

GUIDELINES ON APPLICATION FOR PERMIT TO IMPORT PESTICIDES FOR EDUCATIONAL OR RESEARCH PURPOSES

INTRODUCTION

The Pesticides Act 1974 and the various regulations under the Act was formulated for the safe, effective and efficient use of pesticides in this country. One important aspect of the Act is the control of import, manufacture, formulation, packing and repacking of pesticides by registration. Nevertheless, pesticides industries in Malaysia are encouraged to carry out research and development so that the country may benefit from the introduction of new pesticides. Therefore, section 14 of the Act has provisions for the importation of unregistered pesticides for educational or research purposes by permit.

SECTION 14

A person desiring to import a pesticide for educational or research purposes may apply to the Board for a permit under the Pesticide (Importation for Educational or Research Purposes) Rules 1981. 'Board' means the Pesticides Board established under Section 3 of the Pesticides Act. Section 14 of the Act is as follows:-

- (1) A person desiring to import a pesticide for educational or research purposes may apply to the Board in the prescribed manner for a permit to import the pesticide.
- (2) Upon receipt of an application under subsection (1) the Board may, if it is satisfied that the pesticide desired to be imported is intended solely for educational or research purposes and on payment of the prescribed fee, issue to the applicant a permit in the prescribed form subject to such conditions as the Board thinks fit to impose, including conditions as to the disposal of any unused surplus of the pesticide.
- (3) If an applicant for a permit under this section is dissatisfied with the refusal of the Board to issue to him the permit, he may appeal to the minister whose decision shall be final and shall not be called into question in any court.
- (4) A permit issued under this section shall authorize the importation of one consignment only of one or more pesticides within a specified period.
- (5) The person to whom a permit is issued under this section may, subject to the conditions thereof, import the pesticide or pesticides named therein notwithstanding that the pesticide or pesticides are not for the time being registered under this Act on his application and notwithstanding the prohibitions in section 13 against the importation of misbranded or unregistered pesticides.
- (6) A person who imports a pesticide under a permit issued to him under this section but contrary to or in breach of any of the conditions of the permit commits an offence.
- (7) A person who imports a pesticide under a permit issued to him under this section and who uses or disposes of the pesticide otherwise than for educational or research purposes, commits an offence and is liable to imprisonment for three years or to a fine of ten thousand dollars.

(8) The Board may delegate its functions under this section to any member thereof.

NOTE: [Under section 14(8), the functions of the Board have been delegated to the Secretary of the Pesticides Board.]

A. Definition of a Pesticide

The term pesticide is defined in Section 2 of the Act as follows:-

- (a) any of the substances listed in the First Schedule; or
- (b) any preparation containing any one or more of those substances; and includes -
- (c) any preparation used, or capable, or purporting to be capable, of being used, or intended to be used, for preventing the attack or spread or for destroying -
 - (i) fungi or other parasitic plants or bacteria that affect or attack plants, fruits, animals or property;
 - (ii) insects or other pests that affect or attack plants, fruits, animals or property;
 - (iii) noxious animals or noxious birds; or
 - (iv) weeds or other noxious plants; and
- (d) any substance purporting to be a pesticide but does not include contaminated food or any article listed in the Second Schedule.

As stipulated in Section 2 of the Act, one pesticide is treated as different from another pesticide if:

- (a) the chemical name of that pesticide is different from that of the other pesticide; e.g. 1,1,1-trichloro-2,2-di-(4-chlorophenyl) ethane is different from 1,2,3,4,5,6-hexachlorocyclohexane;
- (b) the trade name or trade mark of that pesticide is different from that of the other pesticide;
- (c) the ingredients of that pesticide are different from those of the other pesticide, in type, number, proportion, concentration, or in other respects;
- (d) that pesticide is differently formulated from the other pesticide;
- (e) that pesticide is manufactured by a manufacturer other than the manufacturer of the other pesticide; or
- (f) that pesticide is different in quality, nature, characteristics or efficacy from the other pesticide.

B. Application Form

SCHEDULE
FORM A

(RULE 3)

APPLICATION FOR A PERMIT TO IMPORT PESTICIDES
FOR EDUCATIONAL OR RESEARCH PURPOSES

(Two copies to be completed)

The Secretary,
The Pesticides Board,
Department of Agriculture,
Jalan Gallagher,

Kuala Lumpur.

I/We
of
.....

desiring to import the pesticide(s)
particulars are given in the attached form(s), do hereby
apply for a permit in that behalf under the Pesticides Act
1974.

2. I/We intend to import the pesticide(s) within the
period from..... to
(Not exceeding six months)

3. I
the applicant/authorized agent of the applicant, hereby
declare that all the information I have given in this
application and the attached form(s) is to the best of my
knowledge and belief true and correct.

