

1983/14



THE PESTICIDES REGULATIONS 1983

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 21st day of February 1983

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 76 of the Pesticides Act 1979, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation <p style="text-align: center;"><i>Fees</i></p> <ol style="list-style-type: none"> 3. Application fee for registration 4. No fee for experimental use permit <p style="text-align: center;"><i>Scheduled Insecticides</i></p> <ol style="list-style-type: none"> 5. Use of scheduled insecticides restricted 6. Sale of scheduled insecticides restricted 7. Provisions as to permits 8. Transport of herbicides 9. Application of herbicide dusts during spring, summer, and autumn restricted 10. Reckless application | <p style="text-align: center;"><i>Inspection</i></p> <ol style="list-style-type: none"> 11. Powers of Inspectors and Police officers <p style="text-align: center;"><i>Miscellaneous Provisions</i></p> <ol style="list-style-type: none"> 12. Director-General may amend list of scheduled insecticides 13. Director-General may issue specifications for pesticides 14. Use of pesticides toxic to bees 15. Access of livestock to premises where insecticide is stored or has been spilt 16. Offences 17. Revocations and savings Schedules |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Pesticides Regulations 1983.

(2) These regulations shall come into force on the 11th day of March 1983.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Pesticides Act 1979:

“Contractor” means any person who, by agreement with the owner or occupier of any land, applies any pesticide to the land; but does not include an employee of the owner or occupier:

“Dust” means fine particles of matter, 95 percent of which would pass through a 150 micrometres New Zealand Standard sieve (NZSS 196, B.S. 410:1969):

“Herbicide” means a pesticide used for desiccating, controlling, or killing any plants or severely interrupting their normal growth processes:

“Scheduled insecticide” means a pesticide that is specified in the First Schedule to these regulations.

Fees

3. Application fee for registration—The fee required by section 22 (2) (a) of the Act on an application for the registration of a pesticide shall be \$30.

4. No fee for experimental use permit—No fee shall be payable in respect of an application for, or the grant of, an experimental use permit.

Scheduled Insecticides

5. Use of scheduled insecticides restricted—(1) Subject to subclause (2) of this regulation, no person shall apply or cause to be applied any scheduled insecticide (whether or not mixed with any fertiliser or agricultural lime or other substance) except—

(a) In compliance with a permit issued by the Director-General; or

(b) In compliance with a notice under these regulations given by the Director-General and published in the *Gazette*.

(2) Any person may apply DDT, chlordane, or lindane, without a permit or other authority under subclause (1) of this regulation, in or around any residence or garden if the package in which that insecticide is packed for sale does not contain more than 60g of active ingredient and no more than 1 such packet is used in one application.

(3) Any permit or notice under this regulation may be subject to such terms and conditions as the Director-General considers necessary for the safe application of the insecticide to which it relates, and any such term or condition shall be specified in the permit or notice.

(4) Every permit under this section shall be issued in duplicate.

6. Sale of scheduled insecticides restricted—No person shall sell or supply for application any scheduled insecticide, other than DDT, chlordane, or lindane or one in respect of which a notice under subclause (1) (b) of regulation 5 of these regulations is in force, except—

(a) To the holder of a permit issued under subclause (1) (a) of that regulation; or

(b) For ultimate resale.

7. Provisions as to permits—(1) Every person who, being the holder of a permit issued under regulation 5 (1) (a) of these regulations, purchases any scheduled pesticide for application pursuant to the permit shall deliver 1 copy of the permit to the vendor.

(2) Every person who sells any scheduled pesticide to the holder of any such permit shall—

- (a) Endorse his copy of the permit with the date of the sale, and the quantity sold; and
- (b) Retain his copy of the permit for a period of 3 years in some place of security at his place of business.

(2) Every person who applies any scheduled insecticide pursuant to such a permit shall—

- (a) Endorse his copy of the permit with the date on which he applies the insecticide, details of the insecticide, and details of the area to which it was applied; and
- (b) Sign the endorsement; and
- (c) Retain his copy of the permit for a period of 3 years.

8. Transport of herbicides—No person shall transport any herbicide (whether or not mixed with any fertiliser or agricultural lime or other substance)—

- (a) In bulk, unless the herbicide is effectively covered and secured to prevent escape;
- (b) Otherwise than in bulk, unless the herbicide is packed in closed packages or containers.

