



KINGDOM OF TONGA

PESTICIDES ACT OF 2001
(Section 22)

THE PESTICIDES REGULATIONS 2001

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REGISTRATION OF A PESTICIDE**

KINGDOM OF TONGA**PESTICIDES ACT 2001****SECTION 22 - THE PESTICIDES REGULATION 2001**

In exercise of the powers conferred by section 22 of the Pesticides Act (Cap. 129), the Minister of Agriculture and Forestry, with the consent of the Privy Council, make the following Regulations -

CITATION

1. These Regulations may be cited as the Pesticides Regulations 2001.

INTERPRETATION

2. (1) In these Regulations -
“the Act” means the Pesticides Act 2001;
- (2) The terms and phrases defines in the Pesticides Act shall be given the same meaning in these Regulations, unless the context requires otherwise.
- (3) A reference in these Regulations to -
 - (a) a form is a reference to a form of that number in the First Schedule ; and
 - (b) a Schedule is a reference to a Schedule to these regulations.

FORMS AND FEES

3. (1) The forms set out in the First Schedule, are hereby prescribed for the purposes of the Act and these Regulations.
- (2) The fees set out in the Second Schedule are hereby prescribed for the purposes of the Act and these Regulations.

APPLICATION FOR REGISTRATION OF A PESTICIDE

4. An application for registration of a pesticide under Section 8 of the Act shall be in Form 1, shall be accompanied by the fee specified in the Second Schedule, and shall contain the following information -
 - (a) If the pesticide is imported, the name and address of the importer;
 - (b) the name and address of the pesticide manufacturer;
 - (c) the brand name and concentration of each active ingredient;
 - (d) the nature and formulation of the pesticide;

- (e) the common name of the pesticide;
- (f) the use category of the pesticide;
- (g) the label which it is proposed to use on the pesticide container; and
- (h) such other information as the Registrar may require.

APPLICATION FOR A PESTICIDES LICENCE

5. (1) Every application for a pesticides licence under Section 10 of the Act shall be in writing in Form 2 and shall include -
- (a) the full name and address of the applicant;
 - (b) the name of the company and the address of the head office of the company for which the application is made;
 - (c) the address of each place where it is proposed to store, distribute or sell pesticides;
 - (d) a plan of each premises where it is proposed to store, distribute or sell pesticides indicating where pesticides are to be located;
 - (e) the signature of the applicant and the date the application was signed; and
 - (f) such additional information as may be requested by the Registrar.
- (2) The fee payable for the issuance or renewal of a pesticides licence shall be as specified in the Second Schedule.

ISSUE OF A PESTICIDES LICENCE

- 6.(1) Every pesticide licence shall be issued in writing in Form 3 and shall be subject to the general conditions set out in Regulation 7.
- (2) Unless cancelled sooner or suspended, a pesticides licence shall be valid for a period of two years from the date of issue.

GENERAL CONDITIONS OF A PESTICIDES LICENCE

- 7.(1) Every pesticides licence shall, in addition to the relevant provisions of the Act and these Regulations –
- (a) the licensee and any members of the licensee's staff who will be handling pesticides shall, to the satisfaction of the Registrar, have a sound knowledge of the "Guidelines on retail distribution of pesticides with particular reference to storage and handling at the point of supply to users in developing countries" published by the Food and Agriculture Organization of the United Nations;

- (b) appropriate safety and first aid equipment shall be available on the premises, including suitable dust masks and/or respirator, goggles or face shields, waterproof and impervious complete outer clothing, gloves, boots, hat and long-sleeved coat or suit;
- (c) there shall be an emergency water supply adequate for washing off from the skin corrosive or toxic materials;
- (d) absorbent materials such as sand, soil or sawdust shall be available on the premises to absorb spillage;
- (e) (i) where food, drink or medicines for human or animal consumption are to be kept in the same premises as pesticides, they shall not be permitted to come into contact with pesticides and shall not be stored or displayed within 3 meters of pesticides; or

