

PESTICIDE LAW
State Law and Order Restoration Council Law No. 10/90
(11 May 1990)

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

CHAPTER I
TITLE AND DEFINITIONS

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 includes destructive interfering rodents, moles, snails, and weeds etcetara;
 - b. **Pesticide** means chemicals used in preventing and controlling insects, arachnids, organisms causing plant diseases etcetara contained in sub-section a;
 - c. **Active ingredient** means the biologically active part of the chemical present in the pesticide formulation;
 - d. **Label** means printed matters and direction for use on or attached to containers or packages containing pesticides;
 - e. **Registration Board** means the Pesticide Registration Board formed under this Law;
 - f. **Experimental Registration** means a use permit, issued by the Registration Board for specified application on a limited area, for a maximum period not exceeding 2 years in order to determine the efficacy of a pesticide and the use patterns suitable for the local agricultural practice;
 - g. **Provisional Registration** means a use permit, issued by the Registration Board for crops and applications given on the label, for a maximum period not exceeding 5 years;
 - h. **Full Registration** means a use permit, issued by the Registration Board for crops and applications given on the label, for a maximum period not exceeding 10 years;
 - i. **Special Use Permit** means a permit, issued by the Registration Board as emergency use, for a maximum period not exceeding 1 year for applying any pesticide considered inevitable for the control and prevention of occurrence of any unexpected pest incidence;
 - j. **Managing Director** means the Managing Director of the Myanmar Agriculture Service;
 - k. **Manager** means State and Division Manager or Township Manager of the Myanmar Agriculture Service;
 - l. **Inspector** means the person to whom duties have been assigned by the Managing Director for the inspection and or verification of compliance with the provisions of this law as to proper use, safe handling and percent active ingredients of pesticides;
 - m. **Licence** means a permit issued by the Managing Director or the respective Managers to a person desirous to engage in any type of pesticide business permitted under this Law;

- n. **Certified Pesticide Applicator** means a person recognized by the Registration Board as being qualified in the use of highly toxic pesticide.

CHAPTER II

FORMATION OF REGISTRATION BOARD

3. The Government shall form a Registration Board with suitable citizens. In forming such a Board, the Chairman and the Secretary shall be specified concurrently.
4. The Myanmar Agriculture Service shall undertake the official function of the Registration Board.

CHAPTER III

DUTIES AND POWERS OF THE REGISTRATION BOARD

5. The Registration Board shall direct the Myanmar Agriculture Service to analyse and test pesticides or any active ingredient received as samples as to conformity with the content of ingredient as claimed on the label; and to undertake bio-efficacy trials on crops for determining effectiveness in practical use.
6. The Registration Board after evaluation of the applications for registration of formulated pesticides or active ingredients to be imported into the country may have the right either to accept or reject the applications.
7. The Registration Board shall prohibit the use of any registered pesticide in the event of one or any of the following conditions. If necessary, the registration or licence may be withdrawn:
 - a. data, obtained either in the Union of Myanmar or abroad indicates that the pesticide is harmful to human beings, animals, crops and environment;
 - b. finding on re-checking that it has not met the quality specification upon which the registration was based on;
 - c. on being requested to discontinue the use by the applicant who may be either the foreign manufacturing company or the local formulator.
8. The Registration Board may in emergencies issue a special use permit for a maximum period not exceeding 1 year for applying any pesticide considered inevitable for the control and prevention of any occurrence of unexpected pest incidences.
9. The Registration Board, based upon international recommendations, may issue safety guidelines in the manufacture, formulation, handling, use, transportation, storage and sale of pesticides.
10. The Registration Board may seek advice from specialists concerning analysis of pesticide and bio-efficacy trials on cultivated crops as required under section 5.
11. The Registration Board shall treat the data submitted for foreign or local pesticide products or active ingredients as confidential proprietary data.

CHAPTER IV

APPLICATION FOR REGISTRATION AND PAYMENT OF FEES

12. Any person desirous of importing formulated pesticides and active ingredients or export of the same must have one of the following registration/use permit. An application in the prescribed form shall be submitted to the Registration Board.
 - a. experimental registration;
 - b. provisional registration;

- c. full registration;
- d. special use permit;

13. An applicant for registration under section 12 shall send to the Registration Board the application together with a sample of chemically analysed formulated pesticide or active ingredient in the prescribed quantity and weight, and instructions for use.

