

The Pesticide Law
(The Pyidaungsu Hluttaw Law No. 14, 2016)
The 11th Waxing of Pyatho, 1377 M.E.
(20th January, 2016)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

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, and organisms causing plant diseases that interfere with or destroy crops, food, human beings, animals and other things. Such expression also includes the destructive interfering rodents, moles, snails and weeds etcetera;
 - (b) **Pesticide** means a chemical substance or substance which is mixed more than one chemical or biological substance intended to drive away, destroy, prevent and suppress the destructive pest, or control the growth of destructive pest and plants for any interest;
 - (c) **Active Ingredient** means any chemical substance contained in pesticide or can be used in formulation of pesticide that is hazardous or poisonous;
 - (d) **Label** means a printed mark and direction for use attached or hanged on containers or packages containing pesticides;
 - (e) **Registration Board** means the Pesticide Registration Board formed by the Ministry under this Law;
 - (f) **Pesticide Technical Committee** means the Committee formed by the Registration Board under this Law;
 - (g) **Registration Certificate for Experimental Use** means a certificate issued by the Registration Board under this Law that it is permitted for experimental use within two years to determine the efficacy of a pesticide within a specified area and the method of use suitable for agricultural practice;
 - (h) **Registration Certificate for Provisional Use** means a certificate issued by the Registration Board under this Law that it is permitted to use within five years for the respective crop in accordance with the instruction pertaining to the pesticide;

- (i) **Registration Certificate for Full Use** means a certificate issued by the Registration Board under this Law that it is permitted to use within ten years for the respective crop in accordance with the instruction pertaining to the pesticide;
- (j) **Registration Certificate for Special Use** means a certificate issued by the Registration Board under this Law that it is permitted as emergency use within one year for the specified pesticide to prevent from outbreak of unexpected pests;
- (k) **Ministry** means the Ministry of Agriculture and Irrigation of the Union Government;
- (l) **Minister** means the Union Minister of the Ministry of Agriculture and Irrigation;
- (m) **Department** means the Department of Agriculture of the Ministry of Agriculture and Irrigation;
- (n) **Director General** means the Director General of the Department of Agriculture;
- (o) **Chief Officer** means an officer of the Department of Agriculture in the Region or State, District and Township;
- (p) **Inspector** means a staff of the Department of Agriculture to whom duty has been assigned by the Director General to investigate such matters as to whether the method of use and sale of pesticide is correct or not, whether the use of the pesticide is free from hazard or not, and 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;
- (q) **Licence** means a permit issued by the Director General or the respective District Chief Officer to carry out any enterprise concerning pesticide under this Law;
- (r) **Certificate-holder for Use of Pesticide** means a person who is issued the recognized certificate by the Department as being proficient in the use of highly toxic pesticides.

Chapter II

Formation of Registration Board

3. The Ministry, with the approval of the Union Government;
 - (a) shall form the Pesticide Registration Board comprising the Deputy-Minister of the Ministry as a chairman, the Director General as a secretary, the Director of Plant Protection Division as a joint-secretary, heads of relevant departments and experts as members;
 - (b) may reconstitute the Registration Board formed under sub-section (a) from time to time.
4. The Department shall perform the office work of the Registration Board.

Chapter III

Duties and Powers of the Registration Board

5. The Registration Board shall direct the Department to carry out the analysis of pesticide or active ingredient submitted with the application under sub-section (a) of Section 14 for determining whether or not the percentage of active ingredient meets the potency according to the instruction and to carry out bio-efficacy trial in the cultivation field whether or not the pesticide is effective in suppressing the pest.
6. The Registration Board may issue any relevant registration certificate if the quality of the pesticide is fulfilled and effective under the analytical test and efficacy trial of the Department.
7. The Registration Board may issue the registration certificate for special use of any pesticides in order to prevent and suppress the outbreak of the unexpected destructive pest in emergency cases.
8. The Registration Board may prohibit the use of pesticide or toxic substance for which registration has been obtained on occurring any of the following events contained hereunder or withdraw the registration:
 - (a) on facts received from outside or inside of the country that the pesticide may be hazardous to human being, animal, crop, and environment;
 - (b) finding on reinvestigation 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) on being requested to discontinue the use by the applicant who may be either the pesticide or active ingredient manufacturing foreign company or the local formulator.
9. The Registration Board may issue the directives based on international recommendations to overcome the hazards of formulating and handling and use, transport, storage and sale of pesticides, systematic destruction of expired pesticides which may cause hazard to all living things and environment, systematic disposal and destruction of the used containers and packages of the pesticide.
10. The Registration Board may allow the Department to take advice from experts on analysis of pesticide and bio-efficacy trials on cultivation field undertaken under section 5.
11. The Registration Board shall keep the technical data of the pesticide or active ingredient applied to obtain the right to register from outside or inside the country as confidential proprietary data.
12. The Registration Board:

- (a) shall form the Pesticide Technical Committee comprising the Director General as a chairman, the Director of Plant Protection Division as a secretary, experts of relevant departments as members with the approval of Ministry, and determine the functions and duties thereof;
- (b) may reconstitute the Pesticide Technical Committee which is formed under sub-section (a) from time to time with the approval of Ministry;
- (c) may determine their functions and duties after forming the necessary working groups to carry out the functions and duties effectively and support the Pesticide Technical Committee.

Chapter IV

Application for Registration and Payment of Fees

- 13. A person desirous of importing pesticide or active ingredient from abroad shall, in order to obtain any types of the following registration certificate, apply to the Registration Board in the prescribed form:
 - (a) registration certificate for experimental use;
 - (b) registration certificate for provisional use;
 - (c) registration certificate for full use;
 - (d) registration certificate for special use.
- 14. The applicant for obtaining any registration certificate contained in section 13, shall:
 - (a) submit the application together with the method of analysis of the sample of formulated pesticide or active ingredient, approval certificate of chemical analysis, manufacturing date and expiry date, instruction for use and prescribed quantity or weight to the Registration Board;
 - (b) pay the analytical fee in accord with the stipulations;
 - (c) pay the registration fee in accord with the stipulation if the permission of registration is obtained.
- 15. The application to obtain any registration certificate for importing the pesticide or active ingredient is scrutinized by the Registration Board, and may be permitted or rejected to register.
- 16. A person desirous of exporting the pesticide or active ingredient shall apply the approval certificate of export permit attached with the facts contained in sub section (a) of section 14 to the Registration Board in the prescribed application form. The Registration Board may issue the approval certificate if the application is permitted.

Chapter V

Application for Licence and Payment of Fees

17. An applicant for licence shall:

- (a) if desirous of engaging in enterprise for formulation of pesticide from active ingredient imported from abroad and sale as pesticides in the country, apply to the Department in the prescribed application form for the purpose of obtaining a licence;
- (b) if desirous of engaging in enterprise for repacking and sale in the country of the pesticide imported from abroad, apply to the Department in the prescribed application form for the purpose of obtaining a licence;
- (c) if desirous of engaging in enterprise for pest control on the export goods and storage crops which require fumigation in depots, buildings and surroundings of housing, warehouse, transportation vehicle and containers, apply to the Department in the prescribed application form for obtaining the licence;
- (d) if desirous of engaging for retail and wholesale pesticide, other than the application under sub-section (a), (b) and (c), apply to the relevant District Chief Officer in the prescribed application form;
- (e) in applying under sub-sections (a), (b), (c) and (d), pay the prescribed licence fee;
- (f) in applying under sub-sections (a), (b), (c) and (d), have been obtained the certificate for the handling and use of pesticide.

18. The Director General may:

- (a) issue or reject to issue a licence with regard to the applications made under sub-sections (a), (b) and (c) of section 17;
- (b) pass the administrative orders if it is failed to comply with any conditions in the licence in respect of issuing the licence;
- (c) direct the officers from time to time on matters concerning experimental use of pesticide in crops or on matters concerning sale of pesticide as may be necessary;
- (d) allow to delegate the functions and duties of the Director General in sub-sections (a), (b) and (c) to the suitable officers from the Department of Agriculture.

Chapter VI

Duties and Powers of the Chief Officer

19. The Regional or State Chief Officer shall:

- (a) inspect and supervise, from time to time, the performance of the District Chief Officers and Township Chief Officers concerning the handling and use and storage of the pesticide in the Districts and Townships under his charge and supervision;
- (b) carry out the duties assigned by the Director General.

20. The District Chief Officer:

- (a) may issue or reject to issue a licence after scrutiny with regard to the application made under subsection (d) of section 17;
- (b) may pass the administrative orders in respect of issuing the licence;
- (c) may assign the Township Chief Officer to inspect as to whether or not the user of the pesticide complies with the directive of the Registration Board or the Director General with regard to the disposal and destruction of the used containers and packages of the pesticide;
- (d) shall inspect and supervise the performance of the Township Chief Officers and Inspectors in accord with the stipulations.