(ii) where food, drink or medicines for human or animal consumption are kept in the same premises, the Registrar may give approval for such pesticides to be stored and displayed in a locked cupboard or rack.
- (f) such fire-fighting equipment, in good order, as may be required by the Registrar shall be available on the premises;
- (g) a notice maintained in good condition at all times and prominently displayed in close vicinity to the pesticides and containing the words “DANGER PESTICIDES - NO SMOKING, EATING OR DRINKING PERMITTED IN THIS AREA - NOT TO BE SOLD TO PERSONS UNDER 18 YEARS OF AGE. *FAITO’O FAKATU’UTAMAKI – TAPU KE FAI HA IFITAPAKA, KAI PE INU ‘I HE FEITU’U NI – ‘OKU ‘IKAI NGOFUA KE FAKATAU ATU ‘A E FAITO’O NI KIA KINAUTOLU ‘OKU KEI SI’I ANGE HE TA’U 18*” together with the symbol of the skull and crossbones. For retail shops, the letters and numerals shall be at least 25 millimeters in height and painted in dark red on a white background. For all other premises where pesticides are stored the letters and numerals shall not be less than 50 millimeters in height and painted in dark red on a white background;
- (h) at all times when not under official supervision, the premises shall be kept securely locked;
- (i) all pesticides shall be stored and displayed out of the reach of children and shall at all times be so placed as to prevent access by unauthorised persons;
- (j) the floor, wall and roof of the premises shall be constructed of material which is impervious to water;
- (k) the floor of the storage or sale area shall be constructed of impervious material and designed in such a manner as to contain all spillage from the largest container of pesticide intended to be stored in the facility;
- (l) there shall be adequate ventilation or other provision for air circulation to the satisfaction of the Registrar;

- (m) the stock of pesticides in the premises shall be rotated as directed by the Registrar;
- (2) No pesticide shall be sold or distributed to any person under 18 years of age.
- (3) The licensee and his employees and agents shall take all reasonable precautions, particularly with regard to storage and transport of pesticides, to protect the health of human beings, creatures and plants, except target species, and to safeguard the environment.

LABELLING OF CONTAINERS

- 8.(1) All containers containing pesticide imported into, sold or distributed to consumers in Tonga shall be clearly and durably marked.
- (2) Every label shall, as a minimum, contain the following information -
 - (a) the word POISON;
 - (b) the appropriate toxicity and hazard symbols
 - (c) the brand name and concentration of all active ingredients;
 - (d) the nature and formulation of the pesticide;
 - (e) date of formulation and batch number;
 - (f) any restrictions of use, or safety precautions;
 - (g) directions for use;
 - (h) minimum safety interval in days from last application until time of harvest or consumption;
 - (i) direction as to first aid in case of burns or poisoning, including details of appropriate antidote and its use;
 - (j) instructions regarding disposal of empty containers; and
 - (k) the name and address of the manufacturer.
- (3) Except as approved by the Registrar acting on the advice of the Committee, no pesticide shall be sold or distributed otherwise than in its original container.

RETURNS TO BE MADE TO THE REGISTRAR

9. The holder of a pesticides licence shall, no later than 30th September in each year, submit to the Registrar a return in Form 4 showing the quantity and nature of all pesticides, including restricted use pesticides, imported, sold and distributed by the licensee during the preceding twelve months.

RESTRICTED USE PERMIT

10. (1) Every application for a restricted use permit under section 12 (2) of the Act shall be in writing in Form 5 and shall include –
- (i) (a) the full name and address of the applicant;
 - (b) if the application is made on behalf of a company or corporation, the name of the company or corporation and its address;
 - (c) the name of the pesticide for which the application is made;
 - (d) the signature of the applicant and the date the application was signed; and
 - (e) such additional information as may be requested by the Registrar.
- (ii) for a company or corporation, the following additional information is required to accompany the application –
- (a) the company position held by the applicant; and
 - (b) the address of the company or corporation.
- (2) Every restricted use permit shall be in Form 6 and shall state the name and address of the person or company or corporation to whom it has been issued, the name and quantity of the restricted pesticide, the purpose for which the pesticide is approved and the period for which the permit remains valid.
- (3) Every restricted use permit shall be subject to the general conditions set out in Regulation 6 and any additional condition specified by the Registrar.
- (4) No person shall sell or distribute any restricted use pesticide except to the holder of a valid restricted use permit upon production of the permit.
- (5) Every person who sells or distributes any restricted use pesticide shall make a faithful entry of the sale, specifying the pesticide and the quantity thereof, the day of the month and year of the sale and the name and address of the purchaser, in a book to be kept by the vendor for that purpose in Form 9 and on the reverse of the restricted use permit produced by the purchaser.
- (6) Every holder of a restricted pesticides licence shall, no later than 30th September in each year, submit to the Registrar a copy of the book referred to in Regulation 10 (5).

