

Requirements for Use of Highly Toxic Plant Protection Products and for Plan of and Report on Use of Highly Toxic Plant Protection Products¹

Regulation No. 63 of the Minister of Agriculture of 19 June 2008

This Regulation is established on the basis of subsection 79¹ (7) and subsection 79² (7) of the Plant Protection Act.

§ 1. Scope of application

This Regulation establishes requirements for the use of highly toxic plant protection products, notification required to ensure the safe use of highly toxic plant protection products, inspection of the site prior and after the use of plant protection products, the selection and maintenance of personal protective equipment and action in the event of an accident, and for a plan of and report on the use of highly toxic plant protection products.

§ 2. Requirements for use of highly toxic plant protection products

- (1) Upon use of a highly toxic plant protection product, a person or an employee of the person shall comply with the requirements provided for in §§ 79¹ and 79² of the Plant Protection Act and the requirements provided for in the user manual of the highly toxic plant protection product and shall ensure the safety of the highly toxic plant protection product to the neighbouring populations and the environment.
- (2) The possessor of a site or a representative of the possessor has the right to receive information regarding the used highly toxic plant protection products and their safety data sheets.
- (3) Before the use of a highly toxic plant protection product, the user thereof shall:
 - 1) inform the local rescue service of the Rescue Board of use of the highly toxic plant protection product at least twenty four hours in advance;
 - 2) inspect the treated site and the area bordering it;
 - 3) install a warning sign regarding use of the highly toxic plant protection product and prohibition to enter the site at the entry to the treated site.
- (4) After the use of a highly toxic plant protection product, the person who used the highly toxic plant protection product shall ventilate (degas) the site and thereafter measure the residual concentration of the active substance of the highly toxic plant protection product in the air.

(5) If the residual concentration of the active substance of the highly toxic plant protection product in the air does not exceed the permitted limit, the person who used the highly toxic plant protection product shall remove the warning sign from the entry to the site and inform the possessor of the site thereof.

§ 3. Requirements for selection and maintenance of personal protective equipment

(1) A person using a highly toxic plant protection product or an employee thereof shall use the appropriate personal protective equipment pursuant to the Occupational Health and Safety Act in compliance with the safety and risk phrases on the labelling of the packaging of the highly toxic plant protection product and the user manual or safety data sheet of the highly toxic plant protection product.

(2) The personal protective equipment which is used shall be clean. Personal protective equipment for repeated use shall be cleaned after the use of highly toxic plant protection products is terminated.

§ 4. Plan of use of highly toxic plant protection product

A plan of use of a highly toxic plant protection product shall set out the following information:

- 1) the name of the person using the highly toxic plant protection product and the names of the employees who work on the site being treated;
- 2) the temperature of the site treated with the highly toxic plant protection product;
- 3) the location and name of the site treated with the highly toxic plant protection product;
- 4) the drawing of the site treated with the highly toxic plant protection product, which sets out the location, name, surface area and purpose of use of the space;
- 5) the danger zone;
- 6) the list and quantity of the plants, plant products and other objects treated with the highly toxic plant protection product in the case of which the highly toxic plant protection product is used;
- 7) the name, quantity and concentration of the used highly toxic plant protection product and of the active substance of the highly toxic plant protection product;
- 8) the period of time during which the highly toxic plant protection product is used, the date on which the site is treated with the highly toxic plant protection product, including the dates on

which the use of the highly toxic plant protection product is commenced and terminated, the time planned for ventilation (degasification) and the date on which the treated site is granted for use;

- 9) the objective and methodology of use of the highly toxic plant protection product;
- 10) instructions for the provision of first aid.

§ 5. Safety requirements for use of highly toxic plant protection products

- (1) A person using a highly toxic plant protection product shall check, before commencement of use of the plant protection product, for unauthorised persons on the site and verify that cracks, pipes, vents and other openings are closed such that accidental release of the highly toxic plant protection product outside the site is precluded.
- (2) A person using a highly toxic plant protection product shall, before commencement of use thereof, inform the persons in the danger zone of the use of the highly toxic plant protection product and the associated risks and shall ensure that unauthorised persons are not permitted to enter the site.
- (3) In order to ensure safety, a person using a highly toxic plant protection product shall, upon use of the highly toxic plant protection product, mark the danger zone in accordance with the requirements for the use of safety signs established pursuant to subsection 4 (4) of the Occupational Health and Safety Act and ensure that the system of safety signs is preserved during the whole period of use of the highly toxic plant protection product.
- (4) Upon use of an explosive highly toxic plant protection product, open or glowing flames are extinguished at the site of treatment before commencement of the treatment in order to avoid an explosion and open or glowing flames are avoided in the danger zone during the use of the highly toxic plant protection product.
- (5) At least two persons complying with the requirements established for persons using highly toxic plant protection products shall be present at the use of a highly toxic plant protection product.

§ 6. Action in event of accident

- (1) A person using a highly toxic plant protection product shall ensure the availability of means of communication at the treated site through which it is possible to make an emergency call using the emergency call number "112". In the event of an accident, the alarm centre shall

immediately be informed of the time and place of the accident, the description of the accident and the risk factors and, in the case of a casualty, his or her condition.

