

PESTICIDE LEGISLATION IN SRI LANKA

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Introduction

The use of pesticides today is an integral component of the package of agricultural practices. Their assets, such as ease of application, efficacy, wide use and temporary economic return have themselves been the basis for the negative impacts they have caused, such as environmental contamination and residues in food, potentially chronic health hazards, ecological disruptions and development of pests resistant to pesticides. With their increased use and misuse came the resultant awareness and concern on the hazards posed when toxic products are mishandled and misused.

A question that comes to mind could be "What are the activities that could achieve the benefits that are required from pesticides without causing significant adverse effects on people or on the environment?" The hazardous nature of pesticides calls for action by all concerned, including the Government, the Pesticide Industry, and Pesticide Users to eliminate as far as possible, and within the scope of their responsibilities, unreasonable risks to health and to the environment.

Such activities must encompass three areas, **education** — to increase public awareness on the diverse properties of pesticides and the need for safety in use; the **reduction** of the demand or dependence on pesticides for crop protection and by **restricting** the availability of highly hazardous pesticides by regulatory action.

All these activities have been the concern of the Department of Agriculture for sometime now.

The Agriculture Extension Service is the main arm with which this Department educates the end users. It provides practical information on the need for pest control, the proper and correct application methods and the safety precautions to be followed. The Department's Research policies have been directed towards the development and improvement of alternate pest control strategies for crop protection, the breeding and selection of resistant varieties, the improvement of pesticide management techniques and the adoption of integrated pest management (IPM) approaches in crop protection.

Over the years steps have been taken to reduce the dependence on pesticides in rice through IPM techniques and to issue seed paddy resistant or tolerant to some of the major pests and diseases of rice. Further, in its endeavours to contend with problems associated with pesticide use, the Department has been instrumental in regulating pesticides, so that undesirable pesticides such as DDT, Endrin, 2 4 5 T, were prohibited from import and use even prior to the enactment of pesticide legislation.

History of Regulatory Activities

In the history of pesticide marketing in Sri Lanka, it is evident that various measures were instituted by the Department of Agriculture over the last 2½ decades to bring pesticides under Government control. Conventional pesticides were more or less

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freely imported into this country (by 40–50 importers) up to 1962. In 1963, to conserve dwindling foreign exchange reserves, the Controller of Imports and Exports limited the exchange for the import of agrochemicals to Rs. 5.23 million. Vehement protests by the importers resulted in the appointment of a Government committee to look into the matter. The committee recommended that a policy of strict import restrictions would negate the nations' efforts to boost local production and drew up a list of "Drugs, Chemicals and proprietary preparations required for use in Agriculture".

The Department of Agriculture recognizing the need to exercise control over the supply, distribution and use of pesticides, prepared and submitted a draft Bill entitled an "Act on Poisons Used in Agriculture" to the Legal Draftsman in 1964. However, it did not come into fruition.

In order to revive the Bill on Pesticide Legislation the Department of Agriculture then took steps to seek advice and consultative assistance from the Food and Agricultural Organization on the establishment of a national infrastructure for the Control of Pesticides. (FAO Report Bangkok 1972). Consultants came, submitted recommendations, Governments changed and time passed without enactment of legislation. To further aggravate the situation, open import policies became the order of the day and the doors were left wide open for unscrupulous traders to import hitherto prohibited products such as DDT and Endrin. With further agitation and lobbying by the Department of Agriculture and other Government and non-government bodies Pesticide legislation was finally enacted in 1980.

Control of Pesticides Act No. 33 (1980)

1. This Act makes provision to regulate the Import, Formulation, Packing, Labelling, Storage, Transport, Sale and Use of Pesticides.
2. The basis of regulation is the compulsory registration of all pesticide material. In order to register a pesticide a separate application must be filed for each formulated product,

as well as for each source of the technical material. Data must be submitted on toxicology, analytical methods, the bio-efficacy of the products, residues at harvest and the fate in the environment to be subsequently evaluated by experts.

3. No import or local formulation, distribution, or sale of a pesticide can take place without first having the label evaluated for various requirements as indicated in the Act and the container approved.
4. When registration requirements are fully satisfied, a licence covering 3 years disposal and use is granted, or, after registering the pesticide and pending the issue of a licence, provisional permit for limited marketing is issued, generally with restrictions, or the application is rejected.
5. Importation of pesticides whether Active ingredient or Formulation, is permitted by the Controller of Imports only after approval by the Registrar of Pesticides.
6. Sections of the Act dealing with Consumer Protection cover adulterated and deteriorated products, storage in juxtaposition to foodstuff, deceptive advertising and harvesting after a prescribed period, to avoid unacceptable residues.
7. Penalties and forfeiture are specified for contravening or failing to comply with any provision of the Act and range from cancellation or suspension of licence, to fines and imprisonment.

Implementation of the Act

There has been some delay in putting the Control of Pesticides Act into operation owing to circumstances prevailing in the country, which has created the impression that no action is being taken by the Government to reduce or eliminate the hazards involved in pesticide use.

