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CONTROL OF PLANTS ACT

(CHAPTER 57A, SECTION 48)

CONTROL OF PLANTS (REGISTRATION OF PESTICIDES) RULES

History	G.N. NO. S 28/94	->	1995 REVISED EDITION	->	R3 2000 REVISED EDITION
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[18th February 1994]

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CONTROL OF PLANTS ACT

(CHAPTER 57A, SECTION 48)

CONTROL OF PLANTS (REGISTRATION OF PESTICIDES) RULES

[18th February 1994]

Citation

1. These Rules may be cited as the Control of Plants (Registration of Pesticides) Rules.

Definitions

2. In these Rules, unless the context otherwise requires —

"active ingredient" , in relation to a pesticide, means —

(a) where the pesticide is not a formulated product, the chemical of which the pesticide is comprised; or

(b) where the pesticide is a formulated product, the chemical that is principally responsible, or the chemicals that together are principally responsible, for its biological effects;

"cultivation of plants" has the same meaning as in the Control of Plants (Cultivation of Plants) (Licensing and Certification) Rules (R 2);

"label" means any printed statement appearing on or affixed to a container or package in which a pesticide is sold or supplied;

"registrant" means the person who has applied for and secured the registration under these Rules of a pesticide for use in the cultivation of plants in Singapore.

Applicant for registration of pesticide

3. —(1) An application for the registration under these Rules of a pesticide for use in the cultivation of plants in Singapore may be made by any person who —

(a) manufactures, imports, distributes, supplies or sells the pesticide;

(b) carries on business in Singapore; and

(c) is —

(i) registered under the Business Registration Act (Cap. 32); or

(ii) a company incorporated or a corporation registered under the Companies Act (Cap. 50).

(2) No person shall distribute, supply, sell or expose or offer for sale any pesticide for use in the cultivation of plants in Singapore unless the pesticide has been registered under these Rules.

(3) Any person who contravenes paragraph (2) shall be guilty of an offence.

Form and contents of, and fee for, application

4. —(1) Every application for the registration of a pesticide under these Rules shall be made in such form as the Director-General may provide and shall be accompanied by a fee of \$465.

(2) Subject to paragraph (3), every application for the registration of a pesticide shall contain the following information:

(a) the name and address of the applicant;

(b) the trade name or the brand name under which the pesticide is to be sold or supplied;

- (c) the name by which the pesticide is commonly known or referred to;
- (d) the composition of the pesticide and the chemical name of every constituent of the pesticide, whether active or inert;
- (e) the uses of the pesticide for which registration is being sought and its efficacy for each of such uses;
- (f) the physical and chemical properties of the pesticide and its active ingredient;
- (g) the method for the determination of the content of the active ingredient in the pesticide;
- (h) the toxicological effect of the pesticide, its active ingredient and the residues thereof on mammals, wildlife, aquatic organisms and non-target organisms;
- (i) the environmental fate data of the pesticide, including data relating to the degree of persistence, retention, movement and metabolic breakdown of its active ingredient in the environment;
- (j) the chemistry of the residue of the pesticide and its active ingredient in crops and the methods for the detection and analysis of such residue in crops;
- (k) the methods for the application of the pesticide, including the safety measures to be taken when applying the pesticide;
- (l) the antidote to the pesticide, if any, and first aid instructions in case of poisoning by the pesticide;
- (m) the methods for the detoxification or neutralisation of the pesticide or its active ingredient in the environment and for the disposal of the pesticide;
- (n) whether the pesticide has been registered or approved (however described) for use in the cultivation of plants in any foreign country and if so —
 - (i) the name of the foreign country;
 - (ii) the limitations, if any, imposed in the foreign country on the use of the pesticide; and
 - (iii) any information relating to the residue tolerances of the pesticide as may have been derived from its use in the foreign country;
- (o) whether approval has been obtained from the relevant authorities in Singapore for the manufacture or import of the pesticide; and
- (p) such other information as the Director-General may require.

