

THE PESTICIDES ACT OF BHUTAN 2000

Royal Government of Bhutan

Ministry of Agriculture

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THE PESTICIDES ACT OF BHUTAN, 2000

PREAMBLE

An Act to regulate the safe use and handling of chemicals to prevent public health and environmental hazards.

CHAPTER 1 PRELIMINARY

1 Title, extent and commencement

1.1 This Act shall be called “The Pesticides Act of Bhutan, 2000”.

1.2 It shall apply to the whole of the Kingdom of Bhutan; and

1.3 It shall come into force on 13th day, 5th month of the Male Iron Dragon Year coinciding with the 14th July of the Year 2000.

2. Objectives

The objectives of this Act are:

To ensure integrated pest management is pursued, limiting the use of pesticides as the last resort.

To ensure that only appropriate types and quality of pesticides are introduced into Bhutan

To ensure that pesticides are effective when used as recommended;

To minimize deleterious effects to human being and the environment consequent to the application of pesticides; and

To enable privatization of sale of pesticides as and when required.

3. Definitions

In this Act unless the context otherwise requires:

“**Minister**” means the Minister of Agriculture.

“**Board**” means the Pesticide Board established under Chapter III of this Act.

“**Secretary**” means the Secretary of the Board

“**Authorized Officer**” means an officer appointed by the Minister to enforce the provisions of this Act.

“**Pesticide**” means any substance or mixture of substances intended for preventing, destroying or controlling, any pest, including vectors of human or animal disease, unwanted species of plants or animals causing harm during or otherwise interfering with the production, processing, storage, transport or marketing of food, agricultural commodities, wood and wood products or animal feeds, or which may be administered to

animals for the control of insects, arachnids or other pests in or on their bodies. The term includes substances intended for use as a plant-growth regulator, defoliant, desiccant, or agent for thinning fruit or preventing the premature fall of fruit, and substances applied to crops either before or after harvest to protect the commodity from deterioration during storage and transport.

“**Manufacture**” means to prepare, compound, formulate, mix, make, pack, label, or otherwise treat the pesticide with a view to its sale.

“**Label**” means any written, printed or graphic matter on, or attached to the pesticide, or the immediate container thereof and the outside container or wrapper of the retail package of the pesticide.

“**Maximum residue limit**” (MRL) mean the maximum concentration of a residue that is legally permitted or recognized as acceptable in or on food, agricultural commodity or animal feeds.

“**Sell**” includes offer for sale, exhibit for sale, and possess for sale, store for sale.

“**Integrated Pest Management**” means a combination of methods in which with particular attention being paid to biological, biotechnical, plant breeding and cultivation related measures, the use of pesticides is limited to an essential minimum.

“**Environment**” means land, water, air, wild species of fauna and flora and any interrelationship with living organisms.

CHAPTER IMPORT, SALE, AND USE OF PESTICIDES

II

4 Import and manufacture

- 4.1 A person may only import a pesticide that is authorized on his application under this Act.
- 4.2 A person may only manufacture a pesticide if the Minister, in consultation with the Board, regulates the circumstances of manufacturing.
- 4.3 By way of derogation from Sub-Section 4.1 of Chapter II, the government agencies responsible for plant protection, forest protection, livestock protection and vector control in human health may import pesticides; provided they are distributed for sale and use only after authorization by the Board.

5 Control of sale and licensing

- 5.1 A person may only sell a pesticide that is authorized under this Act.
- 5.2 A person may sell a pesticide only if the premise where the pesticide is kept is licensed under this Act.
- 5.3 The person who sells a pesticide must have the necessary level of integrity and reliability and possess the knowledge to give information about safe handling and appropriate use.
- 5.4 The person who sells a pesticide shall ensure that no build-up of outdated pesticides occurs and that any outdated pesticides are disposed off in the prescribed way.

6 Use

- 6.1 A pesticide must only be used with regard to its authorized application and in accordance with good professional practice. Good professional practice shall include observation of the guidelines provided by the Board and the principles of integrated pest management, where appropriate.

CHAPTER ENFORCE RULES AND PROCEDURES

III

7 Establishment of the Board.

- 7.1 For the purpose of this Act, a Board shall be established.
- 7.2 The Minister of Agriculture shall appoint the members of the Board, including the Chairman and the Secretary. The Appointment shall be for a period of five years and can be extended. The Board may include preferably the experts, which cover the following disciplines:

- a) Head of Department of Research and Development Services
- b) Head of Quality Control and Regulatory Services
- c) Head of National Plant Protection Centre
- d) Extension
- e) Environment
- f) Forestry
- g) Plant Pathology
- h) Entomology
- i) Health
- j) Plant Quarantine
- k) Research
- l) Weed Science
- m) Animal Husbandry

8 Proceedings of the Board

- 8.1 The Board may regulate its own procedure.
- 8.2 The Board is empowered to grant authorizations and develop guidelines needed for the implementation of this Act.

