

Republic of the Philippines  
FERTILIZER AND PESTICIDE AUTHORITY  
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FERTILIZER AND PESTICIDE AUTHORITY

RULES AND REGULATIONS, NO. 1, SERIES 1977

PURSUANT TO PRESIDENTIAL DECREE NO. 1144 PROMULGATED ON 30 MAY 1977, THE FERTILIZER AND PESTICIDE AUTHORITY HEREBY PROMULGATES AND ADOPTS THE FOLLOWING RULES AND REGULATIONS TO GOVERN THE IMPORTATION, MANUFACTURE, FORMULATION, REPACKING, DISTRIBUTION, SALE, STORAGE, AND USE OF PESTICIDES AND OTHER AGRICULTURAL CHEMICALS IN THE INTEREST OF IMPROVING AGRICULTURAL PRODUCTION, PROTECTING PUBLIC HEALTH AND ENHANCING ENVIRONMENTAL QUALITY.

FPA RULES AND REGULATIONS GOVERNING THE IMPORTATION, MANUFACTURE, FORMULATION, REPACKING, DISTRIBUTION, DELIVERY, SALE, STORAGE AND USE OF PESTICIDES.

ARTICLE I

Coverage and Definitions

*SECTION 1.* Registration and licensing as provided hereinafter shall be required as conditions precedent to the importation, manufacture, formulation, repacking, distribution, delivery, sale, transport, storage and use of any pesticide and other agricultural chemicals.

*SECTION 2.* Except as may otherwise be indicated, the terms hereinbelow shall be understood to mean as follows:

- (a) "Secretary" means the Secretary of Agriculture;
- (b) "Authority" means the Fertilizer and Pesticide Authority (FPA) created under Presidential Decree No. 1144.
- (c) "Active ingredient" means a substance which gives a formulated product its pesticidal properties.
- (d) "Adjuvant" or "Surfactants" means any adhesive deposit builder, emulsifying agent, spreading agent, synergist or wetting agent intended for use as in aid to the application and/or effect of a pesticide.
- (e) "Adulterated pesticide" shall apply to any pesticide if:
  - (1) The strength or purity of which falls below the professed standards or quality as expressed on the label under which it is sold;

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- (2) If the active ingredient(s) and adjuvant(s) have been substituted and/or abstracted wholly or in part for the article.

(f) "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.

(g) "Applicators", etc., shall constitute the following:

- (1) "Certified Applicator" means any individual who is certified as authorized to use or supervise the use of any pesticide which is classified for restricted use.

- (2) "Commercial Applicator" means any person who enters into a contract or an agreement for the sake of monetary payment and agrees to perform a service by applying any pesticide or servicing any device but shall not include a farmer trading work with another.

- (3) "Private Applicator" means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on property of another person.

- (4) "Under the direct supervision of a certified applicator" shall mean a pesticide shall be considered to be applied under the direct supervision of a certified applicator if it is applied by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.

(h) "Damaged pesticide" shall apply to any pesticide which has been subjected to any factor that has changed its registered concentration or caused it to decompose or deteriorate as to be ineffective or dangerous in storage or use.

(i) "Defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

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(j) "Dessicant" means any substance or mixture of substances intended for artificially accelerating the drying up of plant tissues.

(k) "Good agricultural practice" means the manner of use of a pesticide or pesticide formulations officially recommended by the FPA.

(l) "Inert ingredient" means any substance which serves as a carrier or diluent for the active material but in itself is not pesticidal.

(m) "Ingredient statement" means a statement of the name and percentage of each ingredient, together with the total percentage of the inert ingredients. If the pesticide contains any arsenic in any form, the statement shall include the percentage of total and water soluble arsenic, each calculated as elemental arsenic.

(n) "Imminent hazard" means a situation which exists when the continued use of pesticide will likely result in unreasonable adverse effects on the public and/or the environment or will involve unreasonable hazards to the survival of a species declared endangered by the appropriate authorities.