Implementing an Act is dependent on the support it receives for enforcement. It requires trained manpower i.e. expertise and skills for evaluating

and analysing data as well as pesticidal formulations, supporting laboratory and field facilities for monitoring and implementing the Act and adequate funds. Within the limited resources available to the Registrar of Pesticides the main thrust in the work has been the setting up of the registration process. As a high level of technical expertise is required for certain facets of work, an interdepartmental technical advisory committee called the Formulary Committee assists the Registrar in evaluating data and determining the need for restrictions in use. Registration of Pesticides for Public Health and household use is based generally on decisions made by a Committee appointed by the Ministry of Health to evaluate Health Hazards from Household Pesticides.

The evaluation of the pesticide label is closely linked to the Registration process. The label must be of such a design and quality that it does not deteriorate on handling. Every label must be conspicuously printed and firmly affixed to the container and in such a position that it is not damaged or removed when the container is opened. The label must contain the word "Poison" and the skull and crossbone symbols for Class I compounds (WHO 1984, 1986). The information on the label ensures its (a) **Identification** by Trade Name, Common Name of Active Ingredient, percent content, physical nature, the name and address of distributor, Batch No. and Licence No. (b) **Directions for Use** specifying pests and weeds to be controlled, frequency of application and any limitations. (c) **Precautions and Warnings** followed by First Aid and Antidote.

In order to translate the Act into practice, it has been necessary to revise, substitute or delete sections of the Act and to draw up regulations to enable ease of implementation. These amendments embodied in an Act to Amend the Control of Pesticides Act No. 33 of 1980. have yet to receive Cabinet approval and gazetting. As the Act stands, the required data on the label has to be given in all three languages. This information must be visible and hence a regulation was needed for the print size. Further, there is no provision in the Act to gazette banned pesticides, hence press notification has to be made until the amendments are gazetted.

Deadlines for carrying out various technical requirements were considered but only a few have been set such as :

1. The deadline for stopping imports of Parathion and Dieldrin products for agricultural use.
2. The deadline to firms with exstocks of products carrying unapproved labels.
3. The deadline for enforcing 100 ml as minimum pack size for highly toxic chemicals.

Disposal of Unapproved Products

With the promulgation of legislation, all pesticides retailed at that time were required to be registered, though many had not received official approval.

After much discussion and with expert consultation it was decided that it would be more practical for such pesticides (which were originally registered for sale, but which had not received official approval) to be used up over a period of time instead of recall without the required facilities being available in the country for disposal.

Post-Registration Activities

After a pesticide is registered, a wide range of monitoring and other activities are required to ensure that a pesticide is being handled, distributed and used properly in accordance with label directions and in compliance with rules and regulations. These monitoring activities include :

- (i) Monitoring of Pesticide outlets to ensure compliance with rules and regulations to be observed when storing pesticides in general and when selling "Restricted" pesticides.
- (ii) Detecting of unauthorised packing, repacking and labelling activities to enforce legal action and to weed out substandard/or hazardous products from entering the market.

- (iii) Analysis of formulations for maintaining quality products and determining if surplus or unmarketed quantities of pesticides are still usable for their intended function.
- (iv) Analysis of crops and commodities for pesticide residues to provide information that can be used to assess the safety of consuming treated foods, detecting residues from improper use of pesticides and to facilitate export trade in food commodities.
- (v) Establishing maximum limits for pesticide residues on various crops and commodities based on experimental data derived under good agricultural practice to ensure safety in dietary intake. The data could also provide the basis for modifying use patterns.
- (vi) Monitoring pesticide poisoning cases due to exposure during formulation, packing and use.

Information on these aspects can be a basis for active training, informational needs and other regulatory purposes leading to restricting the use of, or totally banning products found unsuitable under our socio-economic conditions, or to taking enforcement action against pesticide misusers. The first two activities is the responsibility of the thirty-two Authorized Officers at the district level, nominated by the Director of Agriculture. Inadequate laboratory facilities prevents the accomplishment of activities (iii), (iv) and (v), while the establishment of a Poison Centre by the Health Services would go a long

way in monitoring occupational poisoning due to pesticides.

The monitoring activities inherent in regulatory procedures enables the evaluation process necessary to safeguard food production and the health of user and consumer. These activities would enable a full evaluation of risks associated with the use of pesticides and to take action to cancel, revoke, restrict questionable pesticides or revalidate the licence of others.

Currently, such post-registration activities cannot be carried out except on an *ad hoc* basis due to lack of staff, expertise, capital outlay and back-up laboratory and field support requirements.

As indicated before, implementing an Act is dependent on the support it receives. It requires trained manpower, supporting laboratory and field facilities and adequate funds. To the extent that these are constraints, the impression created by and large will continue to be that legislation is only so much paper.

C O P 1980 - Control of Pesticides Act No. 33
5th September 1980.

W H O 1984 - The WHO recommended Classification of Pesticides by Hazard
VBC/84.2 WHO Geneva.

W H O 1986 - The WHO recommended Classification of Pesticides by Hazard
VBC/86.1 WHO Geneva.