

SUBSIDIARY LEGISLATION 192.01**IMPORTATION, SALE AND USE OF
PESTICIDES REGULATIONS**

1st January, 1972

LEGAL NOTICE 22 of 1967, as amended by Legal Notices 26 of 1971, 58 of 1975, 134 of 1977 and 99 of 1992.

1. The title of these Regulations is Importation, Sale and Use of Pesticides Regulations Title.

2. (1) In these Regulations, unless the context otherwise requires - Interpretation.

"antidote" means an immediate treatment in case of poisoning, and includes first-aid treatment;

"worker" means any person actually engaged in the application or handling of pesticides, whether on his own account or under the direction or employment of another person;

"active ingredient" means an ingredient which performs the active part in the function or functions of a pesticide;

"common name" means the commonly accepted designation for the chemical composition of the active ingredient of a pesticide;

"Malta" has the same meaning as is assigned to it in article 124 of the Constitution of Malta;

"brand" means any distinct formulation of a pesticide produced by any person:

Provided that where two or more pesticides carry the same active ingredient in a similar formulation but in a different strength, each such pesticide shall be classified as a different brand;

"person" includes any partnership or any association of persons;

"employer" means any person having in his employment or under his direction, supervision or control one or more persons engaged in the handling or application of pesticides;

"consumable produce" means any produce which is grown for consumption or use after severance from the land on which it is grown;

"label" means the written, printed or graphic matter on or affixed or attached to the pesticide or on or to the immediate container thereof or on or to the outside container or wrapper, if any, of the pesticide.

(2) Words and phrases used but not defined in these Regulations shall have the same meaning as is assigned to them in the Pesticides (Control of Importation, Sale and Use) Act.

Cap. 192.

Prohibition of importation, sale or use of pesticides.
Amended by:
L.N. 134 of 1977.

3. No person may import, use, sell or otherwise dispose of any pesticide any ingredient of which consists of one or more of the chemical compounds set out in the second column of the First Schedule or of the Second Schedule to these Regulations:

Provided that, where such ingredient consists at one or more of the chemical compounds set out in the second column of the Second Schedule, the Minister may authorise the importation, sale, use or other disposal of the relative pesticide subject, however, to such conditions as the Minister may, from time to time, impose.

Registration of pesticide and publication.

4. (1) No person may import, sell, use or otherwise dispose of any pesticide the active ingredient of which consists of one or more chemical compounds set out in the second column of the Third, Fourth or Fifth Schedule to these Regulations, unless the particular brand has been registered by the Department.

(2) Any application for registration of any brand shall be submitted on an appropriate form obtainable from the Department.

(3) There shall be published in the Gazette, during the first three months of every calendar year, a list of all registered brands:

Provided that any brand which is registered after the publication of such list shall be notified in the Gazette.

Analysis prior to registration.

5. No brand shall be registered by the Department unless, by analysis or by any other recognised method, it is proved to be satisfactory in the performance of the function or functions for which it is intended, to the satisfaction of the Minister.

New registration of brand after alteration.

6. When any brand, which has been registered by the Department, is subjected by the manufacturers to any change in its formulation or strength, or to any other process which might conceivably alter its chemical, physical or biological properties, there shall be submitted a new application for the registration of the brand.

Registration of vendors.

7. (1) Saving the provisions of regulation 3, no person shall sell or otherwise dispose of any pesticide unless he is authorised in writing by the Minister:

Provided that the Minister may withdraw such authorisation if any such person is convicted of an offence against any of these Regulations.

(2) There shall be published in the Gazette, during the first three months of every calendar year, a list of all persons authorised to sell or to dispose of pesticides under sub-regulation (1).

Conditions for grant of authorisation.

8. The Minister shall not grant any authorisation for the sale or disposal of pesticides unless he is satisfied that -

- (a) the applicant is sufficiently educated to read and understand the relative directions for use or otherwise, appearing on the pesticide labels, and the simple recommendation literature; and
- (b) the premises to be covered by the authorisation are suitable for the purpose, having regard both to their

nature and to the other goods sold or stocked in the premises.

9. (1) Any person desiring to import, use, sell or otherwise dispose of any pesticide, the active ingredients of which do not consist of the chemical compounds set out in any of the Schedules to these Regulations, shall apply to the Minister on the appropriate form obtainable from the Department, to which application form there shall be attached full details and other information relative to such pesticide.