(o) "Immediate container" refers to the container or package which is immediately after or nearest the pesticide but does not include the package liner.

(p) "Label" means a display of the written printed or graphic matter upon the immediate container of any pesticide and requirement made by or under authority of this Decree that any word, statement, or other information appearing on the label shall not be considered to be complied with, unless such word, statement or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

(q) "License" means the person to whom a license to import, manufacture, formulate, repack, distribute, deliver, sell, transport, store or apply any pesticide has been issued pursuant to these rules.

(r) "Misbranded pesticide" shall apply to any pesticide if:

- (1) Its label bears any statement, design or graphic representation relative thereto, or to its ingredients, which is false and misleading.

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- (2) The label fails to clearly and plainly show:
  - a. the name and address of the registrant, person or license whose name shall appear on the label.
  - b. the name, brand or trade mark under which said article is registered and sold; and
  - c. the net content
- (3) Its labelling is an imitation of another pesticide that is already registered and whose sale is authorized.
- (4) Its label bears any reference to registration under these rules, when not so registered.
- (5) The label accompanying it does not contain any directions or indications for use which are necessary for effective results of which, if complied with, are inadequate for the protection of the public.
- (6) The label does not contain a warning or precautionary statement as required under Article V, Sec. 1(g) of these rules to protect injury to human and other vertebrate animals, vegetation and useful invertibrate animals.
- (7) The label does not bear an ingredient statement on the immediate container and on the outside container or wrapper as the case may be.
- (8) Any word, statement, or other information required by or under the authority of these rules to appear on the label or labelling is not placed thereon with such prominence as will render it unlikely to be read and understood by any person.
- (9) In the case of an insecticide, nematocide, fungicide, bactericide or herbicide when used as directed it shall be injurious to man or other vertebrate animals or vegetation, except weeds, to which it is applied, or to the person applying such pesticide.
- (10) In the case of a plant growth regulator used as pesticide, defoliant or desiccant, when used as directed, it shall be injurious to living man or other vertebrate animals or vegetation to which

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it is applied, or to the person applying such pesticide: Provided, the physical or physiological effects on plants or parts thereof shall not be deemed to be injurious when this is the purpose for which the plant growth regulator, defoliant or desiccant was applied, in accordance with the label claims and recommendations.

(s) "Other agricultural chemicals" mean chemicals, chemical inputs, and chemical compounds not herewith covered by the definition of fertilizer and pesticide but utilized by the agricultural sector.

(t) "Person" means any individual, agency, partnership, cooperative, association, or corporation.

(u) "Pest" means any insect, rodent, bird, fish, mollusk, nematode, bacterium, fungus, weed microorganism, virus and/or other kind of plant or animal life which, by its presence in, on or near a structure may injure or damage such structure or the contents thereof, or may annoy or endanger the health and safety of occupants of said structure, or which, by its presence in, or near a plant or animal may endanger, damage or destroy said plant or animal.

(v) "Pesticide" means any substance or product, or mixture thereof, including active ingredients, adjuvants and pesticide formulations, intended to control, prevent, destroy, repel or mitigate, directly or indirectly, any pest. The term shall be understood to include insecticide, fungicide, bactericide, nematocide, herbicide, molluscicide, avicide, rodenticide, plant regulator, defoliant, desiccant, and the like.

(w) "Pesticide formulation" means any mixed or unmixed product intended to be used for controlling, destroying or repelling any pest or for preventing its growth or mitigating its effects.

(x) "Plant regulator" means any substance or mixture of substances intended, through physiological action, for accelerating or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but excluding substances intended as plant nutrients, beneficial trace elements, nutritional chemicals, plant inoculants and soil amendments.

(y) "Provisional permit" means a numbered permit issued to allow marketing for use of a pesticide on a limited basis and under stipulated conditions, including safety and health precautions during distribution and use, as regards periods of use, methods of application or otherwise, for the purpose of obtaining information needed before granting a registration.

