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**PESTICIDE MANAGEMENT BILL**

# MOVING TOWARDS PMB 2020

## Pesticides Management Bill 2008 to PMB 2017

Vipin Saini, CEO-BASAI

**T**he National Policy for Farmers brought out in 2007 states that “the development, introduction and diffusion of environmentally safe and effective pesticides will be given priority” while “suitable quality control, safety evaluation and other regulatory system would be strengthened”. The policy highlights the need for “incorporating the use of chemical pesticides in an Integrated Pest Management System”. The policy also states that “the sale of spurious and sub-standard pesticides would be prevented and bio-pesticides would be promoted”. Various Parliamentary Committees recommended stringent and deterrent punishment for manufacturers/sellers of spurious insecticides and the necessity of fixing of maximum residue limits for registration of pesticides.

Pesticide Management Bill 2008 was introduced in Rajya Sabha in September 2008 after 40 years of The Insecticides Act. The Bill is expected to regulate the import, manufacture, export, sale, transport, distribution, quality and use of pesticides with a view to: (i) control pests; (ii) ensure availability of quality pesticides; (iii) allow its use only after assessing its efficacy and safety; (iv) minimize the contamination of agricultural commodities by pesticide residues; (v) create awareness among users regarding safe and judicious use of pesticides, and to take necessary measures to continue, restrict or prohibit the use of pesticides on reassessment with a view to prevent

its risk on human beings, animals or environment, and for matters connected therewith or incidental thereto.

A fresh draft of the Bill was uploaded for public consultation in 2017 with more or less the same framework. Both the 2008 & 2017 versions consisted of 8 Chapters and 54 clauses.

### Objectives of the proposed legislation

The manufacture of quality, safe and affordable pesticides needs to be encouraged while spurious and poor quality pesticides be stringently curbed. The proposed legislation seeks to achieve the following objectives:

- (i) to rename it as 'pesticides' which has a broader connotation and includes insecticides, fungicides, herbicides, rodenticides, molluscicides, acaricides;
- (ii) to provide for an elaborate definition of pesticides to cover any substance of chemical or biological origin intended for preventing, destroying, repelling or mitigating or controlling any pest including unwanted species of plants or animals which will enable regulation of existing pesticides as well as new discoveries;
- (iii) address all aspects of development, regulation and quality monitoring, production, management, packaging, labeling, distribution, handling, application, use and control, including post-registration activities and disposal of all types of pesticides;



- (iv) define household pesticides, to prohibit their field applications and to enable delicensing of their retail sale for easy availability to the consumer;
- (v) effective and efficient working of the Central Pesticides Board, Registration Committee;
- (vi) fixation of tolerance limits of pesticides as pre-requisite to registration;
- (vii) requirement of minimum qualification of licensees;
- (viii) accredit private laboratories to carry out any or all functions of the Central Pesticides Laboratory;
- (ix) prescribe an elaborate procedure for drawal of pesticide samples and inspection of pesticides;
- (x) make punishments more stringent to check production and sale of misbranded, sub-standard and spurious pesticides;
- (xi) the disposal of date expired, misbranded, sub-standard and spurious pesticides

As the Cabinet has approved the PMB 2020 draft and set for consideration of the Rajya Sabha, whilst the 2008 draft Bill also being proposed for withdrawal in the ongoing Parliamentary Budget Session, yet not many have a clue on the new draft 2020 version.

However, the word on the street is that the following may be presumably highlights of PMB 2020:

1. Any toxicity concern either national or international can or may trigger a review process
2. Farmers compensation liabilities to be placed upon pesticide manufacturers and or dealers
3. For the first time product quality is the responsibility of both manufacturers and dealers
4. Data Protection not likely to be included
5. More powers to Executive body
6. Offences remain stringent both in terms of fines and imprisonment liabilities of senior management
7. There seems to be no provision for invoking use of special use of pesticides under a declared national exigency scenario. This is important in the context of the latest massive pest infestations

## ABOUT THE AUTHOR



Mr. Vipin Saini is a regulatory affairs specialist, educationalist, environmentalist, toxicologist, data analyst, writer and publisher with a combined experience of more than 25 years in the field of biosciences and related regulatory aspects. He is CEO - Biological Agri Solutions Association of India (BASAI) and the Founder Trustee of Sunrakshan Foundation. He is actively involved in taking forward the recommendations of the Doubling of Farmer's Income Report issued by DAC&FW

observed by the nation i.e. the exotic pest invasion of the fall armyworm in maize, and the resurgence of the locust after three decades.

## Biological control product registrations

Biological control product registrations will continue to be regulated under the PMB 2020. In its 2008 & 2017 draft versions, only mention of the same is in the definition as:

### Clause 3 (t)

t) "pesticide" means any substance or mixture of substances of chemical or biological origin intended for preventing, destroying, attracting, repelling, mitigating or controlling any pest in agriculture, in household or for public health including unwanted species of plants or animals during the production, storage, transport and distribution of agricultural commodities or animal feeds including substances intended for use as plant growth regulator, defoliant, desiccant, fruit thinning agents, or sprouting inhibitor and substances applied to crops either before or after harvest to protect them from deterioration during storage and transport.

The concerns over spreading of a rumour and trying to encash on the same by the chemical industry is the lacing/spiking/adding of bio-control products with chemical pesticides. This is often given as an excuse to draw attention from the products of chemical nature being treated as otherwise under the following definitions need to be revised:-

- a. Section 3(p) "Mis-branded"
- b. Section 3(z) "Spurious"
- c. Section (Z)(c) "Sub-standard"
- d. Section 3 (t) "Pesticides"

Hence, the concern over the offensive clauses thus incorporated in the draft Bills from time to time.

**Products of Biological nature for crop protection such as bio-pesticides, plant growth regulators will remain part of the proposed PMB. The latest move to regulate biologicals (bio-stimulants) and the like to be regulated under the Fertilizer Control Order raises a question. Is it time that biologicals be regulated separately because the nature and the concerns over biological control products differ immensely from those of chemical products?**