Procedure in respect of chemical compounds not listed in Schedules.

(2) When the application submitted in accordance with sub-regulation (1) has been examined, the Minister shall decide under which of the Schedules to these Regulations the relative chemical compounds are to be listed, and such decision shall be communicated in writing to the applicant.

(3) Where none of the chemical compounds referred to in sub-regulation (2) are to be listed in the First or Second Schedule to these Regulations, the applicant shall file an application for the registration of the pesticide in accordance with the provisions of regulation 4.

(4) Whenever a new chemical compound is added to any of the Schedules to these Regulations, the Minister shall, by regulation, amend the relative Schedule.

10. (1) No person shall import any pesticide except in containers adequately designed to prevent any leakage or spillage.

Containers of imported pesticides.

(2) Pesticides having an active ingredient consisting of one or more chemical compounds set out in the Third Schedule to these Regulations shall have their outer container clearly marked with a skull and cross-bones, and with the words "Poisonous chemical - Handle with care".

(3) Pesticides having an active ingredient consisting of one or more chemical compounds set out in the Third Schedule to these Regulations shall not be sold by retail except in the original container as received from the manufacturer or formulator:

Provided that the Minister may authorise any wholesaler or retailer to transfer any pesticide from wholesale to retail containers in such premises and under such conditions as the Minister may deem fit to determine.

(4) Pesticides having an active ingredient consisting of one or more chemical compounds set out in the Fourth Schedule to these Regulations shall have written on their outer container the words "Caution - Pesticide".

(5) The words prescribed by sub-regulations (2) and (4) shall be in both the Maltese and English languages and on a background of a suitably contrasting colour.

11. No weighing or transfer of any pesticide from a wholesale to a retail container may take place in any room to which the public may have access.

Weighing, etc., of pesticides.

12. The retail containers of any pesticide shall be adequately

Retail containers.

	designed to resist to normal handling and to prevent spillage or leakage.
Labelling.	13. (1) The retail package of any pesticide shall have on or affixed or attached to the immediate container of the pesticide a label, approved by the Minister in accordance with the provisions of regulation 14, containing - (a) the name, brand or trade-mark under which the pesticide is sold, and the registration number of the pesticide; (b) the net weight or measure of the contents; (c) the common name and the percentage of each active ingredient; (d) brief instructions for the use of the pesticide and the relative caution remarks as set out in the Third, Fourth and Fifth Schedules to these Regulations; and (e) in the case of a pesticide the active ingredient of which consists of one or more chemical compounds set out in the Third Schedule to these Regulations - (i) the name and address of the vendor; (ii) a skull and crossbones and the word "POISON" in capital letter, both in a prominent position and on a background of a suitably contrasting colour; and (iii) the name of the respective antidote. (2) The requirements under sub-regulation (1)(d) and (e)(ii) shall be given in both the Maltese and English languages.
Approval of labels.	14. (1) An application for the approval of a label shall be made to the Department on the appropriate form obtainable from the Department. (2) The Department shall, in consultation with the Department of Health, either approve or reject the application: Provided that the Department may advise a modification to the proposed label. (3) Any decision taken by the Department under sub-regulation (2) shall be immediately communicated in writing by the Department to the applicant.
Notice of imported pesticide.	15. (1) Any agent or other person who imports into Malta any pesticide shall, within two days from such importation, give notice thereof to the Department. (2) Such notice shall consist in the completion by the agent or importer of a form obtainable from the Department.
Duties of employer.	16. (1) Any employer shall provide - (a) adequate washing facilities; (b) adequate general supervision; and (c) such medical supervision as may be prescribed from

time to time by the Minister.

(2) Any employer shall, before allowing or permitting any of his workers to handle or to apply any pesticide -

- (a) give such worker a proper training in the handling and application of pesticides;
- (b) see that the safety precautions set out in the Schedules to these Regulations or otherwise prescribed by the Minister are complied with; and
- (c) provide such worker with suitable protective clothing, ensure that such clothing is kept in good condition, and provide separate accommodation for such clothing and for the worker's personal clothing which is not worn during working hours.