(2) "Registrant" means the person who has registered any pesticide in accordance with the provisions of these rules.

## ARTICLE II

### Registration of Pesticides

**SECTION 1.** No pesticide shall be imported, exported, manufactured, formulated, repacked, distributed, delivered; sold or offered for sale, transported, delivered for transportation, or used unless it has been duly registered with the Authority or covered by a numbered provisional permit issued by the Authority for use in accordance with the conditions stipulated in the permit. Separate registration shall be required for each brand and formulation of pesticides.

**SECTION 2.** Any person may file an application for registration of a pesticide, which must be in the prescribed form, addressed to the Authority and under oath, containing complete and detailed information required, which shall include:

- (a) The proposed trade name of the pesticide and other agricultural chemicals.
- (b) A statement of the composition, including all ingredients; and the chemical identities of its active ingredients, including their stability in storage.
- (c) Adequate toxicological data (i.e., oral, dermal and inhalation) concerning the active ingredients.
- (d) Instructions for use, precautionary matters, first aid, claims and other statements, which are proposed for the labelling.
- (e) Reports of official or other accredited experimental stations on biological tests concerning the efficiency and safety of the pesticide, particularly under Philippine conditions.
- (f) Methods of analysis of the formulated compound.
- (g) Methods for determination of its residues; and
- (h) Such samples or information relative to the efficiency or safety of the pesticide as may be required by the Authority.

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*SECTION 3.* The contents of an application, as well as information disclosed in the course of its examination and processing, shall be treated as confidential matters, and shall not be revealed publicly or to any person unless authorized by the applicant in writing.

*SECTION 4.* The Authority shall, after such notice and hearing as may be deemed necessary by the Authority or requested by applicant, cause the registration of the pesticide subject of the application and the issuance to the applicant of a certificate thereof, if it is adequately shown that:

- (a) Adequate tests by all methods reasonably applicable have shown that such pesticide is effective and safe for use under the conditions prescribed, recommended, or suggested in the proposed label thereof; and
- (b) The methods, facilities and controls used in and for the manufacture, processing, packing and storage of such pesticide are adequate to preserve its identity, strength, quality and purity.

The certificate of registration shall be conspicuously displayed in the place of business of the registrant.

*SECTION 5.*

(a) If the Administrator determines that some of the uses for which the pesticide is registered should be for general use and that other uses for which it is registered should be for restricted uses, he shall classify it for both general use and restricted use. If some of the uses of the pesticide are classified for general use and other uses are classified for restricted use, the directions relating to its general uses shall be clearly separated and distinguished from those directions relating to its restricted uses. Provided, however, that the Administrator may require that its packaging and labelling for restricted uses shall be clearly distinguishable from its packaging and labelling for general uses.

(b) If the Administrator determined that the pesticide when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, will not generally cause unreasonable adverse effects on the environment, he will classify the pesticide, or the particular use or uses of the pesticide to which the determination applies for general use.

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(c) If the Administrator determines that the pesticide, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator, he shall classify the pesticide, or the particular use or uses to which the determination applies, for restricted use;

(1) If the Administrator classifies a pesticide, or one or more uses of such pesticide, for restricted use because of a determination that the acute dermal or inhalation toxicity of the pesticide presents a hazard to the applicator or other persons, the pesticide shall be applied only by or under the direct supervision of a certified applicator.

(2) If the Administrator classifies a pesticide, or one or more uses of such pesticide, for restricted use because of a determination that its use without additional regulatory restriction may cause unreasonable adverse effects on the environment, the pesticide shall be applied for any use to which the determination applies only by or under the direct supervision of a certified applicator, or subject to such other restrictions as the Administrator may provide by regulation.

**SECTION 6.** Each registration shall be in force for a period of three (3) years, unless sooner revoked, subject to renewal for a similar period under the same conditions applicable to original registration.

