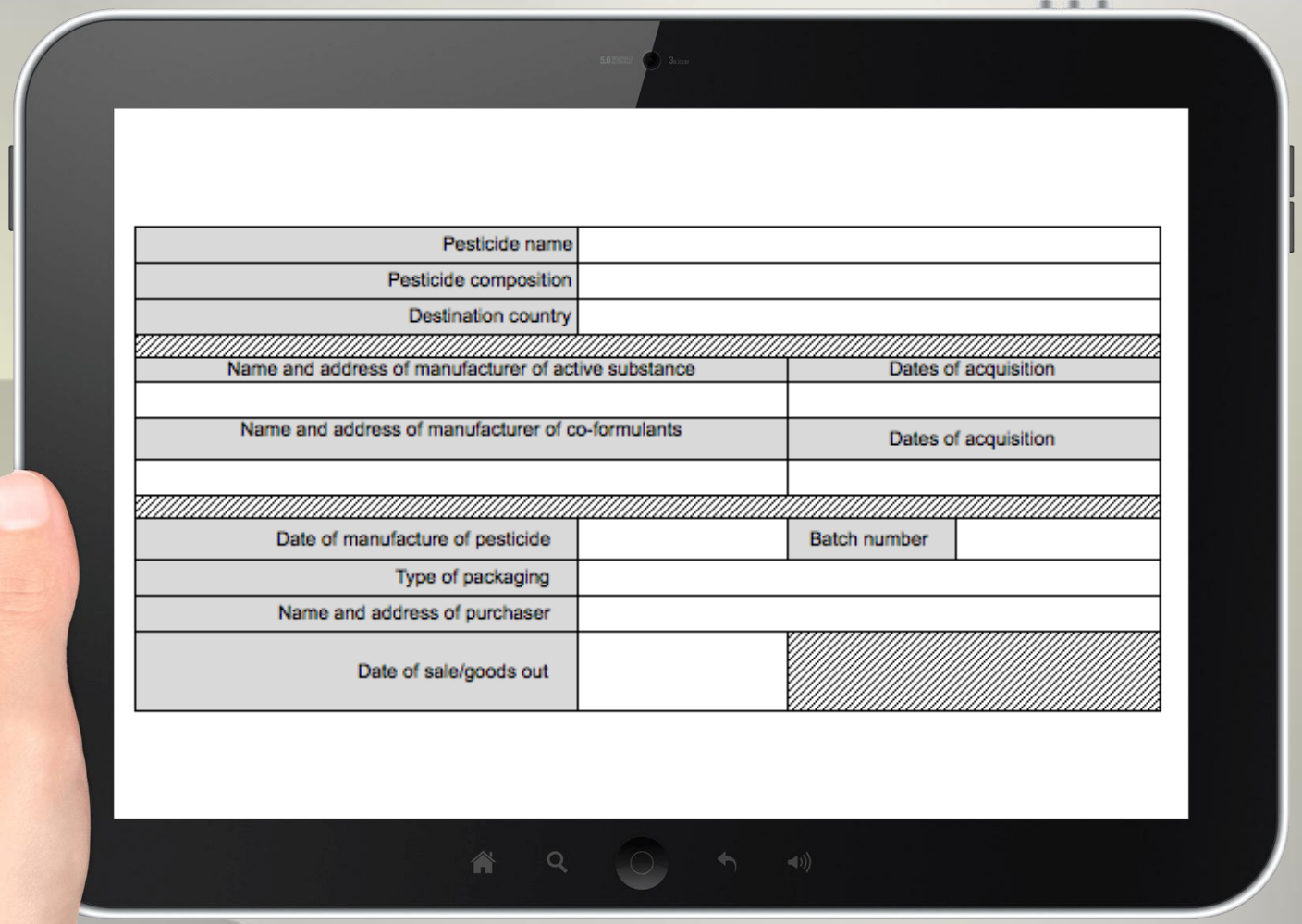
STEP1 manufacture

MANUFACTURE

Records of manufactured pesticides

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Minimum Information:



Pesticide name			
Pesticide composition			
Destination country			
Name and address of manufacturer of active substance		Dates of acquisition	
Name and address of manufacturer of co-formulants		Dates of acquisition	
Date of manufacture of pesticide		Batch number	
Type of packaging			
Name and address of purchaser			
Date of sale/goods out			

Regulatory authorities should develop a template or form to facilitate exchange of information. Preferably transmissible electronically, in national language and in English.

STEP1 manufacture

MANUFACTURE

Best practices to counter illegal manufacturing

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Inspectors should:



1. Do regular inspections to manufacturing/storage facilities.
2. Do targeted inspections when historical information and/or intelligence indicate illegal activities.
3. Apply follow-up actions when needed (administrative seizures, recalls, destruction, prosecution) - through clear protocol.
4. Have a clear and harmonised protocol and tools for inspections and sampling & testing.
5. Ensure legal provisions for inspectors to access all information and for facilities to co-operate.
6. Co-operate with other countries if evidence supports this, making sure to have clear contact points in authorities of each country and clear procedures for contacting and exchanging information.

STEP1 manufacture

FORMULATION

The process involves mixing, blending, and/or diluting one or more active ingredients by toll manufacturers or formulators.



