

Control of Pesticides (Amendment) Act No. 6 of 1994

(Certified on 6th April, 1994)

L.D - 0.52/87

AN ACT TO AMEND THE CONTROL OF PESTICIDES
ACT NO. 33 OF 1980

WHEREAS Parliament deems it expedient in the public interest for the Government to control the pesticide industry including the import, packing, labeling, storage, formulation, transport, sale and use thereof:

BE it enacted by the Parliament of the democratic Socialist Republic of Sri Lanka as follows;

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| 1 | This Act may be cited as the Control of Pesticides (Amendment) Act, No. 6 of 1994. | Short title |
| 2 | The long title of the Control of Pesticides Act, No. 33 of 1980 hereinafter referred to as the "principal enactment") is hereby amended by the substitution for the words "FORMULARY COMMITTEE" of the words "TECHNICAL AND ADVISORY COMMMITTEE" | |
| 3 | Section 2 of the principal enactment is hereby repealed and the following section substituted therefor:-

"Application of the Act" 2. This Act shall apply to active ingredients and pesticide formulation with adjuvant, other than such formulations as are set out in the Schedule to this Act". | Replacement of Section 2 of the principal enactment. |
| 4 | Section 3 of the principal enactment is hereby amended by the addition immediately after subsection (2) of that section, of the following new subsections:-

"(3) There shall be appointed such number of Assistant Registrars of Pesticides as may be necessary for the purposes of the Act.

(4) Every Assistant Registrar of Pesticides may exercise all or any of the powers of the Registrar of Pesticides and in the exercise of such powers shall be subject to the control and direction of the Registrar of Pesticides". | Amendment of section 3 of the principal enactment |
| 5 | Section 4 of the principal enactment is hereby amended as follows:-

(1) by the repeal of subsections(1) and(2) of that section and the substitution therefore of the following subsections:- | Amendment of Section 4 of the principal enactment. |

(1 (here shall be a Pesticide Technical and Advisory Committee
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(hereinafter referred to as the "Committee").

(The Committee shall consist of
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- (a) the following ex officio members namely:-
- (i) the Director of Agriculture (hereinafter referred to as the "Director") or any officer nominated by him.
 - (ii) the Registrar of Pesticides (hereinafter referred to as the "Registrar") or any officer nominated by him.
 - (iii) The Government Analyst or any officer nominated by him;
 - (iv) the Secretary to the Ministry of the Minister in charge of the subject of Health or any officer nominated by him.
 - (v) the Commissioner of Labour or any officer nominated by him;
 - (vi) the Director of the Tea Research Institute established under the Sri Lanka Tea Board Law No. 14 of 1975, or any officer nominated by him;
 - (vii) a member of the Sri Lanka Standards Institution established under the Rubber Research Ordinance (Chapter 439) or any officer nominated by him;
 - (viii) a member of the Sri Lanka Standards Institution established by the Sri Lanka Standards Institution Act, No. 6 of 1984, nominated by the Chairman of such Institution or any officer nominated by such member;
 - (ix) the Director of the Coconut Research Institute established under the Coconut Development Act, No. 46 of 1971 or any officer nominated by him;
 - (x) a Senior Officer of the Central Environmental Authority established by the National Environmental Act No. 47 of 1980, nominated, by the Chairman of such Authority; and
- (b) not more than five persons who are experienced in the use of pesticides, pest control and related scientific disciplines who shall be appointed by the Minister:

Provided however, that no person having a commercial interest in the manufacture, import, marketing, formulation, storage, transport or sale, of pesticides shall be appointed ; and

(by the substitution for the marginal note to that section of the
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following marginal note:-

"Pesticide Technical and Advisory Committee".

6. Section 5 of the principal enactment is hereby amended as follows:-

Amendment of section 5 of the principal enactment.

(1) by the repeal of subsection (1) of that section and the substitution therefore of the following sub section:-

"(1) The functions of the Committee shall be :-

- (a) to advise the Registrar or any important matter relating to the registration of pesticides, approval of containers, the storage, formulation, import, sale and use of pesticides and such other matters relating thereto as may be prescribed;
- (b) to appoint technical sub-committees to assist such committee in the performance of its functions. "; and

(in paragraph (b) of subsection (2) of that section by the
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substitution for the words " at a meeting of all members of the Committee" of the words "at a meeting of the Committee".

7. Section 6 of the principal enactment is hereby amended in subsection (2) of that section as follows.

(by the repeal of paragraph (b) of that subsection and the substitution
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therefore, of the following paragraph:-

Amendment of section 6 of the principal enactment.