**SECTION 7.** All pesticides already in the market on the date of issuance of PD 1144 shall be issued provisional registration, Provided, that the required supporting data are submitted to the Authority within a period of one (1) year and at the expiration of which period they shall be withdrawn from the market unless they are registered in accordance with the procedure herein prescribed: Provided, further that the Authority shall act on an application within six months from receipt thereof.

ARTICLE III

Licensing of Pesticide Handlers

*SECTION 1.* No person shall engage in the business of importing, manufacturing, formulating, repacking distributing, storing or selling any pesticide, except under a license issued by the Authority pursuant to these regulations. A separate license shall be required for each establishment or place of business, subject to these rules, to be conspicuously displayed therein.

*SECTION 2.* License for Commercial Applicators. - All commercial applicators of pesticides shall apply for a license, on a form to be supplied by the Authority and shall obtain a commercial applicator's license and be assigned a license number by the Authority before such person shall perform services as a commercial applicator. Each commercial applicator shall obtain a license for each place of business maintained in the Philippines.

Aerial commercial applicators shall register with the Civil Aeronautics Administration as well as the Authority.

The Authority shall require proof of competence and responsibility before issuing a license. Upon receipt of a properly executed application and payment of the required fees, the Authority shall issue a license permitting a person to make commercial applications of pesticides unless the Authority has reason to believe that such issuance will not be in the public interest. A person holding licenses as pest control operator or plant pest and disease control operator issued by the Bureau of Plant Industry before the promulgation of PD 1144 may be exempted from the above requirements and be permitted to engage in the trade after having duly presented an application to this effect with the Authority.

*SECTION 3.* An application for a license, which must be under oath and addressed to the Authority shall be filed in the prescribed form, containing the complete and detailed information about the applicant required therein, which shall include, among others, the initial capital investment of the applicant, the activity for which a license is sought, and the handling and storage facilities of the applicant.

*SECTION 4.* The Authority shall, after such notice and hearing as may be deemed necessary by the Authority or requested by applicant, cause the issuance of a license to the applicant if it is adequately shown that the activity to be licensed will be conducted in a safe and suitable manner and location.

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*SECTION 5.* Each license shall, unless sooner revoked, be in force for a period of three (3) years, and shall be subject to renewal for a similar period within the first three (3) months of the expiry year under the same conditions applicable to the original license.

ARTICLE IV

Suspension and Revocation of Registration or License

*SECTION 1.* The Authority may suspend or revoke the registration of any pesticide on any of the following grounds:

- (a) Tests by new methods, or tests by methods not deemed necessarily applicable when such registration become effective, show that such pesticide is unsafe for use under the condition of use upon which the application become effective.
- (b) After investigation, the person is found guilty of violating any provision of these rules, without prejudice to appropriate criminal proceeding to be instituted by the Authority or the Secretary.
- (c) After investigation and hearing, such pesticide when used as recommended is found to be injurious, harmful, detrimental, hazardous to animal and plant life, public health and the environment, or is an imminent hazard.
- (d) The application for registration or its renewal contains any false statement of a material fact.

*SECTION 2.* Any license granted under these rules may be suspended or revoked on any of the following grounds:

- (a) False statement of material fact in the application or in any record, report, or statement which may be required of the license.
- (b) Violation of, or failure to observe any of the terms and provisions of these rules or any reasonable regulation, requirement or order of the Authority or the Secretary.

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- (c) Refusal to allow inspection by the Authority or the Secretary or their authorized representatives, as prescribed in these rules.
- (d) Commission of any of the acts prohibited by Section 1 and 2, Article VIII of these rules.