(3) The Director may, in any particular case, waive the requirement for the provision of any of the information referred to in paragraph (2) (f) to (n) where he is satisfied that the lack of such information will not impair his assessment as to whether the pesticide satisfies the requirements for registration as specified in rule 7 (1) (b).

(4) The fee paid under this rule shall not be refundable.

Applicant to provide samples

5. Every applicant for the registration of a pesticide under these Rules shall, unless otherwise directed by the Director-General, provide the Director-General with —

- (a) a sample each of the pesticide and its active ingredient in such amount and in such manner as the Director-General may require for the purpose of analysis;
- (b) a copy of any report made after any test or laboratory or field experiment conducted (whether in Singapore or elsewhere) in relation to the use or effect of the pesticide; and
- (c) a sample of the container and package in which the pesticide is to be sold or supplied and any label which is to be printed on or affixed to the container or package.

Director-General may require further tests to be conducted on pesticide

6. Upon receiving an application under rule 3, the Director-General may, in his discretion, direct the applicant or any other person, testing authority or organisation appointed by the Director-General, to conduct further tests on the pesticide or its active ingredient under local conditions to —

- (a) verify any of the information provided by the applicant under rule 4 (2) (e) to (m) in respect of the composition, chemistry, properties, use, efficacy, effect and environmental fate of the pesticide or its active ingredient;
- (b) verify any information relating to the pesticide or its active ingredient as contained in any report provided by the applicant under rule 5 (b); or
- (c) determine any information relating to the pesticide or its active ingredient which the applicant has been unable to provide.

Registration of pesticide

7. —(1) Subject to paragraphs (1A) and (1B), the Director-General may, in his discretion and subject to such terms and conditions as he may think fit to impose, register a pesticide for use in the cultivation of plants in Singapore if he is satisfied —

- (a) that the applicant has, subject to rule 4 (3), provided all the information required under rule 4 (2) in his application and that the information so provided is correct in all material particulars;
- (b) that, having regard to the information provided by the applicant and the result of any test conducted under rule 6, the pesticide will be effective if applied for its represented uses in the cultivation of plants and if so used will not constitute undue hazard to —
 - (i) persons exposed to it or to its residues or consuming or otherwise using any product containing its residues;
 - (ii) the environment;
 - (iii) persons applying or using it;
 - (iv) the plants in the cultivation of which it is to be used; and
 - (v) animals or living organisms (not being the target of the pesticide) which may be exposed to it or to its residues; and

(c) that the container, in which the pesticide is to be sold or supplied and the label printed thereon or affixed thereto, conforms with the requirements specified in the Second Schedule.

(1A) Where —

(a) a registrant of a pesticide has provided the Director-General with information relating to the safety or efficacy of the pesticide under rule 4, 5 or 6; and

(b) the Director-General has registered the pesticide under this rule,

the Director-General shall not, for a period of 10 years from the date on which he registered the pesticide, when considering an application by any other person to register any other pesticide with the same or a similar chemical composition, treat the registration of the pesticide as a factor favourable to the granting of the other person's application, except with the consent of the registrant.

(1B) Where —

(a) a registrant of a pesticide has —

(i) provided the Director-General with information relating to the safety or efficacy of a pesticide under rule 4, 5 or 6;

(ii) made an application in a foreign country for the pesticide to be registered or approved (however described) for use in the cultivation of plants in the foreign country; and

(iii) provided information relating to the safety or efficacy of the pesticide in support of the application in the foreign country;

(b) the Director-General has registered the pesticide under this rule; and

(c) the application referred to in sub-paragraph (a) (ii) has been granted,

the Director-General shall not, for a period of 10 years from the date on which he registered the pesticide or the date on which the application referred to in sub-paragraph (a) (ii) was granted, whichever is the later, when considering an application by any other person to register any other pesticide with the same or a similar chemical composition, treat the granting of the application referred to in sub-paragraph (a) (ii) as a factor favourable to the granting of the other person's application, except with the consent of the registrant.