Content:

- Best practices for regulatory authorities
- Records of formulated pesticides
- Best practices for inspectors

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STEP2 formulation

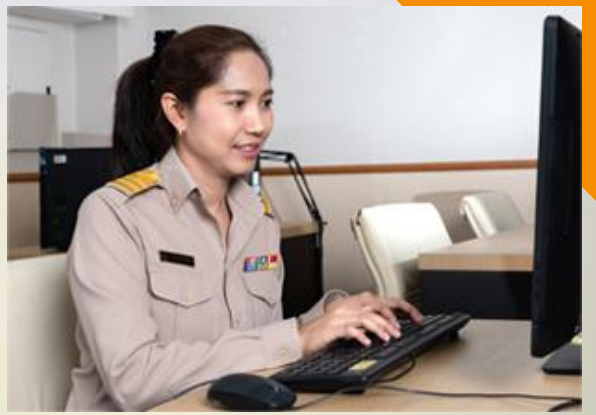
FORMULATION

Best practices to counter illegal formulation

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Regulatory authorities should:

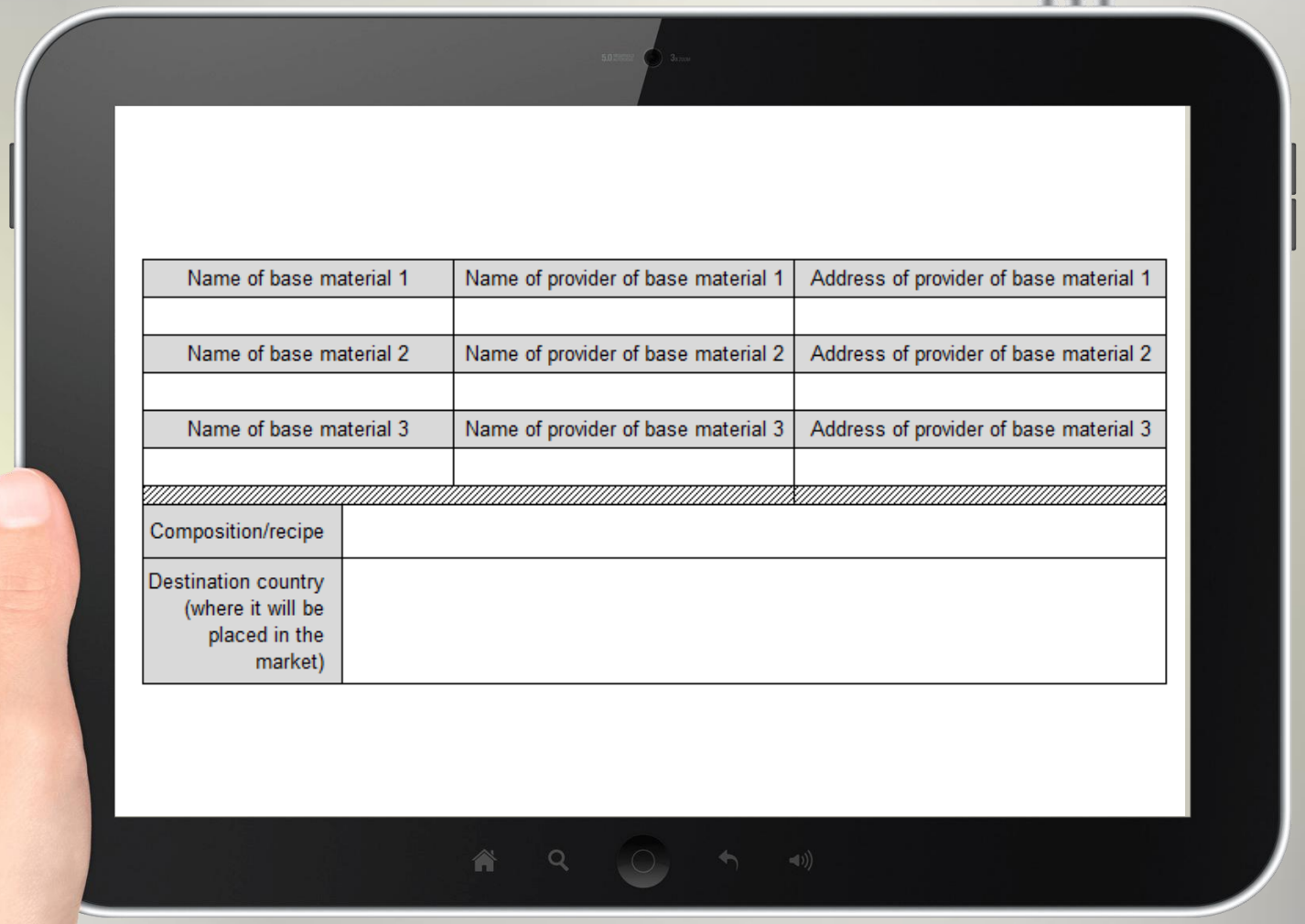


1. Maintain up-to-date lists of toll manufacturers/formulators and companies producing packaging for pesticides.
2. Require toll manufacturers/formulators to keep records for at least 5 years.
3. Investigate routes for entry of potentially illegal ingredients (strategic analysis).
4. Ensure valid authorisations and labels for the destination country.

Minimum Information

FORMULATION

Records of formulated pesticides



Name of base material 1	Name of provider of base material 1	Address of provider of base material 1
Name of base material 2	Name of provider of base material 2	Address of provider of base material 2
Name of base material 3	Name of provider of base material 3	Address of provider of base material 3

Composition/recipe	
Destination country (where it will be placed in the market)	

In addition, request for SDS of base materials + samples and test results of the formulated pesticides.

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STEP2 formulation

FORMULATION

Best practices to counter illegal formulation

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Inspectors should:



1. Investigate routes for entry of potentially illegal ingredients.
2. Verify safety data sheets of base materials, samples of the formulated pesticides and test results kept by the formulator.
3. Ensure that batch numbers are printed indelibly on the packaging.

