

The State Law and Order Restoration Council
The Pesticide Law
(The State Law and Order Restoration Council Law No. 10/90)
The 3rd Waning Day of Kason, 1352 M.E.
(11th May, 1990)

The State Law and Order Restoration Council hereby enacts the following Law:-

Chapter 1
Title and Definition

1. This Law shall be called the Pesticide Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:-
 - (a) Pest means insects, arachnids, organisms causing plant diseases that interfere with or destroy crops, food, human beings, animals and other things. Such expression also include destructive interfering rodents, moles, snails and weeds etcetera;
 - (b) Pesticide means chemicals used in preventing and controlling insects, arachnids, organisms causing plant diseases etcetera contained in subsection (a);
 - (c) Toxic Substance means any chemical substance contained in pesticides that is hazardous or poisonous;
 - (d) Label means printed marks and direction for use pasted or attached to containers or packages containing pesticides;
 - (e) Registration Board means the Pesticide Registration Board formed under this Law;
 - (f) Experimental Registration for use means a permit for experimental use, valid only for two years, issued by the Registration Board in order to determine the efficiency of a pesticide in an area specified by the Registration Board or the method of use suitable for agricultural practice;
 - (g) Provisional Registration for Use means a permit issued by the Registration Board, valid only for five years, for use in the respective crop in accordance with the direction pertaining to that pesticide;
 - (h) Full Registration for Use means a permit issued by the Registration Board, valid only for ten years, for use in the respective crop in accordance with the direction pertaining to the pesticide;
 - (i) Special Registration for Use means a permit issued by the Registration Board, valid only for one year, for use in a pesticide specified by the Registration Board for the purpose of preventing on outbreak of unexpected pest;
 - (j) Managing Director means the Managing Director of the Myanmar Agriculture Service;
 - (k) Manager means State or Division Manager or Township Manager of the Myanmar Agriculture Service;
 - (1) Inspector means the person to whom duties have been assigned by the Managing Director in order to investigate such matters as to whether the method of use of pesticide is correct or not whether the use of the pesticide is free from hazard or not, whether or not the percentage of active ingredient in the pesticide as declared is of full potency in conformity with the provisions of this Law;

(m) Licence means a permit issued by the Managing Director or the respective managers to an entrepreneur desirous of carrying out the work relating to any enterprise concerning pesticide under this Law;

(n) Certificated Applicator of Pesticide means a person recognised by the Registration Board as being proficient in the use of highly toxic pesticide.

Chapter II Formation of Registration Board

3. The Government shall form a Registration Board with suitable nationals. In forming such a Board, the Chairman and the Secretary of the Board shall be specified concurrently.

4. The Myanmar Agriculture Service shall perform the office work of the Registration Board.

Chapter III Powers and Duties of the Registration Board

5. The Registration Board shall direct the Myanmar Agriculture Service to carry on the analysis of any pesticide or any toxic substance received as sample for determining whether or not the percentage of active ingredient met the potency declared on the label, to carry out practical trial in the cultivation field whether the pesticide is effective in controlling the destructive pest.

6. The Registration Board after scrutiny may issue or reject in connection with the application for registration of the applicant desiring to import into the country a prepared compound of pesticide or the toxic substance.

7. The Registration Board shall prohibit the use of any pesticide for which registration has been obtained on the happening of any of the following events contained hereunder. If necessary, the registration or the licence may be withdrawn.

(a) on facts received from outside or inside the country that the pesticide may be hazardous to human beings, animals crops, and environment;

(b) finding on reinvestigation of the prepared compound of the pesticide that the percentage of the active ingredient has met neither the analyzed strength nor the quality, as shown at the time of application;

(c) to discontinue the sale on receipt of instruction from the foreign company producing the prepared compound of pesticide or the toxic substances or on receipt of instructions from the local sellers who compound the mixture of pesticide.

8. The Registration Board may in emergencies issue special registration permitting use of any pesticide in order to prevent and suppress the outbreak of unexpected pest.

9. The Registration Board may, in order to prevent hazard, issue from time to time directives based on International recommendations, in the preparation and production of pesticide, in the handling and use, in the transportation, in the storage, and in sale of pesticide.