(3) Any employer shall, either in a case of poisoning, or whenever there is a suspicion of poisoning, in each case attributed to the effects of any pesticide, notify immediately a medical practitioner.

(4) No employer shall be held responsible where any worker, who, during the handling or the application of any pesticide, either disobeys the lawful instructions given to him or does not wear the protective clothing provided under sub-regulation (2)(c) or does not use the other facilities provided by the employer, or in case any such worker fails to report immediately to a medical practitioner any sickness or other inconvenience suffered by him which might reasonably be attributed to the effect of any pesticide.

17. (1) Any employer or worker who carries out any application of pesticides shall see that the dosage rates and the intervals in any such application, and the minimum safety interval between the last application and harvest, are, in both cases, as advised by the Department.

Precautions in application of pesticides.

(2) Any worker who applies any pesticide shall inform the owner of the relative consumable produce as to the safety precautions which are to be complied with by the latter.

(3) No person shall, before the expiration of the minimum safety interval, harvest any consumable produce which has been treated with any pesticide.

18. The Minister may, for experimental purposes or other research work, authorise any person to use or apply any pesticide otherwise than in conformity with the instructions for the use of such pesticide as appearing on the relative label or with the provisions of regulation 17(1).

Use for experimental purposes or research work.

19. Nothing in these Regulations shall prohibit the Department or the Department of Health from importing, directly or otherwise, or from using any pesticide or any chemical compound whatsoever:

Exemption of the Department.
Amended by:
L.N. 26 of 1971.

Provided, however, that the Department or the Department of Health, as the case may be, shall see that any worker shall be adequately protected against any danger which might arise from the application, handling or use of any such pesticide or chemical compound.

Register of
treatment strips.
Added by:
L.N. 99 of 1992.

20. (1) Notwithstanding the provisions of these Regulations, importers and traders shall keep a register of all sales of treatment strips for the control of the *Varroa Jacobsonii* disease, indicating the quantity sold and the name and address of the buyer. The register shall be subject to inspection by the Director.

(2) Sales of treatment strips for the control of the *Varroa Jacobsonii* disease shall be made exclusively against a prescription issued by the Director.

(3) All treatment strips for the control of the *Varroa Jacobsonii* disease shall be returned to the importer who shall hand them over to the Director on a date to be notified by the same Director.

FIRST SCHEDULE

*Substituted by:
L.N. 26 of 1971;
L.N. 58 of 1975.
Amended by:
L.N. 134 of 1977.*

<i>Common Name</i>	<i>Chemical Compound</i>
Antu	l-naphthylthiourea
Arsenicals	all compounds containing arsenic in any form
Azinphos-ethyl	S-(3,4-dihydro-4-oxobenzo (d)-(1,2,3,)-triazin-3-yl-methyl) diethyl phosphorothiolothionate
Azinphos-methyl	S-(3,4-dihydro-4-oxobenzo (d)-(1,2,3,)-triazin-3-yl-methyl) dimethyl phosphorathiolothionate
Cadmium compounds	All compounds containing Cadmium in any form
Demeton	Any mixture of diethyl diethyl-2 (ethylthio) ethyl-phosphorothionate u diethyl-S-(2-(ethylthio) ethyl) phosphorothiolate
Dimefox	NNN'N'-tetramethylphosphorodiamidic fluoride 2-(l-methyl-n-propyl) 6-dinitrophenol
Dinoseb acetate	2-(l-methyl-n-propyl) 4,6-dinitrophenyl acetate
Disulfoton	Diethyl-S-(2-(ethylthio) ethyl) phosphorothiolothionate
DNOC	2-methyl-4, 6-dimtrophenol
Endosulfan	6, 7, 8, 9, 10, 10-hexacliloro-1, 5 5a 6 9 9a hexahydro-6 9-methano-2, 4, 3-benzo(e) dioxathiepin 3-oxide
Endthal	7-oxabicycle (2, 2, 1) heptane-2, 3-dicarboxylic acid
Endrin	1, 2, 3, 4, 10, 10-hexachloro-6, 7-epoxy 1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-oxo-1, 4-axo-5, 8-dimethaneno-phthalene
EPN	O-ethyl-O-p-nitrophenyl benzene thiophosphonate
Hydrocyanic acid	Hydrocyanic acid
Mevinphos	l-methoxycarbonyl-1 propen-2yl-dimethyl phosphate
Parathion	O, O-diethyl-O-p-nitraphenyl thiophosphate
Parathion-methyl	O, O-dimethyl-O-p-nitrophenyl thiophosphate
Schradan	bis-NNN'N'-tetramethyl phosphorodiamidic anhydride
Selenium compounds	All compounds containing selenium in any form
Sulfotep	bis-OO-diethyl phospharothionic anhydride
Telodrin	1, 3, 4, 5, 6, 7, 8, 8-actachloro-1, 3; 3a, 4, 7, 7a-hexahydro-4, 7-methanoisobenzofuran
TEPP (HETP)	bis-OO-diethyl phosphoric anhydride
Thallium sulphate	Thallium sulphate
Hionvazin	O, O-diethyl O-2-pyrasinyll phosphorothionate
Vinyl Chloride	Vinyl Chloride