8.3 The Board shall consider post authorization monitoring programmes.

9 Application for authorization

9.1 a person desiring to import or manufacture pesticides shall apply to the Board in the prescribed manner for authorization.

9.2 An applicant must together with his application submit to the Board the information stipulated in the guidelines.

10 Authorization

10.1 Upon receipt of an application duly made under and in accordance with section 19 and the rules, the board may authorize the pesticide subject to such conditions as the Board thinks fit to impose and issue the applicant a certificate of authorization.

10.2 If the Board is not satisfied of any of the matters in Section 19, it shall not authorize the pesticide. The Board reserves the right to reject authorization if it considers that a sufficient number of pesticides have already been authorized for use in Bhutan.

10.3 The Board shall ensure that a pesticide is not authorized unless it is established in the light of current scientific and technical knowledge and having regard to all normal conditions under which it may be used, and to the consequences of its use that:

- a) It is sufficiently effective;
- b) It does not cause unnecessary suffering and pain to vertebrates to be controlled;
- c) It has no harmful effect on human or animal health;
- d) It has no undesirable effect on the environment; and
- e) It has an assured product quality during the period authorization.

11 Period of authorization

11.1 The period of authorization of a pesticide shall be five years but the pesticide may be re-registered at the end of five years on application by the person on whose application the pesticide was originally authorized.

12. Cancellation of authorization

12.1 The board may cancel the authorization of a pesticide if:

- a) The Board considers it undesirable that the pesticide should continue to remain authorized owing to its toxicity or inefficacy; or
- b) The pesticide does not comply with the requirements of this Act or provisions of the certificate.

13. Appeal against cancellation or refusal of authorization

13.1 If an applicant is dissatisfied with the refusal of the Board to authorize, re-authorize, or action taken to cancel an authorization, he may appeal to the Minister, whose decision shall be final.

14. Monitoring

14.1 The Quality Control and Regulatory Services (QCRS) of the Ministry of Agriculture may monitor the quality of the pesticides and ensure that the provisions of the Act are strictly abided. QCRS shall submit its reports to the Board for deliberations and decision making.

CHAPTER-IV SANCTIONS

15 Entry, search and seizure

15.1 The Ministry may appoint authorized officers for the purpose of enforcing this Act and its rules.

15.2 An authorized officer may enter into any place where a pesticide is or may reasonably be supposed to be kept or stored.

15.3 An authorized officer may search the place and may seize, detain, or remove any substance found therein that is reasonably believed to contain a pesticide in respect of which an offence against this Act is committed.

15.4 An authorized officer may mark, seal, or otherwise secure the said substance in order to effect seizure, detention, or removal thereof.

16 Complaints as to seizure, detention or removal.

16.1 A person claiming any substance seized, detained, or removed under this Act may, at any time, but not later than seven working days its seizure, detention, or removal, submits a complaint to a court.

16.2 The substance seized, detained, or removed shall, if no complaint is made under and in accordance with this Section, become the property of the government and be disposed of, by destruction or otherwise, as directed by the Minister.

17 Taking samples for analysis

17.1 An authorized officer shall obtain the necessary samples of any pesticide under this Act for analysis.

18 Penalties

18.1 A person, who commits an offence against this Act or the Rules, is liable, on conviction, to imprisonment in accordance with the Law of the Land.

CHAPTER V MISCELLANEOUS

19. Regulations

19.1 The Minister may, after consulting the Board, make rules to implement this Act and to give effect to the provisions thereof and in particular, such regulations may:

- (a) prescribe the procedure to be followed in making applications under this Act and the fees payable therefore;
- (b) provide generally for matters connected with authorization and licensing;
- (c) prescribe the manner of obtaining samples for analysis;
- (d) regulate waste disposal for pesticides;
- (e) prescribe the measure to be taken and the practice to be followed for the manufacture of pesticides;
- (f) prescribe the manner of labeling and packing pesticides, and the matters to be displayed on labels of pesticides;
- (g) regulate the maximum residue limits for food;
- (h) regulate the manner of using certain pesticides and the precautions to be taken in respect thereof;
- (i) prescribe the requirements to be fulfilled in transporting and handling pesticides in bulk;
- (j) regulate the advertising of pesticides;
- (k) prescribe procedures to control availability and application of pesticides.

20 Household pesticides

20.1 By way of derogation in Chapter II pesticides for exclusive home use can be imported, sold and used without authorization until the Minister in consent with the concerned Ministry has regulated the import, sale and use.

21. Wastes

A farmer may return obsolete pesticides to the Commission Agent from whom the pesticides were purchased. The Commission Agent or the seller will submit the wastes to the Board as prescribed.