

Pesticide Management Bill-2017

- A State Perspective



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Pesticide Management Bill-2017

Current regulations for pesticide use in farming are inadequate for ensuring availability of quality material. The PMB – 2017 is a delayed but good initiative.

There is a need to make this law more stringent and also to empower the states for effective implementation.

Constitution of Central Pesticide Board (Section 4)

PMB-2017 provides for nomination of five persons who shall be Directors of agriculture or Horticulture in States, representing five respective agro-climate zones by the Central Govt.(Section 4(2) (XV)).

- Nomination should be based on per ha. consumption.
- Provide for representation to the farmers.

One amongst the Chairmen of the State Farmers Commission of various States be included as Member.

In some of the States, the State Farmers Commissions have been set up with their Chairmen being progressive farmers.

Registration of Pesticides

(Section 12(1))

The registration process be made rigorous:

- Import of only technical grade material of pesticide as per registration and no formulation should be allowed.
- The imports at the port of entry should be checked for purity of technical grade material which should be at least 80%.
- During manufacturing, the formulation from technical grade material should only be allowed.

Manufacturing in 80 % units is mostly limited to repacking of formulated material which should not be permitted. Only the self formulated pesticides should be allowed for sale.

Grant of License (section 17)

Emphasize transparency :

- Separate licenses for manufacturing, wholesale and retail to improve transparency in movement, consumption and record keeping (section 17(1)).
- The licensee operating before the enactment of PMB-2017 must meet the required qualification **by February, 2020 (section 17(1))**.
- A uniform syllabus for the Diploma may be prescribed.
- The manufacturing units should possess certain minimum prescribed infrastructure, viz. a functional testing facility equipped with prescribed equipment and staff (section 17(7) b).

Quality Control

(section 21(1))

Strengthen Testing facilities:

- The Regional Pesticide Testing Laboratories be recognized as independent Referral laboratories
- A few other Referral laboratories should be set-up or one State Pesticide Testing Laboratory in each State be recognized as Referral laboratory for other States.
- The provision for allowing Private Laboratories to be Referral Labs should not be allowed as it may affect the quality of regulation.

The monopoly of CIL, Faridabad needs to be diluted by increasing number of referral Laboratories.

Empower Implementing Agencies

Facilitate easy decision making:

- The permission to stop the sale by Pesticides Inspectors should be with the permission of Licensing Authority instead of the Executive Magistrate to facilitate an early action but to check the arbitrary decision by the Inspector, **(section 26(1) (d))**.
- The Appellate Authority may on its own, or on request by the complainant or the accused, cause the sample of the pesticide produced before it sent for retesting to the Referral Laboratory **(section 30 (4))**.

Judiciary be asked to intervene only when prosecution is launched

Punishment for Offences (section 41)

Accountability for quality manufacturing:

- Responsible person should be one of the five highest paid employees and/ or financial beneficiary of the company or firm (section 41(1)).
- "Company" means anybody corporate and includes a firm or other association of individuals, or brand owner or marketing agent (Section 41(2)(a)).
- For spurious pesticides, the fine should be 2% of the total sale of pesticides in the state for the preceding Financial Year by the company or firm or the individual subject to a minimum fine of Rs.10 Lakh **AND** imprisonment which may extend to 5 years.

The punishment should act as a deterrent to check manufacturing or sale of sub-standard pesticides.

Powers to the State Governments

(section 49(2))

More regulatory powers to the States:

- To allow the sale of only those pesticides in the State which are
 - required for the existing crop mix as per label claim; and
 - recommended by SAU after testing for its efficacy in the given environment.
- To regulate / stop the sale of any pesticides based on
 - its quality performance; and
 - for specific areas of the State.

States need to be empowered for better enforcement

PMB-2017: another perspective

- **PMB-2017 being enacted to** “regulate the import, manufacture, export, storage, sale, transport, distribution, quality and use of pesticides with a view to
 - ensure availability of quality pesticides;
 - allow its use only after assessing its efficacy and safety;
 - minimize the contamination of agricultural commodities by pesticides residues;
 - to take necessary measures to continue, restrict or prohibit the use of pesticides with a view to prevent its risks on human beings, animals or environment, and for matter connected therewith or incidental thereto.”

- **However,** “Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases” is a State Subject as per S. No.14 of List II (State List), of The SEVENTH SCHEDULE (Article 246) of Constitution of India.

So, consider limiting the scope of proposed ‘PMB-2017’ to provide only for import, manufacturing and its efficacy and safety, transport and registration of Insecticides **and** regulation of storage, sale, distribution and quality of pesticides be left to the State within their respective jurisdiction

Pesticide Formulation Cost

Rates: Rs. per lit or kg

Company	Invoice Rate
THIAMETHOXAM	
Syngenta	2590
Rallis	1022
Excel	990
UPL	910
Sumitomo	650
LAMBDA 5%	
Syngenta	530
Excel	315
UPL	380
Sumitomo	360
Azoxystrobin+Tebuconazole	
Adama	2400
Others	1600

Company	Invoice Rate
PROPICONAZOLE 25%	
Syngenta	1230
UPL	823
Cheminova	733
G.S.P.	700
Crystal	1160
IMIDACLOPRID 17.8%	
Bayer	2405
Rallis	1511
Excel	830
UPL	877
Azoxystrobin+Diphenconazole	
Syngenta	3300
Others	2200

Pesticides need to be included in ECA for regulation of rates



THANKS

Review of Red Chemistry Pesticides

- An Expert Committee was constituted under the chairmanship of Dr. Anupam Verma in July,2013 to review 66 pesticides that were banned, restricted, withdrawn in one or more countries but continued to be registered in India.
- Expert Committee recommended 13 pesticides to be completely banned, 6 to be phased out by 2020, 27 to be reviewed in 2018 , 18 to be continued, 1 as sub-judice and for 1, ban to be continued. These recommendation were reviewed in 361st meeting of CIBRC held on 22-12-2015.
- Out of above, 12 pesticides have been banned w.e.f 8-8-2018, and the manufacturing of 6 pesticides has been banned w.e.f 1-1-2019.
- Govt. of Punjab banned 20 such pesticides on 1-3-2018 for 90 days (under section 27 of Insecticides Act,1968)
- Punjab state has written to GoI vide letter No. 15/5/16-Agri 2(6)/11710, dated 31-5-2018 for ban of these 20 pesticides.