Substituted by:
L.N. 26 of 1971;
L.N. 58 of 1975.

SECOND SCHEDULE

<i>Common Name</i>	<i>Chemical Compound</i>
Aldrin	1, 2, 3, 4, 10, 10-hexachloro-1, 4, 4a, S, 8, 8a-hexahydro-1, 4, 5, 8-dimethanonaphthalene
Alphachloralose	Alphachloralose
Aluminium phosphide	Aluminium phosphide
Aminotriazole	3-amino-1, 2, 4-triazole
Benzene hexachloride	mixed isomers of 1, 2, 3, 4, S, 6-hexachlorocyclohexane
Bromophos-ethyl	-O-(4-bromo-2, 5-dichlorophenyl) OO-diethyl phosphorothioate
Carbon disulphide	Carbon disulphide
Chlordane	1, 2, 4, 5, 6, 7, 8, 8-octachloro-2, 3, 3a, 4, 7, 7a-hexahydro-4, 7-methanoindene
Chlorfenvinphos	2-chloro-1-(2, 4-dichlorophenyl) diethylphosphate
Chloripicrin	trichloronitromethane
DDT	1, 1, 1-trichloro-2, 2-bis(p-chlorophenyl) ethane
Demeton-methyl	a mixture of 2-(ethylthio)ethyl dimethyl phosphorothionate u S-2-(ethylthio) ethyldimethyl phosphorotiolate
Dichlorvos	2, 2-dichlorovinyl dimethyl phosphate
Dieldrin	1, 2, 3, 4, 10, 10-hexachloro-6, 7,-epoxy-1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-exo-1, 4-endo-5, 8-dimethanonaphthalene
Ethion	tetraethyl SS'-methylene bis(phosphorothiolothionate)
Ethylene dibromide	Ethylene dibromide
Fentin acetate	triphenyltin acetate
Fentin hydroxide	triphenyltin hydroxide
Fluoroacetamid	Fluoroacetamide
gamma-BHC (Lindane)	gamma isomer ta' 1, 2, 3, 4, 5, 6-hexachlorocyclohexane
Heptachlor	1, 4, 5, 6, 7, 10, 10-heptachloro-4, 7, 8, 9,-tetrahydro-4, 7-methyleneindene
Methiocarb	4-methylthio-3, 5-xylyl N-methylcarbamate
Methyl bromide	methyl bromide
Nicotine	1, 3-(1methyl-2pyrrolidyl)pyridine
Organo-mercurials	All organic compounds containing mercury in any form
Oxydemetonmethyl	O,O-dimethyl-S-2-(ethylsulfinyl)ethyl phosphorothionate
PCP	Pentachlorophenol
Phenkapton	S-(2,5-dichlorophenylthiomethyl)diethyl phosphorothiolothionate
Phorate	Diethyl-S-(ethylthiomethyl)phosphorothiolothionate
Phosphamidon	2-chloro-2-diethylcarbamoyl-1-methyl vinyl dimethyl phosphate

<i>Common Name</i>	<i>Chemical Compound</i>
Sodium fluoroacetate	sodium fluoroacetate
Sulphur dioxide	sulphur dioxide
TDE	1, 1-dichloro-2, 2-di-(4-chlorophenyl) ethane
Vamidothion	dimethyl S-(2-l-methylcarbamoylthio-ethyl) phosphorothiolate
Warfarin	3-a(a-acetonvlbenzyl)-4-hydroxycoumarin (except for medical preparations)
Yellow Phosphorus	Yellow Phosphorous
Zinc phosphide	Zinc phosphide

Substituted by:
L.N. 26 of 1971;
L.N. 58 of 1975.