10. The Registration Board may take advice from experts concerning analysis of pesticide to be undertaken under Section 5 and for practical trial at the cultivation field.

11. The Registration Board shall keep in secrecy the proprietary data of the type of toxic substances and the types and the percentage of additives compounded in the prepared mixture

of the pesticide or the toxic substances imported into the country or the mixture of pesticide sold locally.

Chapter IV

Application for Registration and Payment of Fees

12. A person desirous of importing into the country from abroad or exporting abroad from the country prepared mixture of pesticide or toxic substance shall, in order to obtain any of the following type of registration, apply to the Registration Board in prescribed form:-

- (a) registration for experimental use;
- (b) registration for provisional use;
- (c) registration for full use;
- (d) registration for special use.

13. An applicant for registration under section 12 shall send to the Registration Board the application together with sample of chemically analyzed prepared mixture of pesticide or toxic substance in prescribed quantity and weight, and instruction for use.

14. A person desirous of engaging in enterprise for production and sale in the country of pesticide mixture compounded from toxic substance imported from abroad shall, for purpose of obtaining a licence, apply to the Managing Director in the prescribed application form.

15. A person desirous of engaging in enterprise for repacking and sale in the country from prepared mixture of pesticide imported from abroad shall, for purpose of obtaining a licence, apply to the State or Division Manager in the prescribed application form.

16. Other than the licence holders under section 14 or Section 15, a person desirous of selling pesticide or toxic substance shall, for purposes of obtaining a licence, apply to the respective Township Manager in the prescribed application form.

17. A person, obtaining a registration on application made under section 12, shall pay the prescribed registration fees according to the procedure laid down by the Registration Board.

18. A person obtaining a licence on application under section 14, section 15 or Section 16 shall pay the prescribed licence fee according to the procedure laid down by the Managing Director.

19. The Chemical analytical fees payable by a person desirous of importing into the country or exporting abroad from the country of the prepared mixture of pesticide or toxic substance shall be paid in foreign currency prescribed by the Registration Board and in accordance with the procedure laid down by the Registration Board.

Chapter V

Powers and Duties of the Managing Director

20. The Managing Director:-

- (a) may after scrutiny issue or reject a licence with regard to the application of a person desirous of compounding and selling pesticide in the country;
- (b) may suspend or withdraw the licence if the holder of licence under sub-section (a) if found on scrutiny to have violated any condition described in the licence;

- (c) may administer as may be necessary the remaining stock of pesticide in possession of the licence holder in case the licence is suspended or withdrawn under sub-section (b);
- (d) may confiscate, sell, or administer as may be necessary the pesticide and exhibit in matters where action is being taken for violating any of the provisions prescribed in this Law;
- (e) may direct the manager from time to time as may be necessary on matters concerning experimental use of pesticide in crop cultivation or on matters concerning sale of pesticide;
- (f) shall carry out the duties given by the Registration Board from time to time.

Chapter VI

Powers and Duties of the Managers

21. State or Divisional Manager:-

- (a) may after scrutiny issue or reject a licence in respect of the application made under section 15;
- (h) shall from time to time inspect and control the performance of the Township Managers concerning the method of use, sale, storage of the pesticide in the Townships under his charge and supervision;
- (c) may withdraw or suspend a licence issued under sub-section (a) if any condition described in the licence is found to have been violated;
- (d) shall carry out the duties given by the Managing Director from time to time.

22. Township Manager:-

- (a) may issue or reject the licence after scrutiny in respect of the application made under section 16;
- (b) may suspend or withdraw the licence in respect of the licence issued under sub-section (a) if found to have violated any condition described in the licence;
- (c) may inspect the pesticides and take sample in possession of the sellers of pesticide in his Township;
- (d) shall take action against the offender under this Law and seize the exhibits in accordance with existing laws in finding after investigation that pesticides are sold wrongfully;
- (e) shall personally conduct the supervision of the work in his Township at the direction of the Registration Board or the Managing Director for the efficiency and the potency of the pesticide in the suppression and control of pests;
- (f) shall inspect and supervise the performance of the Inspectors from time to time;
- (g) shall investigate as to whether or not the users of the pesticide comply with the directives of the Registration Board or the Managing Director regarding containers or wrappers, and packages after the use of the pesticides;
- (h) shall carry out the duties given by the Managing Director from time to time.