GENERAL CONDITIONS OF A RESTRICTED USE PERMIT

11. (1) Every restricted use permit shall be subject to the following conditions in addition to the relevant provisions of the Act and the Regulations –
- (a) the permit holder and any member of the permit holder's staff who will be handling the pesticides shall, to the satisfaction of the Registrar, have a sound knowledge of the "Guidelines on retail distribution of pesticides with particular reference to storage and handling at point of supply to users in developing countries" published by the Food and Agriculture and Organization of the United Nations;
 - (b) during use, mixing, transfer and storage of a restricted use pesticide, appropriate safety and first aid equipment shall be available, including suitable dust masks and/or – respirators, goggles or face shields, waterproof and impervious complete outer clothing, gloves, boots, hat and long-sleeved coat or suit;
 - (c) there shall be an emergency water supply adequate for washing off from the skin corrosive or toxic materials;
 - (d) absorbent materials such as sand, soil or sawdust shall be available on the premises to absorb spillage;
 - (e) where food, drink or medicines for human or animal consumption are to be kept in the same premises as pesticides they shall not be permitted to come into contact with pesticides and shall not be stored or displayed within 3 metres of pesticides.
 - (f) Such fire-fighting equipment, in good order, as may be required by the Registrar shall be available on the premises;
 - (g) a notice maintained in good condition at all times and prominently displayed in close vicinity to the pesticides and containing the words "DANGER PESTICIDES - NO SMOKING, EATING OR DRINKING PERMITTED IN THIS AREA - NOT TO BE SOLD TO PERSONS UNDER 18 YEARS OF AGE. *FAITO'O FAKATU'UTAMAKI – TAPU KE FAI HA IFITAPAKA, KAI PE INU 'I HE FEITU'U NI – 'OKU 'IKAI NGOFUA KE FAKATAU ATU 'A E FAITO'O NI KIA KINAUTOLU 'OKU KEI SI'IANGE HE TA'U 18*" together with the symbol of the skull and crossbones. For retail shops, the letters and numerals shall be at least 25 millimeters in height and painted in dark red on a white background. For all other premises where pesticides are stored the letters and numerals shall be not less than 50 millimeters in height and painted in dark red on a white background;
 - (h) at all times when not under official supervision, the premises shall be kept securely locked;
 - (i) all pesticides shall be stored and displayed out of reach of children and shall at all times be so placed as to prevent access by unauthorised persons;
 - (j) the floor, wall and roof of the premises shall be constructed of material which is impervious to water;

- (k) there shall be adequate ventilation or other provision for air circulation to the satisfaction of the Registrar;
- (l) the floor of the storage area shall be constructed of impervious material and designed in such a manner as to contain all spillage from the largest container of pesticide intended to be stored in the facility;
- 2. No restricted use pesticide shall be sold or otherwise disposed of to any other person without the prior written authorisation of the Registrar;
- 3. The permit holder and his employees and agents shall take all reasonable precautions, particularly with regard to storage and transport of pesticides, to protect the health of human beings, creatures and plants, except for target species, and to safeguard the environment.

EXPERIMENTAL PERMIT

- 12. (1) "Every application for an experiment permit under section 13 (1) of the Act shall be in writing in Form 7 and shall include –
 - (a) the full name and position or occupation of the applicant;
 - (b) the name and quantity of the pesticide for which the application is made;
 - (c) the signature of the applicant and the date the application was signed;
 - (d) the purpose for which the pesticide is intended;
 - (e) if the applicant is a civil servant, a recommendation from the senior officer of the applicant;
 - (f) such additional information as maybe requested by the Registrar.
- (2) Every experimental permit shall be in Form 8, shall be subject to general conditions set out in Regulation 13 and any additional conditions specified by the Registrar and shall be valid for such period as may be specified in the permit.

CONDITIONS OF ISSUE OF AN EXPERIMENTAL PERMIT

- 13. (1) Every experimental permit shall be subject to the following conditions in addition to the relevant provisions of the Act and the Regulations –
 - (a) the permit holder and any other officer of the Ministry of Agriculture and Forestry staff who will be handling the pesticides shall, to the satisfaction of the Registrar, have a sound knowledge of the use, storage and handling and safety precautions required for safe use of the pesticide;
 - (b) during use, mixing, transfer and storage of the pesticide, appropriate safety and first aid equipment shall be available including suitable dust masks and/or respirators, goggles or face shields, waterproof and impervious complete outer clothing, gloves, boots, hat and long-sleeved coat or suit;
 - (c) there shall be an emergency water supply adequate for washing off from the skin corrosive or toxic materials;