(2) In the case of intoxication, the instructions for the provision of first aid set out in the user manual of the highly toxic plant protection product shall be complied with.

§ 7. Report on use of highly toxic plant protection product

A report on the use of a highly toxic plant protection product shall set out the following information:

- 1) the name of the person who used the highly toxic plant protection product and the names of the employees who worked on the site being treated;
- 2) the location and name of the site treated with the highly toxic plant protection product;
- 3) the name of the possessor of the site treated with the highly toxic plant protection product or the name of the representative of the possessor;
- 4) the date and time of use of the highly toxic plant protection product and the temperature of the site;
- 5) the period of time during which the highly toxic plant protection product was used;
- 6) the objective of use of the highly toxic plant protection product;
- 7) the list of the names or surfaces of the spaces of the site or the surface area of the area bordering the site where the highly toxic plant protection product was used;
- 8) the plants, plant products or other objects in the case of which the highly toxic plant protection product was used;
- 9) the manner of use of the highly toxic plant protection product;
- 10) the name, application rate and used quantity (kg, l) of the highly toxic plant protection product which was used and of the active substance of the highly toxic plant protection product;
- 11) the time used for ventilation (degasification);
- 12) the period in hours between the use of the highly toxic plant protection product and grant of permission to persons to access the treated site.

§ 8. Entry into force of Regulation

This Regulation enters into force on 1 July 2008.

¹ Council Directive 91/414/EEC concerning the placing of plant protection products on the market (OJ L 230, 19.08.1991, p. 1–172), amended by Directives 93/71/EC (OJ L 221, 31.08.1993, p. 27–36), 94/37/EC (OJ L 194, 29.07.1994, p. 65–81), 94/43/EC (OJ L 227, 01.09.1994, p. 31–55), 94/79/EC (OJ L 354, 31.12.1994, p. 16–31), 95/35/EC (OJ L 172, 22.07.1995, p. 6–7), 95/36/EC (OJ L 172, 22.07.1995, p. 8–20), 96/12/EC (OJ L 65, 15.03.1996, p. 20–37), 96/46/EC (OJ L 214, 23.08.1996, p. 18–24), 96/ 68/ EC (OJ L 277, 30.10.1996, p. 25–34), 97/57/EC (OJ L 265, 27.09.1997, p. 87–109), 97/73/EC (OJ L 353, 24.12.1997, p. 26–28), 98/47/EC (OJ L 191, 07.07.1998, p. 50–52), 1999/1/EC (OJ L 21, 28.01.1999, p. 21–23), 1999/73/EC (OJ L 206, 05.08.1999, p. 16–18), 1999/80/EC (OJ L 210, 10.08.1999, p. 13–15), 2000/10/EC (OJ L 57, 02.03.2000, p. 28–30), 2000/49/EC (OJ L 197, 03.08.2000, p. 32–34), 2000/50/EC (OJ L 198, 04.08.2000, p. 39–40), 2000/66/EC (OJ L 276, 28.10.2000, p. 35–37), 2000/67/EC (OJ L 276, 28.10.2000, p. 38–40), 2000/68/EC (OJ L 276, 28.10.2000, p. 41–43), 2000/80/EC (OJ L 309, 09.12.2000, p. 14–23), 2001/21/EC (OJ L 069, 10.03.2001, p. 17–21), 2001/28/EC (OJ L 113, 10.03.2001, p. 5–7), 2001/36/EC (OJ L 164, 20.06.2001, p. 1–38), 2001/47/EC (OJ L 175, 28.06.2001, p. 21–23), 2001/49/EC (OJ L 176, 29.06.2001, p. 61–63), 2001/87/EC (OJ L 276, 19.10.2001, p. 17–20), 2001/99/EC (OJ L 304, 21.11.2001, p. 14–16), 2001/103/EC (OJ L 313, 30.11.2001, p. 37–39), 2002/18/EC (OJ L 055, 26.02.2002, p. 29–32), 2002/37/EC (OJ L 117, 04.05.2002, p. 10–12), 2002/48/EC (OJ L 148, 06.06.2002, p. 19–23), 2002/64/EC (OJ L 189, 18.07.2002, p. 27–32), 2002/81/EC (OJ L 276, 12.10.2002, p. 28–30), 2003/5/EC (OJ L 008, 14.01.2003, p. 7–9), 2003/23/EC (OJ L 081, 28.03.2003, p. 39–42), 2003/31/EC (OJ L 101, 23.04.2003, p. 3–9), 2003/39/EC (OJ L 124, 20.05.2003, p. 30–32), 2003/68/EC (OJ L 177, 16.07.2003, p. 12–16), 2003/70/EC (OJ L 184, 23.07.2003, p. 9–12), 2003/79/EC (OJ L 205, 14.08.2003, p. 16–18), 2003/81/EC (OJ L 224, 06.09.2003, p. 29–31), 2003/82/EC (OJ L 228, 12.09.2003, p. 11–28), 2003/84/EC (OJ L 247, 30.09.2003, p. 20–25), 2003/112/EC (OJ L 321, 06.12.2003, p. 32–35), 2003/119/EC (OJ L 325, 12.12.2003, p. 41–43), 2004/20/EC (OJ L 070, 09.03.2004, p. 32–34), 2004/30/EC (OJ L 077, 13.03.2004, p. 50–53), 2004/58/EC (OJ L 120, 24.04.2004, p. 26–28), 2004/60/EC (OJ L 120, 24.04.2004, p. 39–42), 2004/62/EC (OJ L 125, 28.04.2004, p. 38–40), 2004/66/EC (OJ L 168, 01.05.2004, p. 35–67), 2004/71/EC (OJ L 127, 29.04.2004, p. 104–106), 2004/99/EC (OJ L 309, 06.10.2004, p. 6–8), 2005/2/EC (OJ L 020, 22.01.2005, p. 15–18), 2005/3/EC (OJ L 020, 22.01.2005, p. 19–23), 2005/25/EC (OJ L 90, 08.04.2005, 1–34), 2005/34/EC (OJ L 125, 18.05.2005, p. 5–7),