EXPORT

Pesticides manufactured in one country are sent to another country for sale



Content:

- Best practices for regulatory authorities
- Records of exported pesticides
- Best practices for inspectors
- Export certificates

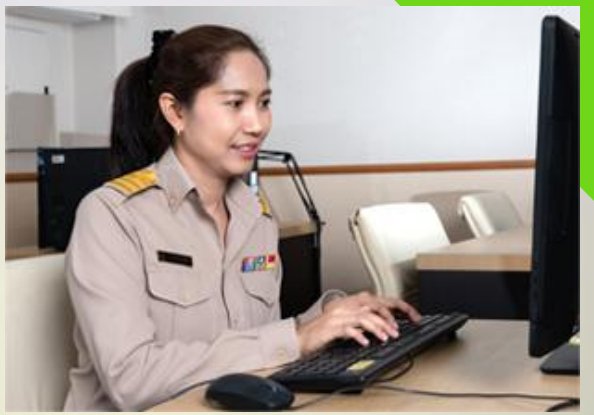
STEP3 export

EXPORT

Best practices to counter export of illegal pesticides

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Regulatory authorities should:



1. Maintain up-to-date lists of operators exporting pesticides from their territory.
2. Make sure that each individual consignment can be linked to its exporter in records.
3. Require exporters to keep records for at least 5 years (of exported and stored pesticides).
4. Keep record of any previous case of export of illegal pesticide.
5. Ensure valid authorisations and labels for the destination country.
6. Seek verification of the arrival of pesticide in the destination country and follow up on any discrepancies.

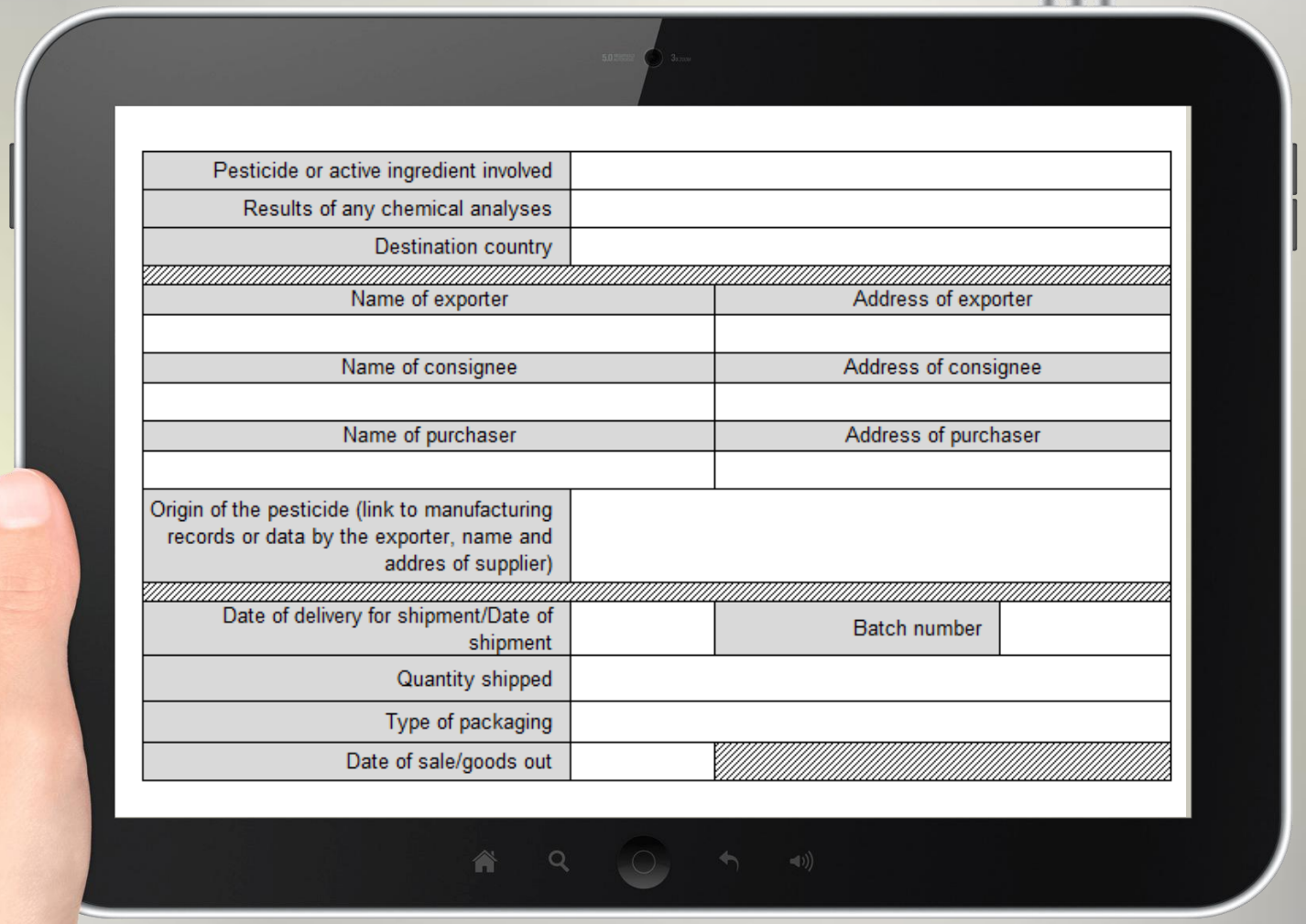
STEP3 export

EXPORT

Records of exported pesticides

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Minimum Information



Pesticide or active ingredient involved			
Results of any chemical analyses			
Destination country			
Name of exporter		Address of exporter	
Name of consignee		Address of consignee	
Name of purchaser		Address of purchaser	
Origin of the pesticide (link to manufacturing records or data by the exporter, name and addres of supplier)			
Date of delivery for shipment/Date of shipment		Batch number	
Quantity shipped			
Type of packaging			
Date of sale/goods out			

Regulatory authorities should develop a template or form to facilitate exchange of information. Preferably transmissible electronically, in national language and in English.