THIRD SCHEDULE

<i>Common Name</i>	<i>Chemical Compound</i>
Arprocarb	2-isopronoxyphenyl N-methylcarbamate
Binapacryl	2-(1-methyl-n-propyl)-4,6-dinitrophenyl 2-methylcrotonate
Bromophos	4-bromo-2, 5-dichlorophenyl diethyl phosphorothionate
Chlorophacinone	2-(alpha-p-chlorophenyl-alpha-phenylacetpl)indane-1:3-dione
Chlorthiamid	2, 6-dichlorothiobenzamide
Coumatetryl	4-hydroxy-3-(1, 2, 3, 4-tetrahydro-1-naphthyl) coumarin
2,4-D	2, 4-dichlorophenoxyacetic acid
Dazomet	tetrahydro-3, 5-dimethyl-2H-1, 3, 5-thiadiazine-2-thione
D-D	dichloropropane-dichloronropene mixture
Diazinon	diethyl-2-isopropyl 1-6-methyl-4-pyrimidinyl phosphorothionate
Dibromo-chloropropane	1,2-dibromo-3-chloropropane
Dichlofluanilid	N'-dichlorofluoromethylthio-N, N-dimethyl-N'phenyl sulphamide
Dimethoate	S-(N-methylcarbamoylmethyl) phosphoro thiolothionate
Dimetilan	2-dimethylcarbamoyl-3-methyl-5-pyrazolyl dimethyl carbamate
Dinocap	2-(1-methyl-n-heptyl)-4,6-dinitrophenyl crotonate
Diquat dibromide	9,10-dihydro-8a, 10a-diazoniaphenanthrene dibromide
Ethoate methyl	S-(N-ethylcarbamoylmethyl)dimethyl phosphorothiolothionate
Fenchlorphos	dimethyl-2,4,5-trichlorophenyl phosphorothionate
Fenitrothion	dimethyl 3-methyl-4-nitrophenyl phosphorothionate
Fenthion	OO-dimethyl-O-4(methylmercapto)3 methylphenylthiophosphate
Formaldehyde	formaldehyde
Formothion	S-(N-formyl-N-methylcarbamoylmethyl)dimethyl phosphorothiolothionate
Malathion	S-(1,2-di(ethoxycarbonyl)ethyl)dimethyl phosphorothiolothionate
MCPA	4-chloro-2-methylphenoxyacetic acid
Metaldehyde	metaldehyde (as a concentrate above 10%)
Methom-sodium	Sodium N-methyl dithiocarbamate
Maled	1, 2-dibromo-2, 2-dichloroethyl dimethyl phosphate
Norbormide	5-(a-hydroxy-a-2pyridylbenzyl) - 7 - (a-2-pyridylbenzylidene) norbor 5-ene-2, 3-dicarboxyimide
Paraquat	1, 1'-dimethyl-4'-bipyridylum: ion
Pirimicarb	2-dimethylamino-5, 6-dimethylpyrimidin-4-yl dimethylcarbamate

<i>Common Name</i>	<i>Chemical Compound</i>
Pirimiphosmethyl	2-diethylamino-6-methylpyrimidin-4-yl dimethyl phosphorothionate
Rotenone 2,4,5-T	2,4,5-trichlorophenoxyacetic acid
Tetrachlorvinphos	2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate
Trichlorphon	dimethyl-2,2,2-trichloro-1-hydroxyethyl phosphonate.

The following minimum cautionary remarks are to be shown on labels:

“Poisonous substance. Is harmful if swallowed, absorbed through the skin, or inhaled as dust or mist. Avoid skin contact, wear rubber gloves and clean protective clothing when handling and using. Wash thoroughly with soap and water after use. Keep out of reach of children. Avoid contamination of food-stuffs, empty foodstuffs containers and animal food.”

In the case of herbicides, labels are to have the following additional remarks:

“Avoid contamination of seeds and fertilizers. Clean spraying apparatus thoroughly after use.”

Substituted by:
L.N. 26 of 1971;
L.N. 58 of 1975.