21. The Township Chief Officer:

- (a) may inspect the pesticides and take sample in possession of the sellers of pesticide in his township;
- (b) shall report to the relevant District Chief Officer to take an action by the administrative means if the pesticide sold inconsistent with the conditions in the licence is found;
- (c) shall personally supervise the work in his Township instructed by the Registration Board or the Director General to test the efficacy and effectiveness of protection and suppression of the pesticide;
- (d) shall inspect and supervise the performance of the Inspector from time to time.

Chapter VII

Duties and Powers of the Inspector

22. The Inspector shall undertake the following duties:

- (a) inspecting whether or not it is complied with the provisions of this Law;
- (b) inspecting the enterprises dealing with the sale of pesticide and handling and use of pesticide in the region assigned to him or in the specified region where duties are assigned;
- (c) submitting to take action, in accord with this Law, against an offender who violates any prohibitions of this Law;

- (d) administering the disposal and destruction of containers, wrappers and packages of pesticide systematically;
- (e) inspecting whether or not packing, storage and distribution of the pesticides are consistent with the conditions described in the licence;
- (f) inspecting whether or not the use of pesticide in crops is consistent with the conditions contained in the instructions;
- (g) inspecting the records of sale and purchase of pesticide;
- (h) taking a sample for analysis of the pesticides;
- (i) reporting the findings to the District Chief Officer on inspection of selling pesticide without licence and to comply with the direction given by him;
- (j) shall carry out the duties assigned by the District Chief Officer from time to time.

Chapter VIII

Duties and Powers of the Registrar

23. A person who has the right to import or export the pesticide or active ingredient:

- (a) has the right to work for the term contained in the registration certificate;
- (b) shall pay the payable registration fee and analytical fee;
- (c) shall comply with the conditions described in the registration certificate;
- (d) shall comply with the orders and directives issued by the Registration Board from time to time;
- (e) shall take the permission of the Directorate of Trade after obtaining the permission of export or import from the Registration Board relating to the export or import permit;
- (f) shall apply for extension of registration period to the Registration Board prior to 30 days before the expiry of the period if desirous of continuing, on expiry of the registration period.

Chapter IX

Duties and Powers of Licence Holder for Formulating, Repacking and Selling Pesticide and Fumigation

24. A person holding a licence to formulate, repack and sell pesticide:

- (a) has the right to work for the term of period included in the licence;
- (b) shall pay the payable licence fee and analytical fee;

- (c) shall formulate in conformity with formulation containing the percentage of active ingredient shown at the time the licence is applied for;
- (d) shall describe in instruction for formulated pesticide to use including name of pesticide, pests to be controlled, toxicity level, dosage and method of safety precaution in Myanmar Language shall also be on the label of pesticide;
- (e) shall affix the manufactured date, expiry date, trade mark and label on the containers, bottles or packages shown at the time the licence is applied for;
- (f) shall comply with the conditions stipulated in the licence;
- (g) shall comply with the orders and directives issued by the Department from time to time;
- (h) shall be inspected whether or not it can impact on natural environment, society and health due to doing business of the licensee of formulation and production, the licensee of repacking and selling, and the licensee of fumigation;
- (i) shall apply for extension of licence period to the Department prior to 30 days before the expiry of the period if desirous of continuing, on expiry of the licence period.

Chapter X

Duties and Powers of the Licence Holder of Retail and Wholesale Pesticide

25. A person holding a licence for retail and wholesale pesticide:

- (a) has the right to work for the term of period contained in the licence;
- (b) shall pay the specified licence fee;
- (c) shall hang the licence at the shop conspicuously;
- (d) shall not mix, modify with any other substance and falsely advertise for sale in order to change the potency of the pesticide offered for sale;
- (e) shall explicitly comply with the conditions described in the licence;
- (f) shall be inspected by the Officer or Inspector from time to time;
- (g) shall offer the samples of pesticide in his possession when requested by the Township Chief Officer;
- (h) shall keep records of purchase and sale of pesticide;
- (i) shall apply for extension of licence period to the relevant District Chief Officer prior to 30 days before the expiry of the period if desirous of continuing, on the expiry of the licence period.