(by the repeal of paragraph (f) of that subsection and the
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substitution therefore of the following paragraph-

"(f) a statement of the claim made by the manufacturer or

producer of such pesticide as to its uses, potency, stability in storage and the period of usage and a statement with regard to its efficacy and crop safety supported by the result of any experimental data as evidence;";and

(by the repeal of paragraphs (g), (h), (l) and (j) of that subsection and
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the substitution therefor, of the following paragraphs:-

- "(g) a statement of the composition of such pesticide, its chemical identity including the chemical and physical properties of the technical grade material from which the pesticide formulation is prepared, its net weight and the identity and amount of isomer impurities and other by products.
- (h) adequate toxicological data concerning such pesticide including information on antidote, to show that when used as recommended the product would not cause ill effects to those applying it or to the consumer of treated crops;
- (l) methods of analysis of the pesticide formulation with the results of the analysis as evidence; and
- (j) methods of determining the residue of such pesticide in foods and feed after application as directed with the results of any experiments as evidence".

8 Section 7 of the principal enactment is hereby amended in subsection (1) of that section by the repeal of paragraphs (a) and (b) of that subsection, and the substitution therefor of the following paragraphs:-

Amendment of section 7 of the principal enactment.

- "(a) register the pesticide and issue a licence valid for a period not exceeding three years; or
- (b) register the pesticide provisionally, and pending the issue of a licence or in lieu of a licence issue a provisional permit valid for a period not exceeding twelve months for restricted marketing and use of the pesticide in accordance with the conditions stipulated in such permit;"

9. Section 8 of the principal enactment is hereby amended by the repeal of subsection (1) of that section, and the substitution therefor of the following subsection:-

Amendment of section 8 of the principal enactment.

- 8. (The Registrar shall not issue a licence under paragraph (a) of
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subsection (1) of section 7 unless the copy of the draft label submitted with the application contains the following particulars:-

- (a) the trade name under which the pesticide shall be sold and its use category;
- (b) the common names of the active ingredients of the pesticide, in characters not smaller in size than half the size of those used for the trade name of the pesticide and in a position placed directly below the trade name;
- (c) the contents of all active ingredients expressed, in the case of a solid formulation as a percentage or as grams per kilogram and in the case of liquid formulation, as grams per litre;
- (d) the name and address of the holder of the licence;
- (e) adequate directions concerning the manner in which the pesticide is to be used, including information as to the period of time which should elapse between the last application of the pesticide and harvesting and marketing of the crop to which it is applied and where the Registrar deems appropriate the shelf-life of the pesticide;
- (f) adequate warning and precautionary symbols and statements including first-aid and antidote information supplemented, when necessary, in a leaflet in the package, giving detailed instructions;
- (g) the word "registered" which shall be an official symbol indicating that the pesticide has been licensed under this Act and the licence number assigned to it by the Registrar;
- (h) any other particulars as may be prescribed by regulation under this Act.

in Sinhala and Tamil languages:

Provided, however, the particulars set out in paragraphs (a), (b) and (f) shall in addition be stated in English;

10 Section 9 of the principal enactment is hereby repealed and the following section substituted therefor:-

"Approved pesticides.

9. Where the Registrar issues a licence under subsection(1) of section 7, he shall-

- (a) declare that pesticide to be an approved pesticide;
- (b) classify such pesticide as a restricted general, or domestic pesticide,

by Order published in the Gazette"

Replacement of section 9 of the principal enactment.

<p>11 Section 14 of the principal enactment is here by amended as follows.</p> <p>(1) in paragraph (b) of that section by the substitution for the words such pesticide is contained in an approved container", of the words" such pesticide in contained in an approved leak proof container".</p> <p>(2) by the repeal of the proviso to that section, and the substitutin, therefor of the following proviso:-</p> <p>"Provided however, that the preceding provisions of this section shall not apply in any case.</p> <p>(Where on the recommendation of the committee, any pesticide is I) imported for the purpose of counteracting an epidemic or pest out break;</p> <p>(Where any approved research organisation imports with the written i i) consent of the Registrar any specified quantity of pesticides or pesticide formulation for the purpose of research".</p>	<p>Amendment of section 14 of the principal enactment.</p>
<p>12 Section 21 o the principal enactment is hereby amended as follows:-</p> <p>(1 In subsection (1) of that section by the substitution, for the words " such) number of officers of his departmetn", of the words "such number of agricultural officers"; and</p> <p>(2 in subsection 2) of that section by the insertion immediately after) paragraph (b) of that subsection of the following paragraph-</p> <p>"(bb seize and detain, for such time as may be necessary for the) purposes of a prosecution under this Act any pesticide which has been offered for sale in contravention of section 14 or section 21A, afrt compiling a list of such pesticides and handing over copies of such list to the seller or his agent and to the Registrar;"</p>	<p>Amendment of Section 21 of the principal enactment.</p>
<p>13 The followin new section is hereby inserted immediately after section 21 and sahlI have effect as section 21A of the principal enactment:-</p> <p>"prohibition of sale without certifica te. 21A, (1) No person shall sell or offer forsake any pesticide except under the authority of a certificate issued by an authorized officer.</p>	<p>Insertion of new section 21A in the principal enactment.</p>

(2) Notwithstanding the provisions of sub section (1) and person may sell or offer for sale any domestic pesticide without obtaining a certificate.

