

New anti-terrorism controls on selling chemicals

NEW restrictions from the Home Office on poisons and other dangerous substances came into force on Sunday, 1 October to strengthen existing controls on chemicals that could be used to make explosives. This stems from the inquiry into the Manchester Arena pop concert bombing in May 2017 and the attack on the London Underground at Parsons Green in September 2017.

The Poisons Act 1972 already sets out controls on chemicals that can be used for malevolent purposes. For the general public, an Explosives Precursors & Poisons licence is mandatory before regulated substances can be legally sold to them. It is a criminal offence to sell these substances to the public without a valid EPP licence. Professional users and other businesses do not need an EPP licence where such goods are being used as part of their everyday business or profession.

What's New

On 1 October, additional substances were added to the list of regulated chemicals under the Control of Explosives Precursors & Poisons Regs 2023 - notably $\geq 10\%$ hydrochloric acid. There are also new offences on buying, importing, supplying, possession and using such chemicals.

BMF members selling such goods to professional users and other businesses must now take extra steps to verify the buyer's legitimacy. For example: the person making the sale (your staff) must obtain the following:

- the business customer's name & address - if this is not an individual, the name of an individual who is authorised on behalf of the business customer should be recorded.
- a form of photographic identification of the business customer - or if the business customer is not an individual, then of the individual making the purchase.
- a statement of the nature of the



Minister for Security, Tom Tugendhat, MP

Selling Chemicals Responsibly
Help keep us all safe and prevent terrorism

Know the law
The Poisons Act requires all businesses selling regulated and reportable substances to report any suspicious transactions and significant losses or thefts.

Know your products
The following products contain chemicals that can be used for malicious purposes:

Chemical	May be present in
Hydrogen peroxide	Bleach, hair bleach, disinfectants, cleaning agents
Nitric acid	Etching agent, metal treatment, pH adjuster
Ammonium nitrate	Fertiliser, cold packs
Acetone	Nail polish remover, solvent
Hexamine	Solid fuel for camping stoves and model steam engines
Sulfuric acid	Drain cleaner, acid for car batteries

For a full list of chemicals visit www.gov.uk/explosive-precursors-poisons

Know your customer
Look out for suspicious behaviour in your customers. Ask yourself:

- Are they your regular type of customer?
- Do they appear nervous, or are they avoiding communication?
- Are they trying to buy an unusual amount of a product or a strange combination of products?
- Are they unfamiliar with the product's handling instructions?
- Are they refusing to buy a lower concentration product?
- Are they unwilling to share what they plan to use the product for?
- Are they insisting on paying in cash?
- Are they unwilling to provide ID or home address details?
- Are they requesting unusual packing or delivery methods?

What to do if you're suspicious
If you're suspicious, report online at gov.uk/explosive-precursors-poisons
If you can't access the web page phone the Anti-Terrorist Hotline 0800 789 321
To report loss or theft of chemicals call the police on 101, in an emergency dial 999
For further information or advice please contact ChemicalReportingTeam@homeoffice.gov.uk

Home Office

A poster available from the Protect UK website.

business customer's trade, business or profession, or of the public function that the business customer performs.

- the business customer's VAT registration number - if the business customer has this number.

Our understanding is this means retaining documents belonging to trade customers buying goods that validates the purchase. Therefore, a paper photocopy or digital photo ought to be asked for, and kept, by the merchant if (at a later date) you have to prove who the individual buyer was, not just the company he/she works for, who then went onto use the goods for malevolent purposes.

Please take time to read the Home Office guidance here and revise your internal procedures accordingly: <https://www.gov.uk/government/publications/supplying-explosives-precursors-and-poison>

Discussion

In the above official guidance, under the

"Professional Users" section, it says: *"Businesses and professional users should be verified every time a new purchase is made. Where regulated substances are being supplied frequently or on a routine basis to the same professional user or business, verification should occur every 18 months or whenever there is a change or deviation from normal purchasing patterns"*.

While regular customers should be verified, selling the same or similar goods frequently, to the same buyer, for a purpose that is obvious to merchants - and clearly connected or relevant to the activity that your trade customer does - some latitude is implicit in this guidance.

For example: if a plumber buys toilet or drain cleaner with a poisonous or corrosive ingredient, perhaps 2-3 times a month, it is likely he/she uses it in situations for which the product is intended. Similarly, a trade customer who buys brick, mortar or patio cleaner that contains acid.

Eighteen months is a long time and it may be sensible to ask frequent or regular buyers to subject themselves to verification and provide the necessary documents every 3 or 6 months. You may prefer to start by doing it once a month and after a while, revert to a quarterly or bi-annual basis.

Summary

Merchants will doubtless want to discuss this with manufacturers & suppliers to identify risks or liability - notably for chemicals like $\geq 10\%$ hydrochloric acid - that were added to the list in October. Specific information on selling chemicals responsibly (inc. downloadable leaflets & posters) is on the Protect UK website: <https://www.protectuk.police.uk/advice-and-guidance/awareness/poisons-act-1972-selling-chemicals-responsibly>

We shall ask colleagues outside the BMF to learn any lessons or take ideas on what they may be advising their members or customers in their industry or supply chain. This topic is likely to be discussed within either the BMF Health & Safety and/or BMF Decorating & Chemicals Forum.