ARTICLE V

Labelling, Packaging and Advertising  
of Registered Products

*SECTION 1.* Every container of pesticide offered for sale, distribution, storage and use shall bear a label printed, stencilled, marked, embossed or impressed on or attached to it, which must, inter alia, include the following:

- (a) A statement of the composition by percentage, including all ingredients and the chemical identity of the active ingredient(s);
- (b) The registration or provisional permit number;
- (c) The name and address of the holder of the registration or provisional permit;
- (d) The common name;
- (e) The net content in metric unit, of the pesticide in the container;
- (f) Adequate directions concerning the manner in which the pesticide is to be used and the time of application;
- (g) Warning and cautionary statements including the symptoms of poisoning and suitable and adequate safety, health and first aid treatment measures;
- (h) A suitable indication of hazard, including the appropriate pictorial warning for highly toxic substances;
- (i) Instructions concerning the decontamination and safe disposal of used containers;
- (j) Such label claims, if any, as have been accepted by the Authority;

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- (k) The lot number and the year of formulation; and
- (l) Such further statements as may be prescribed by any other government instrumentality.

*SECTION 3.* No label shall be detached, altered, defaced, changed or destroyed, in whole or in part, in a manner that will defeat the purpose of existing rules and regulations.

*SECTION 4.* No substance shall be added to or taken from any pesticide earlier labelled in accordance with the provisions of these rules, unless properly registered.

*SECTION 5.* No pesticide shall be repacked by any unlicensed person.

*SECTION 6.* A Pesticide labelled in accordance with these rules which has so decomposed or deteriorated as to be ineffective or dangerous, or which packaged in containers which have exteriorated or have been damaged so as to be dangerous in storage and use, shall not be offered for sale or distribution.

*SECTION 7.* Pesticides approved and registered by the Authority shall not be advertised in a manner that is false, misleading, and deceptive, and not justified by the conditions of their registration.

*SECTION 8.* Any written, printed or graphic material relating to and accompanying a pesticide when held, transported, distributed, stored, sold or offered for sale, used in the country, or imported shall include the substance label statements prescribed in Section 1 of this Article.

In case of smallness of container or where there is insufficiency of label space, the accurate statement of the quantity of the content, in terms of weight, measure or numerical count shall appear on the accompanying carton or other outer container or wrapper, provided however, that the immediate container shall bear the name of the pesticide and identifying or control number.

*SECTION 9.* The registration or provisional permit number shall appear on the label in the official script of the Authority and in characters the size of which shall be determined by the Authority.

ARTICLE VI

Inspection of Books & Records, & Reports  
of Licenses & Establishments

SECTION 1. BOOKS & RECORDS, REPORTS

- a. Books & Records - The Administrator may prescribe regulations requiring any person or handler that manufactures, formulates, prepares, compounds, repack, or processes any pesticide or other agricultural chemicals to maintain books and records with respect to their operations and the pesticide produced as he determines necessary for the effective enforcement of the PD 1144.
- b. Reports - Any person or handler, or any other person who sells or offers for sale, delivers or offers for delivery any pesticides or other agricultural chemicals subject to PD 1144 shall upon request of any officer or employee of the Fertilizer and Pesticide Authority, duly designated by the Administrator, furnish reports on the following:
  1. Quantity/volume, value of each kind of pesticide or other agricultural chemicals exported, imported, manufactured, produced, formulated, repacked, stored, delivered, distributed, or locally sold;
  2. In case of importation, all records showing the delivery and movement of pesticides or other agricultural chemicals including quantity, active ingredients content, letters of credit, invoices and all other documents relating to the importation of such products;
  3. Other pertinent data/information that may be required by the Authority.

SECTION  
INFORMATION

2. PROTECTION OF TRADE SECRETS AND OTHER

- a. In General - In submitting data required by PD 1144, the applicant may (1) clearly mark any portions thereof which in his opinion are trade secrets or commercial or financial information and (2) submit such marked material separately from other material required to be submitted under PD 1144.

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- b. Disclosure - Notwithstanding any other provision of PD 1144, the Administrator shall not make public, information which in his judgement contains or relates to trade secrets or commercial or financial information obtained from a person and privileged or confidential except that, when necessary to carry out the provision of PD 1144, information relating to formulas of products acquired by authorization of PD 1144 may be revealed to any government agency consulted and may be revealed at a public hearing or in findings of fact issued by the Administrator.
- c. Disputes - If the Administrator proposes to release for inspection information which the applicant or registrant believes to be protected from disclosure under subsection (b), he shall notify the applicant or registrant, in writing, by registered mail.