FOURTH SCHEDULE

<i>Common Name</i>	<i>Chemical Compound</i>
Borax	sodium tetraborate decahydrate
Carbaryl	1-naphthyl-N-methylcarbamate
Chlorburfam	1-methylprop-2-ynyl 3-chlorophenyl-carbamate
Chloroxuron	N'-(4-chlorophenoxy) phenyl-NN-dimethylurea
Chlorpropham	isopropyl N-(3-chlorophenyl) carbamate
Chlorthal-methyl	a`idu 2,3,5,6-tetrachloraterephthaliku
Dalapon	a`idu 2,2-dichloropropioniku
Dicloran	2,6-dichloro-4-nitroaniline
Dimethirimos	5-n-butyl-2-dimethylamine-4-hydroxy-6-methylpyrimidine
Diphenamid	NN-dimethyl-2, 2-diphenylacetamide
Diuron	3-(3,4-dichlorophenyl)-l; 1-dimethylurea
Fenson	4-chlorophenyl benzene sulphonate
Ferbam	ferroc dimethyl dithiocarbamate
Folpet	N-trichloromethyl thiophthalimide
Lime-sulphur	calcium polysulphides
Linuron	3-(3,4-dichlorophenyl)-1-methoxy-lmethylurea
Mancozeb	a complex of zinc and manganous ethylene bisdithiocarbamate containing 20% manganese and 2.5% zinc
Maneb	manganous ethylene bisdithiocarbamate
Metaldehyde	metaldehyde (as granules or baits 10% or below)
Methoxychlor	2,2-bis(p-methoxyphenyl)-1,1,1-trichloroethane
Monolinuron	N'-(4-chlorophenyl)-N-methylurea
Monuron	3-(p-chlorophenyl)-1, 1-dimethylurea
Oxycarboxin	2,3-dihydro-6-methyl-5-phentyl-carbamoyl-1, 4-oxathiin 4,4-dioxide
Pentanochlor	N-(3-chloro-4-methylphenyl)-2-methylpentanamide
Petroleum oils	refined petroleum oils
Propham	isopropyl N-phenylcarbamate
Pyrazon	5-amino-4-chloro-2-phenyl-3-pyridazone
Pyrethrum	insecticidally active principles of Chrysanthemum cinerariaefolium
Quintozone	pentachloronitrobenzene
Sodium chlorate	sodium chlorate
Tetradifon	2,4,5,4'-tetrachlorodiphenyl sulphone
Thiram	tetramethyl thiuram disulphide
Zineb	Zinc ethylene bisdithiocarbamate
Ziram	zinc dimethyldithiocarbamate

The following minimum cautionary remarks are to be shown on labels:

“Harmful if swallowed. Avoid contamination of foodstuffs, empty food stuffs containers, and animal food. Avoid excessive inhalation of dust or mist. In case of spillage on skin, wash thoroughly with soap and water. Keep out of reach of children.”

FIFTH SCHEDULE

*Substituted by:
L.N. 26 of 1971;
L.N. 58 of 1975.*

<i>Common Name</i>	<i>Chemical Compound</i>
Atrazine	2-chloro-6-ethylamino-4-isopropylamino-1,3,5-triazine
Benomyl	methyl N-(1-(butylcarbamoyl)-2-benzimidazole) carbamate
Captan	N-(trichloromethylthio) cyclohex-4-ene-1,2dicarboxyimide
Chlorbenside	p-chlorobenzyl-p-chlorophenyl sulphide
Chlorfenson	4-chlorophenyl 4-chlorobenzene sulphonate
Copper compounds	Bordeaux mixture (various percentages of copper sulphate and lime) Copper oxycarbonate Copper oxychloride Copper sulphate Cuprous oxide Copper-lime mixtures
Dicofol	1, 1-bis(chlorophenyl) trichloroethanol
Dodine	N-dodecylguanidine acetate
Naphthalene	naphthalene
Simazine	chloro-4, 6-bisethylamino-1,3,5,-triazine
Sulphur	sulphur

The following minimum cautionary remarks are to be shown on labels:

“Keep away from children. Avoid contamination of foodstuffs, empty foodstuffs containers, and animal food.”

“Avoid contamination of seeds and fertilizers. Clean spraying apparatus thoroughly after use.”