- (d) absorbent materials such as sand, soil or sawdust shall be available on the premises to absorb spillage;
 - (e) where food, drink or medicines for human or animal consumption are to be kept in the same premises as pesticides they shall not be permitted to come into contact with pesticides and shall not be stored within 3 metres of pesticides;
 - (f) such fire-fighting equipment, in good order, as may be required by the Registrar shall be available on the premises;
 - (g) a notice maintained in good condition at all times and prominently displayed in close vicinity to the pesticides and containing the words “DANGER PESTICIDES - NO SMOKING, EATING OR DRINKING PERMITTED IN THIS AREA - NOT TO BE SOLD TO PERSONS UNDER 18 YEARS OF AGE. *FAITO’O FAKATU’UTAMAKI – TAPU KE FAI HA IFITAPAKA, KAI PE INU ‘I HE FEITU’U NI – ‘OKU ‘IKAI NGOFUA KE FAKATAU ATU ‘A E FAITO’O NI KIA KINAUTOLU ‘OKU KEI SI’I ANGE HE TA’U 18*” together with the symbol of the skull and crossbones. For retail shops, the letters and numerals shall be at least 25 millimeters in height and painted in dark red on a white background. For all other premises where pesticides are stored the letters and numerals shall not be less than 50 millimeters in height and painted in dark red on a white background;
 - (h) at all times when not under official supervision, the premises shall be kept securely locked;
 - (i) all pesticides shall be stored and displayed out of reach of children and shall at all times be so placed as to prevent access by unauthorised persons;
 - (j) the floor, wall and roof of the storage premises shall be constructed of material which is impervious to water;
 - (k) there shall be adequate ventilation or other provision for air circulation to the satisfaction of the Registrar;
 - (l) the floor of the storage area shall be constructed of impervious material and designed in such a manner as to contain all spillage from the largest container of pesticide intended to be stored in the facility.
2. No pesticide which is the subject of an experimental use permit shall be sold or otherwise disposed of to any other person without the prior written authorisation of the Registrar.
 3. The permit holder shall take all reasonable precautions, particularly with regard to storage and transport of pesticides, to protect the health of human beings, creatures and plants, except for target species, and to safeguard the environment.

CONDITIONS OF USE OF PESTICIDES

14. (1) No person shall use a pesticide otherwise than in accordance with the instructions for use printed on the label affixed to the pesticide container without the prior written approval of the Registrar.

- (2) Any person who uses a pesticide shall take all reasonable precautions to protect the health of human beings, creatures and plants, to safeguard the environment and in particular to avoid pollution of water.
- (3) No person shall combine or mix for use two or more pesticides except in accordance with the conditions of any licence, permit or approval issued by the Registrar in relation to these pesticides.

DISPOSAL OF A PESTICIDE

15. No person shall dispose of a pesticide or pesticide container except in accordance with the directions on the registered label or in such other manner as may be directed by an inspector.

DISPOSAL OF A PESTICIDE FORFEITED TO THE CROWN

16. Unregistered pesticides which have been forfeited to the Crown shall, with the consent of the Minister and at the expense of the owner of the pesticide, be destroyed or rendered harmless in a manner determined by the Registrar, acting on the advice of the Committee.

PESTICIDE SPILLAGE OR CONTAMINATION

- 17.(1) An Inspector shall order the owner of any pesticide which is the subject of spillage or contamination to take such measures as he considers necessary to contain such spillage or contamination where he believes on reasonable grounds that it is necessary in the interests of public health so to do;
- (2) The owner of a pesticide which is the subject of spillage or contamination shall be liable for all expenses involved in destroying or rendering harmless such spillage or contamination.

SCHEDULE 1

FORMS

Form 1	Application for registration of a pesticide
Form 2	Application for a pesticides licence
Form 3	Pesticides Licence
Form 4	Return
Form 5	Application for a restricted use permit
Form 6	Restricted use permit
Form 7	Application for an experimental permit
Form 8	Experimental permit
Form 9	Record of sales of restricted use pesticides

SCHEDULE 2

FEES

1.	Application for registration of a pesticide	\$ 20
2.	Issue or renewal of a pesticide licence	\$ 4
3.	Issue of a restricted use permit	\$ 4
4.	Issue of experimental permit	\$ 4
5.	Application for permit	
	restricted	\$ 20
	experimental	\$ 50
6.	Application for, or application for renewal of a Pesticides licence	\$ 100

Note each application or permit is for one premise only.

SCHEDULE 3

**PARTICULARS TO ACCOMPANY AN APPLICATION FOR THE REGISTRATION OF
A PESTICIDE**