14. A person desirous of engaging in pesticide formulation and sale in the country from imported active ingredient shall, for the purpose of obtaining a licence, apply to the Managing Director in the prescribed application form.

15. A person desirous of engaging in re-packing and sale of imported pesticides, within the country, shall for the 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 shall, for the purpose 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. Any person desirous of importing into the country or exporting from the country any pesticide or active ingredient shall pay the analytical fees prescribed by the Registration Board in foreign currency and in accordance with the procedure laid down.

CHAPTER V

DUTIES AND POWERS OF THE MANAGING DIRECTOR

20. The Managing Director:

- a. may after scrutiny, issue or refuse a licence with respect to the application of a person desirous of formulating and selling pesticide in the country;
- b. may suspend or withdraw the licence if the holder of a licence under sub-section a is found to have contravened one or any of the conditions stipulated in the licence;
- c. may administer as deemed 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, dispose, or administer as may be deemed necessary the pesticide and exhibits in cases where action is being taken for contravention of any of the provisions prescribed in this Law;
- e. may direct the managers from time to time as may be necessary on matters concerning experimental use of pesticide on cultivated crops or on the sale of pesticide;
- f. shall carry out the duties assigned by the Registration Board from time to time.

CHAPTER VI

DUTIES AND POWERS OF THE MANAGERS

21. State or Division Managers:

- a. may scrutiny, issue or refuse a licence with respect to the application made under section 15;
- b. shall from time to time inspect and supervise the functions of the Township Managers under his jurisdiction, concerning matters relating to the handling and use, sale, and storage of pesticides;
- c. may suspend or withdraw a licence issued under sub-section a for contravention of any of the conditions stipulated in the licence;
- d. shall carry out the duties assigned by the Managing Director from time to time.

22. Township Managers:

- a. may after scrutiny issue or refuse the licence with respect to the application made under section 16;
- b. may suspend or withdraw a licence issued under sub-section a for contravention of any of the conditions stipulated in the licence;
- c. may inspect the stocks of pesticides in possession of the sellers in his Township and take samples;
- d. shall take legal action against anyone who engages in the sale of pesticides in contravention of the provisions of this Law and seize the stocks (exhibits) as provided under the Law;
- e. shall personally conduct and supervise the bio-efficacy trial of pesticides in his township when directed by the Registration Board or the Managing Director;
- f. shall inspect and supervise the performance of the inspectors from time to time;
- g. shall inspect the user's compliance to directives of the Registration Board or the Managing Director in the disposal of empty containers and packing materials;
- h. shall carry out the duties assigned by the Managing Director from time to time.

CHAPTER VII

DUTIES AND RIGHTS OF THE PERSON DEALING WITH REGISTERED PESTICIDE

23. The person dealing with import into the country or export from the country of registered pesticide:

- a. has rights to do business within the duration of registration period;
- b. shall pay the registration fees and analytical fees payable;
- c. shall comply with the conditions stipulated 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 in respect of import into the country and export from the country;
- f. shall apply for renewal on expiry of the registration period, if desirous of continuing business.

CHAPTER VIII
DUTIES AND RIGHTS OF THE PERSON HOLDING LICENCE
TO FORMULATE AND SELL PESTICIDE

24. The person holding licence for formulation and selling of pesticides:
- a. has rights to do business within the duration of the licence;
 - b. shall pay the licence fees, analytical fees payable;
 - c. shall formulate in conformity with the quality standard specified at the time of the application for licence;
 - d. shall describe in the directions for use the name of the pesticide, type of pests applicable, hazard class, dosage rate and safety precautions;
 - e. shall affix on the containers, or bottles, or packages of solids of the pesticide for sale, the approved label furnished at the time the licence was applied for;
 - f. shall comply with conditions stipulated 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 renewal on expiry of the licence if desirous of continuing business.

CHAPTER IX
DUTIES AND RIGHTS OF THE LICENCE HOLDER FOR SELLING PESTICIDE

25. A person holding a licence to sell pesticide:
- a. has rights to do business within the duration of 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 stipulated in the licence;
 - f. shall sell highly hazardous pesticide only to a person able to produce a purchase permit issued by the Managers concerned;
 - g. shall submit to inspection when the Manager or Inspector comes for inspection;
 - h. shall keep a record of purchase and sale of pesticides;
 - i. shall apply for renewal on the expiry of licence if desirous of continuing business.