Chapter XI

Conditions for Compliance by Pesticide User

26. The user of pesticide shall:
- (a) comply with the instruction for use of pesticide;
 - (b) comply with pesticide safety guidelines published by the Department from time to time;
 - (c) neither keep pesticides in close proximity to foodstuffs, nor within easy reach of children;
 - (d) comply with the methods of disposal and destruction of the used empty container and packaging materials of the pesticide in accord with the directive of the Department;
 - (e) comply with the educational directives published from time to time by the Department concerning use of pesticides in the cultivation fields and the storage of harvested crops.

Chapter XII

Taking Action by the Administrative Means

27. The Director General may pass any of the following administrative orders or more than one on the licensee who fails to comply with any conditions of the licence relating to the provisions of section 24:
- (a) withdrawing or suspending the licence subject to a time limit;
 - (b) permitting to continue the enterprise after causing payment of fine and requirement to be made;
 - (c) confiscating or destroying the remaining pesticide in the possession of the licensee.
28. The District Chief Officer may pass any of the following administrative orders or more than one on the licensee who fails to comply with any conditions of the licence relating to the provisions of section 25:
- (a) withdrawing or suspending the licence subject to a time limit;
 - (b) permitting to continue the enterprise after causing payment of fine and requirement to be made;
 - (c) confiscating or destroying the remaining of the pesticide in the possession of the licensee.

Chapter XIII

Appeal

29. Any person dissatisfied with the order or decision made by the District Chief Officer under section 28 may appeal to the Director General within 30 days of the date of such order or decision is made.
30. (a) Any person dissatisfied with the order or decision made by the Director General under sections 27 and 29 may appeal to the Minister within 30 days of the date of such order or decision is made;

(b) The decision of the Minister shall be final and conclusive.

Chapter XIV

Prohibitions

31. No one shall import or export the pesticide and active ingredient without a permit of the Registration Board.
32. No one shall, without a licence, engage in an enterprise of formulating and selling of active ingredient imported from abroad as a pesticide or of repacking and selling of pesticide imported into the country or of the retail and wholesale pesticide and of fumigation.
33. No one shall use the pesticide or active ingredient, apart from suppressing of outbreak of pests, in the crops or foodstuffs or beverages consumed by the public. No one shall use the pesticide or active ingredient to catch or kill any creatures.
34. No one shall employ children of 18 years and under, pregnant woman or nursing mother in handling or in use of pesticide.
35. Whoever using the pesticide shall not affect the environment or anyone by violating any conditions of section 26.
36. Whoever using the pesticide shall be punished under the Penal Code when causing loss of life to anyone by violating section 26.
37. No one shall use other types of the pesticide and application methods other than types of the pesticide and application methods prescribed by the Registration Board in the storage of crops.
38. No one shall offer for sale or transport the pesticide along with foodstuffs.

Chapter XV

Offences and Penalties

39. Whoever violates any provisions of sub-section (d) of section 25, sections 31, 32, 33 and 34 shall, on conviction, be punished with imprisonment for a term which may extend to 5 years or with fine which may extend to ten hundred thousand kyats or with both. In addition, the exhibits involved in the offence shall also be confiscated.
40. Whoever violates any provision of section 35 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to three hundred thousand kyats.

41. Whoever violates any provision of sections 36 and 37 shall, on conviction, be punished with imprisonment for a term which may extent to one year or with fine which may extend to ten hundred thousand kyats or with both. In addition, the exhibits involved in the offence shall also be confiscated.
42. The relevant court shall transfer to administer the confiscated exhibits to the Director General.

Chapter XVI

Miscellaneous

43. The Ministry shall determine the registration fee, licence fee, renewal fee and analytical fee.
44. Offences prosecuted under this Law are determined as cognizable offences.
45. The analytical report of the Department concerning the pesticide and active ingredient exhibited in the offence tried under this law shall be conclusive evidence for that offence.
46. The pesticide used before enacting this Law shall be deemed that it is allowed in accord with the provisions of this Law.
47. In implementing the provisions of this Law:
- (a) the Ministry may, with the approval of the Union Government, issue rules, regulations and by-laws;
 - (b) the Registration Board and Department may issue notifications, orders, directives and procedures.
48. The Pesticide Law (The State Law and Order Restoration Council Law No. 10/ 90) is repealed by this Law.
- I hereby sign in accord with the Constitution of the Republic of the Union of Myanmar.

Sd/ Thein Sein

President

The Republic of the Union of Myanmar