STEP3 export

EXPORT

Best practices to counter export of illegal pesticides

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Inspectors should:



1. Check for valid authorisations and labels for the destination country.
2. Co-operate with other countries if evidence supports this, making sure to have clear contact points in authorities of each country and clear procedures for contacting and exchanging information.

EXPORT

Export should be only possible if valid registration and label for the pesticide exist in the destination country

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Export certificates

1. Export certificates can be issued by the authority for each consignment or for a fixed amount of time.
2. They should be issued in the national language of the export country and in English.
3. They can be transmitted to authorities of the destination country to facilitate pre-arrival checks.

TRANSPORTATION

Pesticides are moved physically from the point of production to the place where required for consumption



Content:

- Best practices for regulatory authorities
- Best practices for inspectors
- Pre-arrival vs in-transit controls

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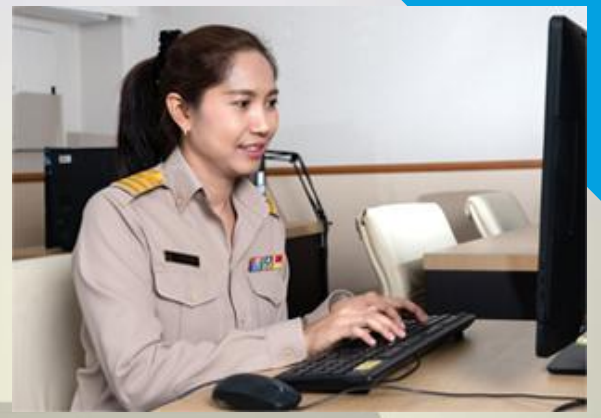
STEP4 transportation

TRANSPORTATION

Best practices to counter transport of illegal pesticides

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Regulatory authorities should:



1. Formalise interaction protocols (through an MOU) between different authorities involved in transportation controls.
2. Ensure appropriate authorisations in the destination country and all proper documentation.
3. Explore if action can be taken against consignments of illegal pesticides in transit (e.g. infringements of intellectual property rights).

TRANSPORTATION

Best practices to counter transport of illegal pesticides

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Inspectors should:



1. Have practical guidance on physical inspections of transported goods in different forms of transport (ship, road, air).
2. If possible, weigh vehicles or containers of pesticides at the point of entry and point of exit of a transited country.
3. If present, GPS navigators may be checked to confirm routes used during transit.

Inspection authorities of in-transit pesticides may differ from those of import inspections. Authorities may also differ for different forms of transport.

STEP4 transportation

Pre-arrival vs in-transit control



TRANSPORTATION

Best practices to counter transport of illegal pesticides

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A country may be the final destination of a pesticide or it may be only a transit country on the way to another destination country.

Control measures are different for a pre-arrival of a pesticide and for its transit.

TRANSPORTATION

Best practices to counter transport of illegal pesticides

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Pre-arrival vs in-transit control

Pre-arrival transportation	In transit
• Exporting countries can transmit pre-arrival information: invoices, MSDS, export certificates, electronic export information, and packaging lists (if available). • Pre-notifications through the single window customs system are a useful tool. • With pre-arrival information, importing countries can perform checks before arrival.	• The definition for a consignment in transit may vary from the national law of one country to the other. This needs to be clarified between countries for effective action against an illegal consignment. • To know permitted in-transit times in other countries is also helpful to identify suspicious consignments exceeding transit times.

IMPORT

Pesticides are brought from abroad for sale

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Attention: The control of the import stage at the border is critical to prevent illegal pesticides from entering economic zones or countries.

Content:

- Best practices for regulatory authorities
- Records of imported pesticides
- Best practices for inspectors
- Training of customs officials
- Strategic and tactical analysis of illegal trade

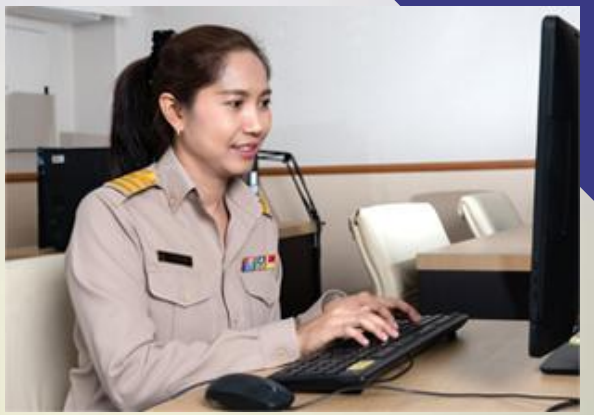
IMPORT

Best practices to counter import of illegal pesticides

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Regulatory authorities should:



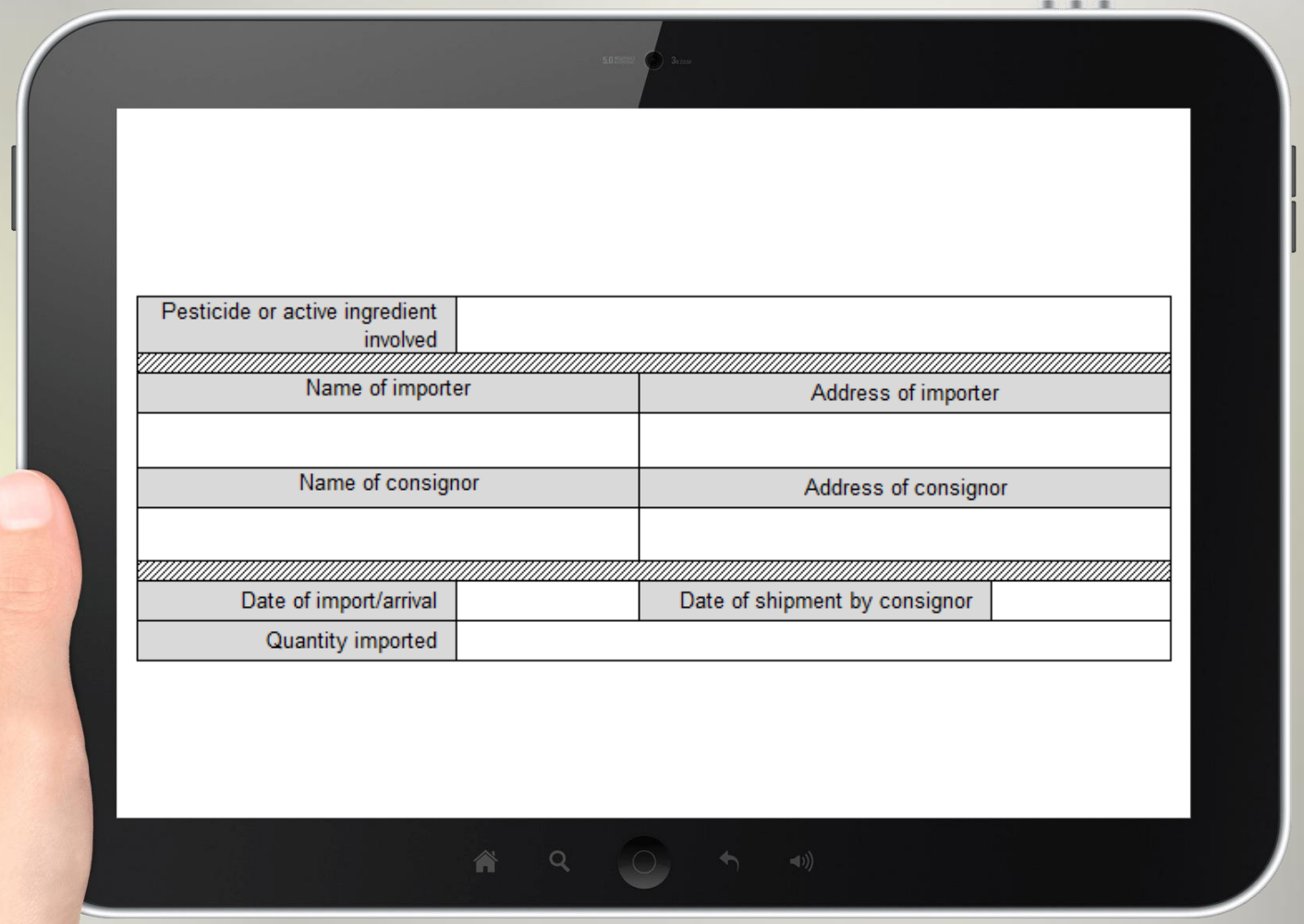
1. Maintain up-to-date lists of operators importing pesticides into their territory.
2. Require operators to keep records for at least 5 years of imported and stored pesticides.
3. Keep record of any previous case of illegal pesticide.
4. Ensure valid authorisations and labels for the destination country.
5. The competent authority should have up-to-date strategic and tactical analyses and use them to enable inspections on risk analysis.

IMPORT

Records of imported pesticides

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Minimum Information



Pesticide or active ingredient involved			
Name of importer		Address of importer	
Name of consignor		Address of consignor	
Date of import/arrival		Date of shipment by consignor	
Quantity imported			

Regulatory authorities should develop a template or form to facilitate exchange of information. Preferably transmissible electronically, in national language and in English.