(2) Notwithstanding paragraphs (1), (1A) and (1B), the Director-General may refuse to register the pesticide without assigning any reason.

(3) The Director-General shall inform the applicant in writing as to whether his application for the registration of the pesticide is granted or refused.

(4) Upon registering a pesticide under these Rules, the Director-General shall —

(a) assign a registration number to the pesticide;

(b) issue a certificate of registration of the pesticide to the applicant;

(c) make a record of the registration of the pesticide in the register to be maintained by him under rule 9; and

(d) as soon as practicable, cause a notification of the registration to be published in the *Gazette* for general information.

(5) The registration of a pesticide shall take effect from the date stated in the certificate of registration.

Registration mark

8. —(1) Where a pesticide has been registered by the Director-General under rule 7, the registrant shall cause a registration mark to be printed on the label which is printed on or affixed to every container or package in which the pesticide is to be sold or supplied.

(2) The registration mark shall be in such form and shall contain such particulars as the Director-General may require.

Register of pesticides

9. —(1) The Director-General shall maintain, in such form as he thinks fit, a register of all pesticides which have been registered under these Rules.

(2) Any person may, with the approval of the Director-General or an officer authorised by him, inspect the register or obtain from the Director-General or the authorised officer any information contained therein in respect of any registered pesticide.

Cancellation of registration

10. —(1) The Director-General may, subject as hereinafter provided, cancel the registration of a pesticide if he is satisfied —

(a) that, having regard to any information received by him subsequent to the registration of the pesticide concerning the effects thereof, the hazards arising from the use of the pesticide in the cultivation of plants outweighs the advantages thereof;

(b) that the registrant has procured the registration of the pesticide by providing any information or document or making any statement or representation, which is false;

(c) that the registrant has failed to comply with any of the conditions subject to which the pesticide has been registered;

(d) that the container or package in which the pesticide is being sold and the label printed thereon or affixed thereto do not comply with the requirements of these Rules;

(e) that the use of the pesticide is being advertised in a manner that is false, misleading or deceptive;

(f) that the registrant has ceased to manufacture, import or distribute the pesticide for a period exceeding one year; or

(g) that the registrant has contravened or failed to comply with any of the provisions of the Act or these Rules.

(2) The Director-General shall not cancel the registration of a pesticide under this rule unless he has —

(a) not less than 2 weeks before cancelling the registration of the pesticide, served on the registrant a written notice of his intention to do so and the grounds therefor; and

(b) considered any written explanation which the registrant may give within such time as may be specified in the notice.

(3) Where the registrant to whom a notice has been served under paragraph (2) (a) submits a written explanation to the Director-General under paragraph (2) (b) within the time given to him to do so, the Director-General may, at the request of the registrant, grant him an opportunity to show cause at such time and place as may be specified by the Director-General as to why the registration of pesticide should not be cancelled.

(4) If, upon considering the written explanation submitted by the registrant under paragraph (2) (b) and upon considering any further explanation that may have been made by the registrant under paragraph (3), the Director-General is satisfied that the registration of the pesticide should not be cancelled, the Director-General may, subject to such terms and conditions which he may think fit to impose, withhold the cancellation of the registration of the pesticide.

(5) If no written explanation is submitted to the Director-General by the registrant under paragraph (2) (b) within the time given to him to do so, or if, upon considering the written explanation submitted by the registrant under paragraph (2) (b) and upon considering any further explanation that may have been made by him under paragraph (3), the Director-General is nevertheless of the opinion that the registration of the pesticide should be cancelled, the Director-General may cancel the registration of the pesticide.

(6) Where the Director-General has cancelled the registration of a pesticide under this rule, he shall —

(a) by notice in writing inform the registrant to that effect; and

(b) as soon as practicable publish in the *Gazette* and one local newspaper a notice to the effect that the registration of the pesticide has been cancelled and the effective date thereof.