CHAPTER X
CONDITIONS FOR COMPLIANCE BY THE USER

26. The user of pesticides:
- a. shall follow use instructions shown on the label;
 - b. shall obtain a purchase permit from the respective Manager when the use of highly hazardous pesticide is required, and hire a certified applicator for its application;

- c. shall follow pesticide safe handling instructions 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 the disposal of empty containers, wrappers and packages of pesticides;
- f. shall comply with educational directives published from time to time by the Myanmar Agriculture Service concerning the use of pesticides in the storage of harvested crops or in cultivated fields.

CHAPTER XI

DUTIES AND POWERS OF THE INSPECTOR

27. The Inspector shall perform the following duties:
- a. inspecting the sale and use of pesticides in the area within his jurisdiction or in a specified area assigned to him;
 - b. taking action in accordance with the procedures against any person contravening any prohibition contained in this Law;
 - c. administering in accordance with the procedures regarding pesticides and exhibits seized in taking action under sub-section b;
 - d. administering in accordance with the procedures to prevent the re-use of empty containers, packing materials of pesticide;
 - e. to carry out the duties assigned by the Township Managers from time to time.
28. The powers of the Inspectors are as follows:
- a. inspecting as to compliance with the provisions of this Law;
 - b. inspecting according to procedures the conformity with the methods of packing, storage, distribution and sale of pesticides as stipulated in the licence;
 - c. inspecting of conformity with the use of pesticides for crops in accordance with the instructions described in the label;
 - d. inspecting the records of purchase and sale of pesticides;
 - e. having the right to collect sample of pesticides for analysis;
 - f. reporting to the Township Manager on findings of unauthorized cases of selling pesticide and to comply with the directions given by him.

CHAPTER XII

APPEALS

- 29.
- a. Any person not satisfied 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 not satisfied with the order or decision made by the Managing Director under sub-section a may appeal to the Minister for Agriculture and Forests within 30 days of the receipt of such order or decision;
- c. The decision of the Minister for Agriculture and Forests shall be final.

CHAPTER XIII PROHIBITIONS

- 30. No person shall without a permit, import pesticide into the country or export from the country.
- 31. No person shall without a licence engage in the formulation and sale of pesticides.
- 32. No person shall without a licence engage in the re-packing and sale of pesticides imported into the country.
- 33. No person shall without a licence sell pesticides.
- 34. A licence holder shall not sell pesticides without label containing the name of the pesticide and use instructions.
- 35. No person shall use pesticide except for purposes of preventing the danger of outbreak or controlling pests, in crops or foodstuffs or beverages for immediate consumption by the public. In addition, no person shall use the pesticides to catch or kill land or aquatic animals.
- 36. No person shall employ children of 16 years and under, pregnant women, or nursing mothers in handling or in the use of pesticides.
- 37. No person shall use pesticides contrary to the use instructions.
- 38. No person shall use in the storage of crops, pesticide other than the one prescribed by the managers concerned and in the manner directed by him.
- 39. No person shall transport or offer for sale pesticide along with foodstuffs.
- 40. No licence holder shall contravene any condition stipulated in the licence.

CHAPTER XIV OFFENCES AND PENALTIES

- 41. Whoever is found guilty of contravening any of the provisions of sections 30, 31, 32, 33, 35, or 36 shall be liable to punishment with a fine which may extend to Kyat 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 contravening any of the provisions of sections 37, 38 or 39 shall be liable to punishment with a fine which may extend to Kyat 5,000 or with imprisonment for a term which may extend to 3 months or with both. In addition, exhibits involved in the offence shall also be confiscated.
- 43. A licence holder found guilty of contravening any of the provisions of section 34 or 40 shall be liable to punishment with a fine which may extend to kyat 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 the state or the people, the Minister for Agriculture and Forests:

- 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 Forests may give a decision concerning the definitions expressed in section 2, sub-section a, sub-section b or sub-section c where clarification is needed.

46. Offences prosecuted under this law are defined 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 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 directive 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 Forests:

- a. may with the approval of the government, issue necessary procedures;
- b. may issue necessary orders and directives.

(signed) Saw Maung
Senior General
Chairman, The State Law and Order Restoration Council