

Environmental Contaminants (Pesticides) Regulation 1988

Unvalidated References:

Environmental Contaminants Act 1978

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel

Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1988.

Environmental Contaminants (Pesticides) Regulation 1988

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3. Application for permit to import, etc., pesticide.
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Environmental Contaminants (Pesticides) Regulation 1988

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *Environmental Contaminants Act 1978*.

Dated 200 .

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears—

“**distinguishing name**” means the name under which a pesticide is labelled, registered and promoted by the manufacturer and which, if protected under national legislation, can be used exclusively by the manufacturer to distinguish the product from other pesticides containing the same active ingredient;

“**formulation**” means the combination of various ingredients designed to render the product

useful and effective for the purpose claimed, it being the form of the pesticide as purchased by users;

“hazardous environmental contaminants” includes pesticides;

“pesticide”–

(a) means any substance or mixture of substances intended for preventing, destroying or controlling any–

(i) pest or animal causing harm during, or otherwise interfering with, the production, processing, storage, transport or marketing of–

(A) food; or

(B) agriculture commodities; or

(C) wood or wood products; or

(D) animal feedstuff; or

(ii) unwanted species of plants; or

(iii) plant diseases; or

(iv) vector of human or animal diseases; and

(b) includes any substance or mixture of substances–

(i) administered to animals for the control of insects, arachnids or other pests in or on their bodies; or

(ii) intended for use as a–

(A) plant growth regulator; or

(B) defoliant; or

(C) desiccant; or

(D) fruit thinning agent; or

(E) treatment to prevent premature fall of fruit; or

(iii) applied to crops either before or after harvest to protect the commodity from deterioration during storage and transport; and

(c) excludes substances or mixtures of substances–

(i) formulated as aerosols and intended for pest control, provided they meet the requirements specified in the Pesticide Guidelines issued under Section 7; or

(ii) used for the control of ectoparasites other than on ruminants, horses and pigs; or

(iii) used for the control of endoparasites; or

(iv) formulated as coils or vapour releasing products and intended for mosquito control provided they contain only pyrethrum and/or synthetic pyrethroids as the active ingredient; or

(v) supplied free of charge, for research purposes only, in quantities of not more than 1kg or 11;

“**product**”, in relation to a pesticide, means the pesticide in the form in which it is packaged and sold.

2. PESTICIDE DECLARED TO BE A HAZARDOUS ENVIRONMENTAL CONTAMINANT.

For the purposes of the Act, a pesticide is a hazardous environmental contaminant.

3. APPLICATION FOR PERMIT TO IMPORT, ETC., PESTICIDE.

An application for a permit to import, sell, manufacture or distribute a pesticide shall be in Form 1 of Schedule 1.

4. PERMIT TO IMPORT, ETC., PESTICIDE.

A permit to import, sell, manufacture or distribute a pesticide shall be in Form 2 of Schedule 1.

5. TRANSFER OF PERMIT.

An application to transfer a permit to import, sell, manufacture or distribute a pesticide shall be in Form 3 of Schedule 1.

6. FEES.

Fees to be paid in respect of an application for a permit, an application for transfer of a permit or the grant of a permit are as specified in Schedule 2.

7. PESTICIDE GUIDELINES.

The Minister, may from time to time issue guidelines to be known as Pesticide Guidelines concerning the importation, sale, manufacture, distribution, promotion, advertisement and use of pesticides.

8. RECORDS OF IMPORTS, ETC., OF PESTICIDES.

The holder of a valid permit under Section 34 of the Act to import, sell, manufacture or distribute a pesticide shall, no later than 31 March in each year, send to the Registrar a return in Form 4 of Schedule 1 of records of the amount of the pesticide imported, sold, manufactured or distributed, as the case may be.

9. PACKAGING AND ADVERTISING OF PESTICIDES.

(1) Pesticides shall be packed in containers adequate to stand up to normal wear and tear during storage and transportation.

(2) A label, of a type and design approved by the Minister, shall be firmly affixed to any container of pesticides imported, distributed or sold.

(3) An advertisement made in respect of a pesticide product shall, in the opinion of the Minister, be technically justifiable.

10. OFFENCES.

A person who fails to comply with a provision of this Regulation is guilty of an offence.

Penalty: A fine not exceeding K5000.00.

Default penalty: A fine not exceeding K1000.00.

SCHEDULE 1

PAPUA NEW GUINEA.

Environmental Contaminants Act 1978.

Form 1 – Application for a permit to import/sell/manufacture/distribute a pesticide.

Act, s34(2). FORM 1.Reg., s3.

2 Copies to be submitted

Permit No:

Receipt No:

1. Type of Permit Sought: Import/Distribute/Manufacture/Sell
(Delete where not applicable)
2. Product Name
3. Name and Address of Applicant
4. Active Ingredient(s) (using ISO nomenclature) and Concentration in g/kg (solids) or g/l (liquids)
5. Formulation:
6. Use Type:
7. WHO Classification IA, IB, II, III, Not Classified (Delete where not applicable).
8. Overseas Registration (give country and registration number)
9. Name and Address of Formulator/Manufacturer.
10. Country of Origin of the Active Ingredient.
11. Attachments.
 - (a) Summary of intended use patterns
 - (b) A statement of the need to use the pesticide in PNG.
 - (c) Evidence that the product is registered overseas (Copies of registration Certificates, affidavits or certified labels).
 - (d) 2 copies of the label which will be used when the product is imported and sold.

Signed:

Designation:

Date:

Company Seal
(where appropriate)

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Environmental Contaminants Act 1978.

Form 2 – Permit to import/distribute/sell/manufacture a pesticide.

Act, s37(3). FORM 2.Reg., s4.

Name of Product:

Name of Importer / Seller / Manufacturer / Distributor:

Permit Number:

Permit conditions:

Signed: Date:
(Registrar)

NOTES:

The accepted signed label (attached) must be used on all product entering into commerce. Failure to do this could lead to a cancellation of the permit.

Failure to provide annual records of imports or manufacture, as required under Section 8 of the *Environmental Contaminants (Pesticides) Regulation* could lead to a cancellation of the permit.

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Environmental Contaminants Act 1978.

Form 3 – Application to transfer a permit to import, sell, manufacture or distribute a pesticide.

Act, s40(2). FORM 3.Reg., s5.

Name of Importer / Seller / Manufacturer / Distributor

Permit Number:

Name of Product:

Name and Address of proposed Transferee:

Signature of permit holder:

Signature of proposed transferee:

PAPUA NEW GUINEA.

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*Form 4 – Return of pesticide imported/manufactured during the 12 months ending 31
December 19....*

Reg., s8. FORM 4.

<u>Permit No.</u>	<u>Product Name</u>	<u>Kg or litres</u>	<u>Kg of Active</u>
		<u>Product</u>	<u>Ingredient</u>

NOTE:

Separate returns should be submitted for formulated products being imported and for products manufactured or formulated locally

Signature

Capacity

For:
(Permit Holder)

SCHEDULE 2 – FEES AND PENALTIES.

Permit Application Fee

K 20

Permit Transfer Application Fee	K 20
Permit Grant Fee	K100
Fee for copy of permit	K 5

Office of Legislative Counsel, PNG

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