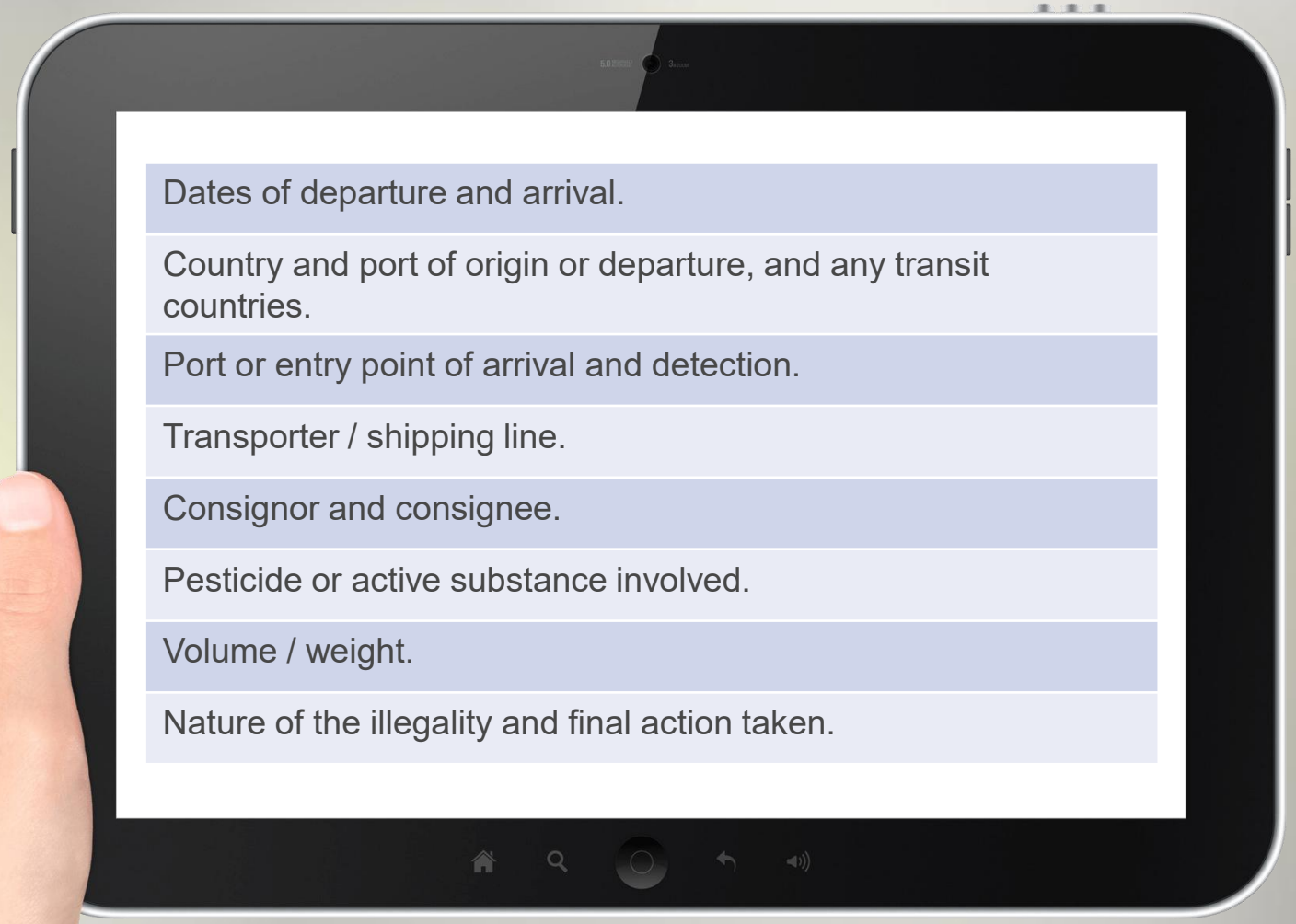
STEP5 import

IMPORT

Records of illegal pesticides

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Minimum Information



Regulatory authorities should also keep records of illegal pesticides and also develop a form transmissible electronically, in national language and in English.

STEP5 import

IMPORT

Best practices to counter import of illegal pesticides

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Inspectors should:



1. Make regular inspections of imported pesticides (authorisations, labels).
2. Inspection authorities should ensure a rolling workplan of training for customs officials (see next slides).
3. Have clear protocols for inspections and interactions between all authorities involved in control at point of entry (customs, pesticide regulatory authority, authorities on hazardous goods, day-to-day operators, and authorities on criminal investigations).
4. Have clear protocols for follow-up actions (release with no further action, return of forwarding, and destruction), and follow up with other countries.

IMPORT

Training of customs officials

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Officials should be constantly trained, inter alia on:

1. The complete inspection process.
2. Methods of identification of illegal consignments.
3. Documentary checks.
4. Procedural matters for blocking transports for further inspection/investigation (and co-operation with other authorities).
5. Methods of physical inspection including any safety measures.
6. Methods of further investigation (e.g. requests for additional information from the parties involved).
7. The use of analytical methods such as chemical analyses.
8. Updates on adaptations made by illegal traders.
9. Up-to-date strategic and tactical analyses.

STEP5 import

Strategic and tactical analyses

IMPORT

For inspections based on risk analysis

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Strategic analysis	Tactical analysis

• The strategic analysis enables to identify the most important products/entry points where inspection should focus on.
• It identifies higher risk entry points, pathways at these entry points, possible seasonal variations, and any pesticides or active ingredients often targeted by illegal operators.
	• The tactical analysis identifies the methods to discover illegal pesticides.
	• It identifies actors involved in illegal pesticides trade and the current modus operandi:
	  • Use of shell companies, unconventional address;
	  • imports by non-registration holders;
	  • use of any specific HS or CN codes;
	  • common wording on declarations; etc.



SALE / RETAIL

Sale of pesticides to the public in relatively small quantities for use or consumption

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Content:

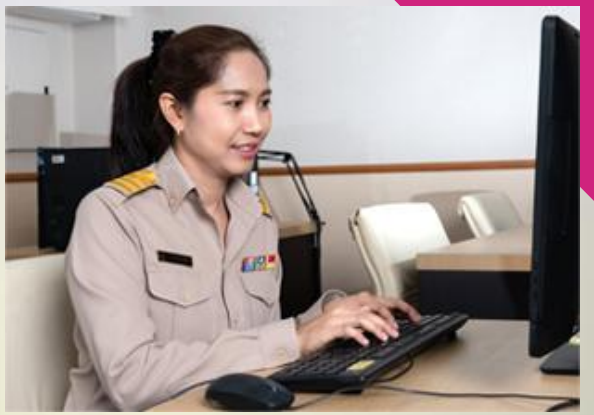
- Best practices for regulatory authorities
- Records of pesticides sales
- Records of illegal pesticides sales
- Best practices for inspectors

SALE / RETAIL

Best practices to counter sale of illegal pesticides

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Regulatory authorities should:



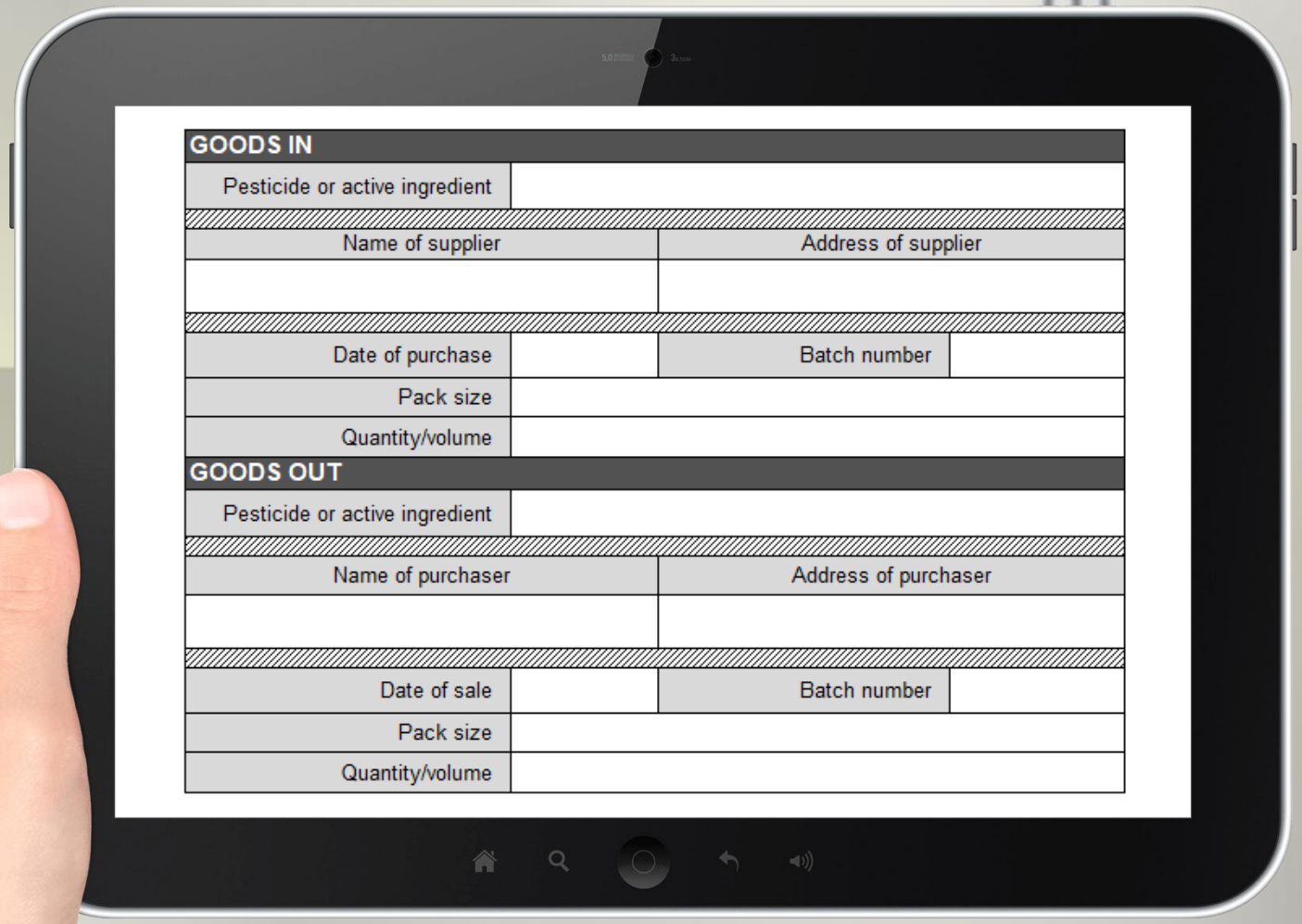
1. Maintain up-to-date lists of distributors of pesticides (wholesalers and retailers).
2. Require operators to keep records for at least 5 years of stored and distributed pesticides.
3. Keep record of any previous case of illegal pesticide.
4. Education: Distributors should be educated in the identification of illegal pesticides (common features, traceability, price, etc), as well as the risks and hazards of illegal pesticides and potential penalties.

Minimum Information

SALE / RETAIL

Records of pesticides sells

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GOODS IN			
Pesticide or active ingredient			
Name of supplier		Address of supplier	
Date of purchase		Batch number	
Pack size			
Quantity/volume			
GOODS OUT			
Pesticide or active ingredient			
Name of purchaser		Address of purchaser	
Date of sale		Batch number	
Pack size			
Quantity/volume			

Regulatory authorities should develop a template or form to facilitate harmonisation. Preferably transmissible electronically, in national language and in English.