Duty of registrant upon cancellation of registration

11. —(1) Upon the cancellation of the registration of a pesticide under rule 10, the registrant shall, unless the Director-General otherwise directs, forthwith take such steps as are reasonable and necessary to have the registration mark removed, cancelled or obliterated from every container, package or label on which he has printed the registration mark.

(2) Any person who contravenes or fails to comply with paragraph (1) shall be guilty of an offence.

General duties of registrant

12. —(1) It shall be the duty of a registrant to —

(a) ensure that every container in which the pesticide is sold or supplied and the label appearing thereon or affixed thereto complies with the requirements specified in the Second Schedule;

(b) inform the Director-General forthwith if he should cease to manufacture, import or distribute the pesticide in Singapore; and

(c) inform the Director-General forthwith if, subsequent to the registration of the pesticide, there is any change in any of the particulars provided by him under rule 4 (2).

(2) Any registrant who contravenes or fails to comply with paragraph (1) shall be guilty of an offence.

Supply of false information, etc.

13. Any person who, being required by or by virtue of these Rules to provide any information or to make any declaration, statement or representation or to produce any document or who, for the purpose of securing the registration of a pesticide under these Rules —

(a) provides any information or makes or presents any declaration, statement or representation which, to his knowledge, is false in any material particular; or

(b) produces any document which, to his knowledge, is false in any material particular or has not been made by the person by whom it purports to have been made, or has been in any way altered or tampered with,

shall be guilty of an offence.

Forgery of registration mark

14. —(1) No person shall —

- (a) forge or counterfeit a registration mark;
- (b) print on or affix to any container, package or label a forged or counterfeit registration mark; or
- (c) distribute, supply, sell or expose or offer for sale any unregistered pesticide the container, package or label of which bears a forged or counterfeit registration mark.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence.

Penalty

15. Any person who is guilty of an offence under these Rules shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

16. *Deleted by S 356/2004, wef 01/07/2004.*

FIRST SCHEDULE

Deleted by S 356/2004, wef 01/07/2004.

SECOND SCHEDULE

Rules 7 (1) (c) and 12 (1) (a)

REQUIREMENTS FOR PESTICIDE LABEL AND CONTAINER

1. Requirements for pesticide label

(1) There shall be printed on or affixed to every container or package in which any pesticide intended for use in the cultivation of plants is to be sold or supplied, a label stating clearly in English and one of the other official languages of Singapore —

- (a) the trade name or the brand name under which the pesticide is to be sold or supplied;
- (b) the composition of the pesticide and the chemical name of every constituent of the pesticide, whether active or inert;
- (c) the type of formulation of the pesticide;
- (d) the type of crop in the cultivation of which the pesticide may be used or applied;
- (e) the directions for the use of the pesticide together with the safety measures to be taken when applying the pesticide;
- (f) in the case of a pesticide to be used on food crops, the recommended interval before the last application of the pesticide and the harvest of the crop;
- (g) the relevant hazard and caution statements and graphic symbols recommended by the WHO/FAO Hazard Classification Code;

(h) the antidote to the pesticide, if any, and first aid instructions in case of poisoning by the pesticide;

(i) the net weight and volume of the pesticide in the container in which it is sold or supplied;

(j) the name and address of the Singapore manufacturer, importer, distributor, supplier or seller of the pesticide who applied for the pesticide to be registered; and

(k) any other information that the Director-General may require.

(2) Where the application for the registration of the pesticide under these Rules has been granted, there shall also be printed on the label a registration mark in such form and containing such particulars as the Director-General may require.

2. Requirements for pesticide container

The container in which any pesticide intended for use in the cultivation of plants is to be sold or supplied shall be impervious to the pesticide and sufficiently strong to prevent leakage from ordinary risks of handling.

[G.N. Nos.S28/94;S 136/98]

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