2005/53/EC (OJ L 241, 17.09.2005, p. 51–56), 2005/54/EC (OJ L 244, 20.09.2005, p. 21–23), 2005/57/EC (OJ L 246, 22.09.2005, p. 14–16), 2005/58/EC (OJ L 246, 22.09.2005, p. 17–19), 2005/72/EC (OJ L 279, 22.10.2005, p. 63–69), 2006/5/EC (OJ L 12, 13.01.2006, p. 17–20), 2006/6/EC (OJ L 12, 13.01.2006, p. 21–23), 2006/10/EC (OJ L 25, 28.01.2006, p. 24–27), 2006/16/EC (OJ L 36, 08.02.2006, p. 37–39), 2006/19/EC (OJ L 44, 15.02.2006, p. 15–17), 2006/39/EC (OJ L 104, 13.04.2006, p. 30–35), 2006/41/EC (OJ L 187, 08.07.2006, p. 24–27), 2006/45/EC (OJ L 130, 18.05.2006, p. 27–28), 2006/64/EC (OJ L 206, 27.07.2006, p. 107–111), 2006/74/EC (OJ L 235, 30.08.2006, p. 17–22), 2006/75/EC (OJ L 248, 12.09.2006, p. 3–5), 2006/85/EC (OJ L 293, 24.10.2006, p. 3–5), 2006/104/EC (OJ L 363, 20.12.2006, p. 352–367), 2006/131/EC (OJ L 349, 12.12.2006, p. 17–21), 2006/132/EC (OJ L 349, 12.12.2006, p. 22–26), 2006/133/EC (OJ L 349, 12.12.2006, p. 27–31), 2006/134/EC (OJ L 349, 12.12.2006, p. 32–36), 2006/135/EC (OJ L 349, 12.12.2006, p. 37–41), 2006/136/EC (OJ L 349, 12.12.2006, p. 42–46), 2007/5/EC (OJ L 35, 8.02.2007, p. 11–17), 2007/6/EC (OJ L 43, 15.02.2007, p. 13–18), 2007/21/EC (OJ L 97, 12.04.2007, p. 42–46), 2007/25/EC (OJ L 106, 24.04.2007, p. 34–42), 2007/31/EC (OJ L 140, 1.06.2007, p. 44–46), 2007/50/EC (OJ L 202, 3.8.2007, p. 15–17), 2007/52/EC (OJ L 214, 17.8.2007, p. 3–8), 2007/76/EC (OJ L 337, 21.12.2007, p. 100–104), 2008/40/EC (OJ L 87, 29.3.2008, p. 5–8), 2008/41/EC (OJ L 89, 1.4.2008, p. 12–14), 2008/45/EC (OJ L 94, 05.04.2008, p. 21–23) and amended by Commission Decision 2005/303/EC (OJ L 97/38, 15.04.2005, p. 1–3) and amended by Council Regulation 806/2003 (OJ L 122, 16.05.2003, p. 1–35) and Commission Regulation 2229/2004 (OJ L 379, 24.12.2004, p. 1–61); Council Directive 79/117/EEC prohibiting the placing on the market and use of plant protection products containing certain active substances (OJ L 033, 08.02.1979, p. 36–40), amended by Regulation of the European Parliament and of the Council (EC) No 850/2004 (OJ L 158, 30.04.2004, p. 7–49); Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ L 196, 16.08.1967, p. 1–98), amended by Directives of the European Parliament and of the Council 2006/121/EC (OJ L 396, 30.12.2006, p. 851–857); Directive 1999/45/EC of the European Parliament and of the Council concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (OJ L 200, 30.07.1999, p. 1–68), amended by Directives 2001/60/EC (OJ L 226, 22.08.2001, p. 5–6), 2004/66/EC (OJ L 168,

1.05.2004, p. 35–67) and 2006/8/EC (OJ L 19, 24.01.2006, p. 12–19) and amended by Regulations of the European Parliament and of the Council (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1–53) and (EC) No 1907/2006 (OJ L 396, 30.12.2006, p. 1–850).