(3) Every application for a certificate shall be made to an authorized officer, in such form as may be prescribed.

(4) Every certificate for sale shall

- (a) be in the prescribed form;
- (b) unless it is cancelled earlier, be in force for a period of twelve months from the date of its issue.

(5) Every certificate referred to in subsection (1) shall be exhibited in a conspicuous place where authority pesticide is sold".

14 Section 23 of the principal enactment is hereby amended by the repeal of subsection (1) of the section, and the substitution therefor, of the following subsection.

Amendment of section 23 of the principal enactment.

- "(1) (a) Every application for the licensing of a pesticide under section 6; or
- (b) Every application for the renewal of a licence of a pesticide under section 7 or
- © every application for a certificate for sale of pesticide under section 21A; or
- (d) every appeal against any rejection, cancellation, suspension, withdrawal or modification under section 13.

Shall be accompanied by such fee as may be prescribed by regulations made under this Act.

15 Section 24 of the principal enactment is hereby amended in subsection (1) of that section by the substitution for the words 'be sentenced to imprisonment of either description for a period of two years', of the words "be liable to imprisonment of either description for a period not exceeding two years or to a fine not exceeding ten thousand rupees or to both such fine and imprisonment".

Amendment of section 24 of the principal enactment.

16 The following new section is hereby inserted immediately after section 24 of the principal enactment and shall have effect as section 24A of that enactment:-

Insertion of new section 24A in the principal enactment.

"Persons authorized to institute and conduct,

24A (1) For the avoidance of doubt, it is hereby declared that the Registrar or any Food Inspector, Public Health Inspector,

prosecutions.

Grama Niladhari, Inspector of Labour or any public officer authorized in that behalf by the Registrar shall be empowered to institute proceedings and conduct prosecutions for offences under this Act.

(2) Any person authorized under subsection (1) by the Registrar shall have the power to ascertain whether-

- (a) the packaging of pesticide is effected in compliance with the provisions of this Act. ;
- (b) any persons has contravened the provisions of section 16;
- (c) a certificate for sale has been obtained by every seller.

(3) For the purposes of exercising the powers referred to in subsection (2), every officer authorized under subsection (1), may enter any premises, after sufficient notice at all reasonable hours of the day in the discharge of his functions under this Act, Such officer shall not be liable on account of such entry or on account of anything done bona fide in such premises aftersuch entry which is necessary for the exercise performance and discharge of his powers, duties and functions under this Act".

17 Section 26 of the principal enactment is hereby amended in subsection (1) of that section as follows:-

Amendment of section 26 of the principal enactment.

- (1) in paragraph (v) of that subsection by the substitution for the words "pesticide formulation; and ",of the words" pesticide formulation;";
- (ii) In paragraph (iv) of that subsection by the substitution for the words "manner of use of pesticides", of the words" manner of the sale and use of pesticides and ".
- (iii) by the addition immediately after paragraph (vi) of that subsection of the following pargraph:-

" (vii) prohibiting the importation or manufacture of any pesticide which is considered to be injurious to public heath".

18 Section 27 of the principal enactment is hereby amended as follows:-

Amendment of section 27 of the principal

- (I) the substitution for the definition of "authorized analyst" of the following

definition:-

enactment.

"authorized analyst" means the Government Analyst, the Additional Government Analyst, a Deputy Government Analyst, a Senior Assistant Government Analyst, an Assistant Government Analyst, the Chemist of the Central Agricultural Research Institute of the Department of Agriculture, an Analyst of the Ceylon Institute of Scientific and Industrial Research, an Analyst of the Sri Lanka Standards Institute and any other officer authorized by the Minister by notification in the Gazette,".

(ii) by the insertion immediately after the definition of "authorized analyst" of the following definitions:-

"domestic pesticide" means a pesticide formulation in which the active ingredients are of a low toxicity or in which such active ingredients are present at very low levels and are unlikely to be hazardous in normal use;

General pesticide" means a pesticide formulation other than a pesticide formulation classified as a restricted pesticide or a domestic pesticide;";

(iii) in the definition of 'pest' by the substitution for the words "ectoparasites" and endoparasites of man", of the words "ectoparasites of man";

(iv) in the definition of "pesticide formulations" by the substitution for the words designated by regulations made under this Act." of the words "designated by regulations made under this Act"., of the words "designated by regulations made under this Act, but does not include pheromones.;" and

(v) by the addition immediately after the definition of "pesticide formulations", of the following definition:-
" restricted pesticide" means a pesticide formulation likely to have adverse effects on human health, specific non target organisms and on the environment and in respect of which limitations, have been placed as regards its handling pattern, use or distributions."

19 The following new Schedule is hereby added at the end of the principal enactment:-

"Schedule (Section 2)

Naphthalene
Paradichloroherine
Pet. Care Shampoo
Non toxic glues for pest control devices"

Addition of new schedule to the principal enactment.

20 In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case

of inconsistency.