Chapter VII

Duties and Right of Registered Persons dealing in prepared mixture of Pesticide and Toxic Substance

23. The person permitted registration to import from abroad, to export abroad from the country prepared mixture of pesticide or toxic substance:-

- (a) has rights to work for the term of registration contained in the registration;
- (b) shall pay the registration fees, analytical fees payable;

- (c) shall comply with the conditions described in the registration certificate;
- (d) shall comply with regulations and directives prescribed by the Registration Board from time to time;
- (e) shall obtain the permission of the Directorate of Trade with regard to the permit for import from abroad and for export abroad from the country;
- (f) shall apply for extension of registration period if desirous of continuing, on expiry of the registration period.

Chapter VIII
Duties and Rights of Person having licence
to compound and sell Pesticide

- 24.** The person obtaining licence for compounding and selling of pesticide:-
- (a) has rights to work for the term of period contained in the licence;
 - (b) shall pay the licence fees, analytical fees payable;
 - (c) shall compound in conformity with formulation containing the percentage of toxic substances at the time the licence is applied for;
 - (d) shall also describe in the direction for use of the compounded pesticide the name of the pesticide, pests susceptible in the prevention and control, level of toxicity, proportion of pesticide to use, and in addition safety methods, in the prevention of toxicity hazards;
 - (e) shall pastes on the containers, bottles, or packages Of solids of the compounded pesticide for sale, the trade mark shown at the time the licence was applied for;
 - (f) shall comply with conditions described in the licence;
 - (g) shall comply with the conditions and directives prescribed by the Myanmar Agriculture Service from time to time;
 - (h) shall apply for extension of the period of licence if desirous to continue working, on expiry of the licence.

Chapter IX
Duties and Rights of Licence Holders for
Selling Pesticide and Toxic Substance

- 25.** A person holding a licence to sell pesticide or toxic substance:-
- (a) has rights for carrying on the work for the term of period contained in the licence;
 - (b) shall pay the licence fees payable;
 - (c) shall affix the licence in the shop conspicuously;
 - (d) shall not falsely advertise for sale, nor in order to lower the potency of pesticide offered for sale, mix or modify with any other substances;
 - (e) shall comply with the conditions described in the licence;
 - (f) shall sell highly hazardous pesticide only to a person able to produce a certificate to purchase issued by the managers concerned;
 - (g) shall submit to inspection when the Inspector or Managers comes for inspection;
 - (h) shall keep a record of purchase and sale in respect of pesticide 3 toxic substances;

(i) shall apply for extension of the period of licence if desirous to carry on the work, on expiry of the licence period.

Chapter X

Conditions for Compliance by Users

26. The user of pesticide:-

- (a) shall when using follow the directions for use;
- (b) shall hire certificated applicator after obtaining a permit from the respective manager when desiring to use highly hazardous pesticide;
- (c) shall follow pesticide safe handling instruction published by 'the Myanmar Agriculture Service from time to time;
- (d) shall not keep pesticides in close proximity of foodstuffs, nor within easy reach of children;
- (e) shall comply with the directives of the Registration Board or Managing Director regarding used containers, wrappers and packages of pesticides;
- (f) shall comply with educational directives published from time to lime by the Myanmar Agriculture Service concerning use of pesticides in the storage of harvested crops or in cultivation fields.

Chapter XI

Powers and Duties of the Inspectors

27. The Inspector shall perform the following duties:-

- (a) inspecting handling of pesticide and the enterprises dealing in the sale of pesticide in the region assigned to him or in specified region where duties are assigned;
- (b) taking action in accordance with the procedures against offender violating any prohibition contained in this Law;
- (c) administering in accordance with the procedures as regards pesticides and exhibits seized in taking action under sub-section (b);
- (d) administering according to procedures so that the containers, wrappers and packages of pesticide may not be used again;
- (e) to carry out the duties given by the Township Managers from time to time.