Signature of applicant or authorized agent,

.....
for and on behalf of:
(Affix seal or stamp of applicant)

Date:

Address of authorized agent

.....

.....

PARTICULARS OF FORM

NOTE:

Each form is intended for one pesticide. Any information required, if cannot conveniently be given in the form, may be provided in appendices.

1. Details of pesticides:

- (a) Code name:
[* Code names to be provided as a guide to identify the products]
- (b) Common name:
[* Common name of active ingredient(s) to be the officially approved or adopted common name as listed in the first schedule (Section 2) of the Act. If no common name is available in the Act, then the common name accepted by the SIRIM, ISO or BSI may be used.]
- (c) Trade name:
- (d) Type of pesticide [* e.g. herbicide, insecticide, etc.]:
.....
- (e) Chemical group/[* name]:
[* Chemical name(s) as agreed by IUPAC (International Union of Pure and Applied Chemistry.)]
- (f) Formulation:
- (g) Percentage of active ingredient:
- (h) Quantity to be imported:
- (i) Purpose of importation:
[* Educational or research purposes (including samples)]

(j) Organization, institution, or person for whom imported:

.....

2. Toxicological information on the pesticide as a whole (stating name [* species] of test animal):

- (a) Acute oral LD50:
- (b) Acute dermal LD50:
- (c) Inhalation toxicity:
- (d) Chronic toxicity:
- (e) Fish toxicity:
- (f) Other information:

3. Particulars where pesticide is sold in any other country:

- (a) Country:
- (b) Uses allowed:
.....

4. Particulars where pesticide is being experimented with [* or being used] in any other country:

- (a) Country:
- (b) Uses allowed [* state whether commercial/or experimental:]
.....

5. The experiment with the pesticide will be conducted in

.....

(State locality and address)

[* If for sample only, to state]

on the following crops/animals:

.....

[* (a) If the experiment is to be carried out in collaboration with another party/parties, or by another party/parties other than the applicant, a statement from such party/parties confirming their involvement in the experiment must be provided by the applicant at the time of application.]

[* (b) If the experiment is to be carried out on private land (not belonging to the applicant or party/parties referred to in (a)), a letter of consent from the owner/owners of the land must be provided by the applicant.]

[*] Additional information not included in the rules, but provided as a guide.

C. The Permit

Permit No :.....

FORM B

(Rule 4)

PERMIT TO IMPORT PESTICIDES FOR
EDUCATIONAL OR RESEARCH PURPOSES

..... of

.....

is permitted under section 14 of the Pesticides Act 1974 to import in one consignment the pesticide(s) whose particulars appear below.

This permit is valid within the period from
to subject to the conditions stated on
the reverse of this permit.

PARTICULARS OF PESTICIDE(S)

Name: Permitted Quantity:.....

Date issued: Secretary
Pesticides Board

This permit is issued subject to the following
conditions:-

- (1) This permit is valid for one consignment only.
- (2) The quantity imported shall not exceed the quantity specified under the particulars of the pesticide(s) in the permit.

- (3) Other conditions:
-
-
-

.....

For Use by the Customs

.....

THIS PART SHALL BE FULLY COMPLETED

.....

- (1) The number of pesticides arriving in this
consignment:
- (2) Point of entry:
- (3) Means of entry: Road / Rail / Air / Sea / Post
- (4) Date of arrival:

.....

Signature of
Customs Officer
(Official Stamp)

THE ORIGINAL PERMIT MUST BE DELIVERED BY THE IMPORTER TO THE
APPROPRIATE CUSTOMS OFFICE UPON COMPLETION OF IMPORTATION.
THE CUSTOMS OFFICE IS REQUIRED TO SEND THE ORIGINAL PERMIT
TO:

THE SECRETARY
PESTICIDES BOARD
DEPARTMENT OF AGRICULTURE
JALAN GALLAGHER
50480 KUALA LUMPUR.

Made on the 14th February, 1987.

[BUU/CPT/KP.1 Jld.3; PN.(PU2)275 Pt. VI.]

DATUK SERI SANUSI BIN JUNID

Minister of Agriculture

NOTE:

Application for import permit must be submitted to the Secretary, Pesticides Board, Department of Agriculture, Jalan Gallagher, Kuala Lumpur. Applications must be submitted in advance at least 3 weeks prior to the importation date. Application forms are available from the Secretary, Pesticides Board upon request.

For further information, please contact:

The Secretary
Pesticides Board
Department of Agriculture
Jalan Gallagher
50480 Kuala Lumpur.
Tel. No. 603-2983077
Fax No. 603-2983646