The Administrator shall not thereafter make available for inspection such data until thirty (30) days after receipt of the notice by the applicant or registrant. During this period, the applicant or registrant may institute an action in an appropriate court for a declaratory judgement as to whether such information is subject to protection under subsection (b).

### SECTION 3. INSPECTION AND ESTABLISHMENTS

- a. In General - For purposes of enforcing the provisions of PD 1144 officers or employees duly designated by the Administrator are authorized to enter at any time, any establishment or other place where pesticides are held for distribution or sale for the purpose of inspecting and obtaining samples of any pesticides packaged, labelled, and released for shipment, and samples of any containers or labelling for such pesticides.

Before undertaking such inspection, the officers or employees must present appropriate credentials to the owner, operator, or any agent in charge of the establishment, or other place where pesticides are held for distribution or sale. If the officer or employee obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or agent in charged a receipt describing the samples obtained and, if requested, portion of each such sample equal in

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volume or weight to the portion retained. If an analysis is made of such samples, a period of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

ARTICLE VII

Fees

*SECTION 1.* Under these rules, fees shall be charged according to the following payments:

- a. For filing an application for the registration of a Pesticide, P100.00.
- b. For filing of an application for a license to import, manufacture, formulate, repack, wholesale or retail pesticides, P100.00.
- c. For each certificate of registration of a pesticide, P200.00 per active ingredient per formulation and for renewal thereof, P100.00 per active ingredient per formulation.
- d. For license issued to import, manufacture, formulate, repack or wholesale pesticides, or its renewal:

SCHEDULE 1. P1,000.00 yearly (Operating Capital over P1,000,000.00)

SCHEDULE 2. P500.00 yearly (Operating Capital of more than P500,000.00 but not over P1,000,000.00)

SCHEDULE 3. P300.00 yearly (Operating Capital of P500,000.00 and below).

- e. For Commercial Pest Control Operators and Certified Applicators, license fee of P300.00.
- f. For Commercial Aerial Applicators, a license fee of P500.00.

ARTICLE VIII

Prohibited Acts and Penalties

SECTION 1. The following acts are prohibited by these rules:

- a. To import, manufacture, formulate, store, distribute, give, sell or offer for sale, transport, deliver for transportation or use any pesticide:
  1. Which has not been previously registered pursuant to these rules or the registration of which has expired or been suspended or revoked.
  2. Which is adulterated or misbranded.
  3. If any of the claim made for it, or if any of the directions for its use, differ in substance from the representation made in connection with its registration.
  4. Which contains any substance or substances in quantities highly toxic to man or animals unless its label bears:
    - (aa) Information required in Article II of these rules;
    - (bb) Skull and crossboned;
    - (cc) The word "poison" prominently in bold letter on a background of distinctly contrasting color;
    - (dd) A statement of an antidote for the pesticide; and
    - (ee) Instructions for safe disposal of the container.
  5. Which has not been distinctly colored or discolored in the case of arsenic compounds such as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, sodium flouride, sodium flousilicate and barium flousilicate.