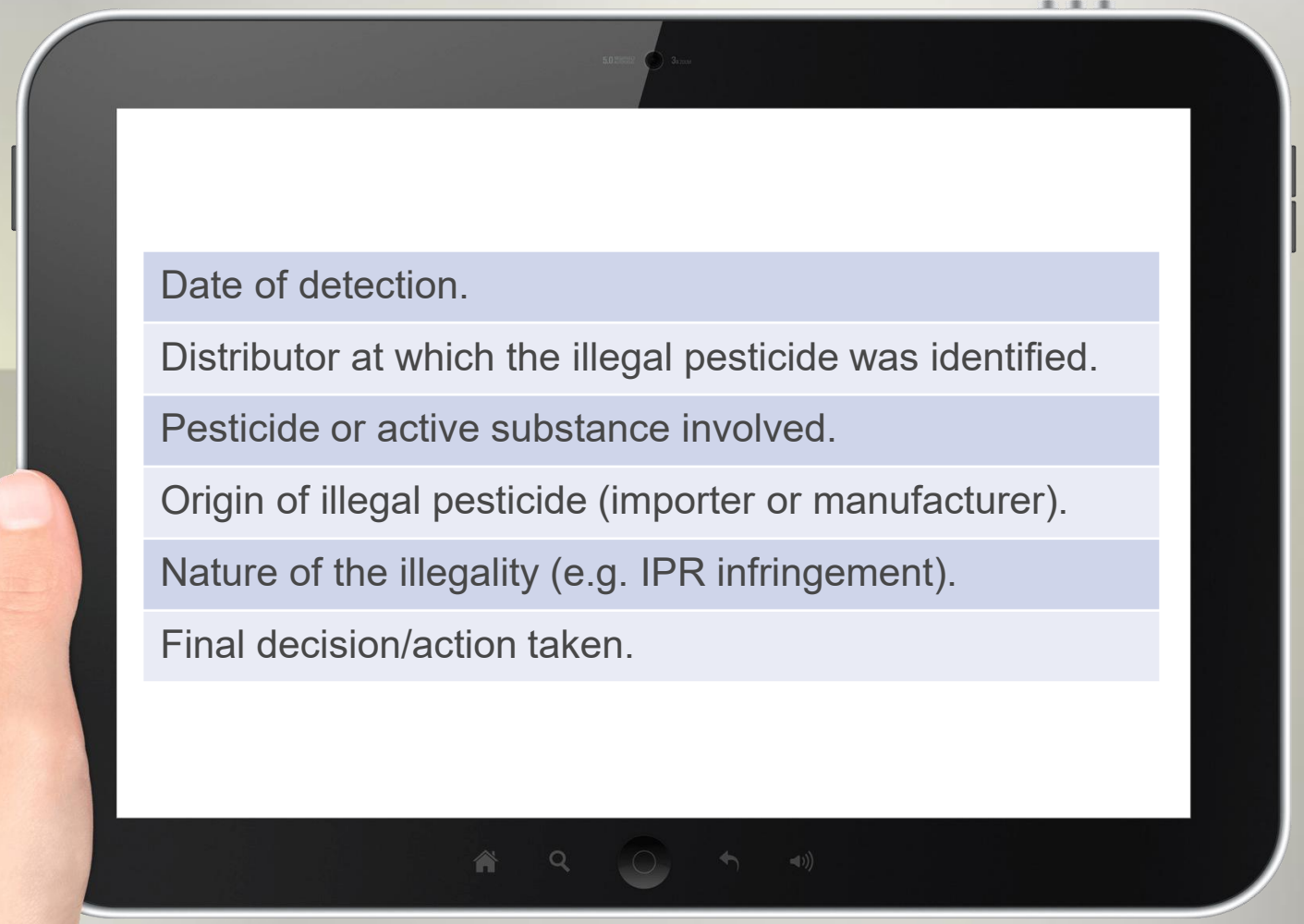
STEP6 sale / retail

SALE / RETAIL

Records of illegal pesticides sales

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Minimum Information



- Date of detection.
- Distributor at which the illegal pesticide was identified.
- Pesticide or active substance involved.
- Origin of illegal pesticide (importer or manufacturer).
- Nature of the illegality (e.g. IPR infringement).
- Final decision/action taken.

Regulatory authorities should also keep records of illegal pesticides and also develop a form transmissible electronically, in national language and in English.

STEP6 sale / retail

SALE / RETAIL

Best practices to counter sale of illegal pesticides

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Inspectors should:



1. Check for the authorisation of the product and records, do visual checks of packaging and labeling.
2. Different jurisdictions involved in inspections should be well defined (e.g. national, regional, and district authorities), as well as clear protocols for follow-up actions.
3. Authorities should also ensure training of inspectors on storing and packaging requirements of pesticides.



USE

Pesticides are used by individual farmers and businesses.

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Content:

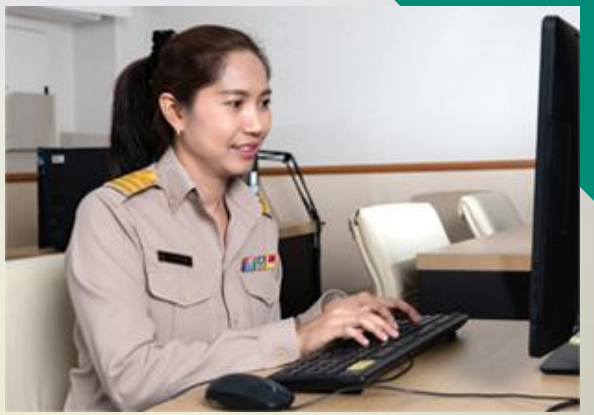
- Best practices for regulatory authorities

USE

Best practices to counter use of illegal pesticides

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Regulatory authorities should:



1. Maintain up-to-date lists of professional users of pesticides.
2. Require professional users to keep records for at least 5 years of bought, stored and used pesticides.
3. Keep record of any previous case of illegal pesticides.
4. Education: raise awareness among users, farmer associations and co-operatives on risks, types of illegal pesticides, features and methods for recognition of illegal pesticides (red flags), and if relevant, penalties for intentional use.
5. Detection of illegal pesticides during use in farms is less resource efficient that in other stages, but regulatory authorities should perform inspections of farms on the basis of gathered intelligence.

DISPOSAL

Final destruction of containers or illegal/obsolete pesticides in an environmentally sound manner



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Content:

- Best practices for a correct disposal

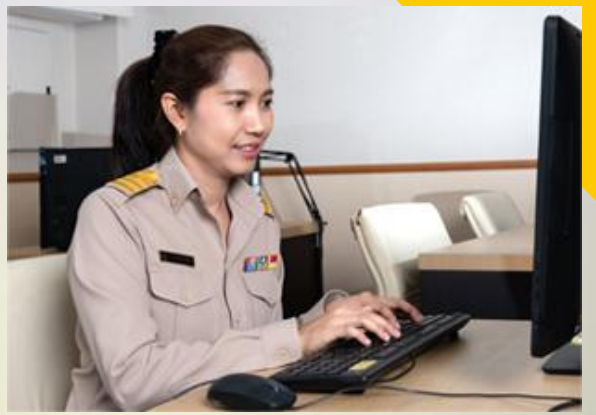
STEP8 disposal

DISPOSAL

Best practices for a correct disposal

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Regulatory authorities should:



1. Advise users of pesticides to triple-rinse and pierce containers after use to avoid reuse.
2. Destroy identified illegal and obsolete pesticides.
3. Make quarantine warehouses and disposal facilities available (private operators can be engaged, but with the suitable due diligence).
4. Given potential high costs of storage and disposal, consider introducing financial recovery mechanisms (costs covered by responsible companies or individuals).



name.surname@oecd.org

Best practice guidance to identify illegal trade of pesticides

OECD Network on Illegal Trade of Pesticides (ONIP)

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