28. The powers of the Inspectors are as follows:-

- (a) inspecting whether or not the provisions of this Law are complied with;
- (b) inspecting according to procedures whether or not the methods of packing, storage and sale distribution of the pesticides are in accordance with the conditions described in the licence;
- (c) inspecting whether or not the method of use of pesticide in crop cultivation field is in accordance with the conditions contained in the instructions for use;
- (d) inspecting the records of purchase and sale of pesticide;
- (e) having the right to collect sample. or pesticides for analysis;
- (f) reporting to the Township Manager on finding on inspection cases of selling pesticide without licence and to comply with the direction given by him.

Chapter XII

Appeals

- 29.** (a) Any person dissatisfied with the order or decision made by any manager under this Law may appeal to the Managing Director within 30 days of the receipt of such order or decision;
(b) Any person dissatisfied with the order or decision made by the Managing Director under sub-section (a) may appeal to the Minister for Agriculture and Irrigation within 30 days of the receipt of such order or decision;
(c) The decision of the Minister for Agriculture and Irrigation shall be final.

Chapter XIII Prohibitions

- 30.** No person shall without a permit, import into the country or export abroad from the country pesticide or toxic substances.
- 31.** No person shall without a licence engage in an enterprise compounding and selling pesticide or toxic substance.
- 32.** No person shall without a licence engage in an enterprise selling repacked prepared mixture of pesticide imported into the country.
- 33.** No person shall without a licence sell pesticide or toxic substance.
- 34.** Holder of a licence shall not in selling pesticide or toxic substance do so without directions for use or trade mark.
- 35.** No person shall use the pesticide or toxic substance, apart from matters of suppressing the hazards of outbreak of pests, in the crops or foodstuffs or beverages consumed by the public. In addition, no person shall use the pesticides or toxic substances to catch or kill land or aquatic creatures.
- 36.** No person shall employ children of 16 years and under, pregnant women, or nursing mothers in handling or in the use of pesticide.
- 37.** No person shall use the pesticide contrary to the direction for use.
- 38.** No person shall use in the storage of crops pesticide other than one prescribed by the managers concerned and the method prescribed by him.
- 39.** No person shall transport or offer for sale pesticide along with foodstuffs.
- 40.** No licence holder shall violate any condition described in the licence.

Chapter XIV Offences and Penalties

- 41.** Whoever is found guilty of violating any of the provisions of Sections 30,31,32,33,35 or 36 shall be liable to be punished with fine which may extend to kyats 10,000 or with imprisonment for a term which may extend to 1 year or with both.. In addition, the exhibits involved in the offence shall also be confiscated.
- 42.** Whoever is found guilty of violating any of the provisions of sections 37,38 or 39 shall be liable to be punished with fine which may extend to kyats 5,000 or with imprisonment for a term which may extend to 3 months or with both. In addition, the exhibits involved in the offence shall also be confiscated.

43. A licence holder found guilty of violating any or the provisions of sections 34 or 40 shall be liable to be punished with fine which may extend to kyats 5,000 or with imprisonment for a term which may extend to 3 months or with both. In addition, the exhibits involved in the offence shall also be confiscated.

Chapter XV Miscellaneous

- 44.** If it is necessary for the welfare of state or the people, the Minister for Agriculture and Irrigation:-
- (a) may suspend, withdraw, terminate or cancel the registration issued by the Registration Board or the licence issued by the Managing Director or the Manager;
 - (b) may amend or alter the orders or decisions of the Registration Board, the Managing Director or the Manager.
- 45.** The Ministry of Agriculture and Irrigation may give a decision concerning the definitions expressed in section 2 sub-section (a), sub-section (b) or subsection (c) where clarification is needed.
- 46.** Offences prosecuted under this Law are prescribed as cognizable offences.
- 47.** The offences prosecuted under section 42 or section 43 may be tried in a summary way.
- 48.** The analytical report of the Myanmar Agriculture Service concerning the pesticide and toxic substance exhibited in offences tried under this Law shall be conclusive evidence for that offence.
- 49.** The users and sellers of pesticides shall comply with the directives of the Registration Board regarding the continued use or sale of the pesticides which are in use on the date this Law is enacted.
- 50.** In order to implement the provisions prescribed in this Law, the Ministry of Agriculture and Irrigation:-
- (a) may with the approval of the Government, issue necessary procedures:
 - (b) may issue necessary orders and directives.

Sd./ Saw Maung
Senior General
Chairman
The State Law and Order Restoration Council