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- b. To engage in the importation, exportation, manufacture, storage, formulation, repacking, distribution and sale of pesticides without securing from the Authority a license thereof.
- c. To detach, alter, deface, destroy, mutilate, obliterate, change or remove, in whole or in part, any label or labelling provided for in these rules, or to add any substance from, any pesticide or other if such act is done while such article is held for sale and results in such article being adulterated or misbranded.
- d. To give a guarantee that the pesticide was lawfully registered at the time of sale and delivery, and that such products comply with all the requirements of these rules, when they are registered or when they have not complied with such requirements.
- e. To use for selfish advantage or to disclose, other than to the Authority or the Secretary in respect to official functions, or to the course in response to a subpoena, to physicians, and in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes, any information relative to formulae of products required in Article II of these rules.
- f. To forge, falsify, counterfeit, simulate, or falsely represent, or to use without authority any mark, stamp, tag, label or other identifying device authorized or required by regulations promulgated under these rules.
- g. To use without authorization in advertising or sales promotion reference to any report or analysis made pursuant to Article II of these rules.
- h. To deliberately apply any pesticide in such a way as to endanger or damage seriously the health, welfare or property of any person or pollute or cause pollution of public waters.
- i. To fraudulently weaken or adulterate a pesticide.
- j. To fraudulently make use of or alter official certificates of pesticide analysis.
- k. To make unauthorized disposition of pesticides held under custody pursuant to these rules.

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1. Hoarding, profiteering or injurious manipulation with respect to supply, distribution, and marketing of pesticide.
- m. To sell pesticide or other agricultural chemicals with active ingredient content or net weight which differ in a material way from that stated in the label.

*SECTION 2.* Whenever necessary in the interest of public or environmental safety, the Authority may, after due hearing from time to time, issue circulars prohibiting the use or sale or delivery for actual use of certain pesticides, without authorization as may be required therein.

*SECTION 3.* Any person who violates any of the provisions of PD 1144 or any of the provisions of the rules and regulations issued or promulgated by FPA on pesticides shall be liable to a penal servitude of not in excess of one year or a fine of P5,000.00 but not more than P10,000.00 provided that if the violation is committed by a corporation, firm, partnership, cooperative, association or any other entity, the penalty shall be imposed upon the guilty officials or officers of such entities.

*SECTION 4.* Whenever necessary to prevent or control serious injury or damage to plant or animal life, public health and the environment, any pesticide prohibited under these rules or in respect of which there is reasonable ground to believe a violation of Section 1 and Section 2 of this Article has been committed may be summarily impounded, removed, stopped from being sold or used, and seized by the Authority or the Secretary to await final proceedings and disposition.

## ARTICLE IX

### Miscellaneous Provisions

*SECTION 1.* All licenses issued pursuant to these rules, including any right, title or interest in them, shall be strictly non-transferable.

*SECTION 2.* The Authority, may, in its discretion, issue a provisional certificate of registration or license pending final action on an application for registration or license, to allow marketing or use of a pesticide on a limited basis and under stipulated conditions, including safety and health precautions during distribution and use, as regards period of use, methods of application or otherwise.

SECTION 3. Any change in label claims or composition of a registered pesticide which is significant in point of health or effectiveness shall be subject to the prior approval of the Authority and require a new certificate of registration and the payment anew of corresponding fees.

SECTION 4. These rules shall not apply to the following:

- a. Articles intended solely for export to any foreign country and prepared and packed according to the specifications or direction of the foreign purchaser certifies that fulfillment of order is not contrary to laws of the importing country and provided further that their manufacture, formulation and packaging are carried out in conformity with laws governing the prevention of accidents and the protection of health in the country.
- b. Articles in transit, provided that their labelling and packaging are subject to laws governing national and international transport.
- c. Articles produced or used solely for experimental or research purposes.

SECTION 5. Every wholesaler of pesticides shall submit to the Authority within the month of January of each year, a complete list of their retail outlets, notifying the Authority promptly of any changes therein during the year.

SECTION 6. Other agricultural chemicals are subject to all applicable rules and regulations on pesticides.

SECTION 7. The Central Bank, Bureau of Customs, and other government agencies, subdivisions and instrumentalities, national or local, having anything to do officially with the importation, manufacture, distribution, storage, sale and use of pesticides are hereby strictly enjoined, before passing upon matters coming within their cognizance respecting pesticides, to see to it that these rules have been observed and complied with. The various Collectors of Customs shall notify the Authority of the arrival in the country of every shipment of pesticides.

SECTION 8. These rules and regulations shall take effect thirty (30) days after publication in a local newspaper of national circulation.