9. Application of herbicide dusts during spring, summer, and autumn restricted—No person shall, at any time during the period commencing with the 1st day of September in any year and ending with the 30th day of April in the following year, apply or cause to be applied any herbicide in the form of a dust (whether or not mixed with any fertiliser, agricultural lime, oil, or other substance) otherwise than—

- (a) In accordance with a permit issued by the Director-General; or
- (b) By means of a hand-operated (“pepper pot”) shaker to individual plants.

10. Reckless application—Every person commits an offence against these regulations who applies or causes to be applied any herbicide in such a reckless manner that damage results to any property other than the property on which he applied or intended to apply the herbicide.

Inspection

11. Powers of Inspectors and Police officers—(1) Any Inspector or any member of the Police may—

- (a) At all reasonable times enter on and inspect any land or premises if he has reasonable cause to believe that any pesticide—
 - (i) Has been or will be applied to or deposited on the land; or
 - (ii) Has been or is being stored on the land or premises—
 and may require the owner or occupier of the land or premises to produce and show to him all or any of the books, documents, and permits in his possession or under his control that relate to pesticides:
- (b) At all reasonable times enter on any land or premises and take samples of—
 - (i) Any pesticide or any substance that he has reasonable cause to believe is a pesticide or to have been derived from a pesticide; or

(ii) Any soil, water, pasture, or plant life on or to which he has reasonable cause to believe a pesticide has been deposited or applied or of any product derived therefrom, or of any tissue or product derived from any animal that is or has been deposited on the land:

(c) At all reasonable times enter on and inspect the premises of any proprietor, distributor, or vendor of pesticides, or of any person whom he has reasonable cause to believe is a contractor, and may require that all or any of the books, documents, and permits in his possession or under his control that relate to pesticides be produced and shown to him:

(d) Make copies of or take extracts from any book, document, or permit relating to pesticides.

(2) In this regulation "premises" means any vehicle, factory, commercial building, store, or shed.

Miscellaneous Provisions

12. Director-General may amend list of scheduled insecticides—

The Director-General may, on the recommendation of the Board, from time to time by notice in the *Gazette* add to or exclude from the list of pesticides in the First Schedule to these regulations the name of any pesticide.

13. Director-General may issue specifications for pesticides—

(1) The Director-General may, on the recommendation of the Board, from time to time by notice in the *Gazette* specify physical and chemical properties for any pesticide.

(2) No person shall, otherwise than in accordance with a permit issued by the Director-General on the recommendation of the Board,—

(a) Sell or offer for sale for application, or knowingly apply or cause to be applied, any pesticide in respect of which a notice has been given under this regulation if that pesticide does not conform with that notice; or

(b) Take any action that alters the physical or chemical properties of any pesticide in respect of which a notice has been given under this regulation, otherwise than in the normal course of application.

14. Use of pesticides toxic to bees—(1) This regulation applies to every pesticide in respect of which the label approved by the Board bears the words "Toxic to Bees".

(2) No person shall apply any pesticide to which this regulation applies otherwise than—

(a) In accordance with a permit issued by the Director-General; or

(b) In accordance with the warning appearing on the label.

15. Access of livestock to premises where insecticide is stored or has been spilt—

No person shall permit any livestock to have access to any place where any insecticide is stored (whether temporarily or otherwise), or has been spilt.

16. Offences—(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 and, where the offence is a continuing one, a further fine not exceeding \$100 for every day or part of a day on which the offence has continued, who—

- (a) Applies or causes to be applied any pesticide in contravention of regulation 5 (1) or regulation 9 or regulation 13 (2) (a) or regulation 14 (2) of these regulations; or
 - (b) Fails to comply with or contravenes any term or condition of any notice given or permit issued under these regulations; or
 - (c) Sells or offers for sale or supplies any pesticide in contravention of regulation 6 or regulation 13 (2) (a) of these regulations; or
 - (d) Fails to comply with any of the requirements of regulation 7 of these regulations relating to the delivery, endorsement, and retention of copies of permits; or
 - (e) Transports any pesticide in contravention of regulation 8 of these regulations; or
 - (f) Alters the physical or chemical properties of any pesticide in contravention of regulation 13 (2) (b) of these regulations; or
 - (g) Contravenes regulation 15 of these regulations.
- (2) Every person who commits an offence against regulation 10 of these regulations is liable on summary conviction to a fine not exceeding \$1,000.

17. Revocations and savings—(1) The regulations and notices specified in the Second Schedule to these regulations are hereby revoked.

(2) Notwithstanding the revocation by subclause (1) of this regulation of the Agricultural Chemicals Regulations 1968, the notices specified in the Third Schedule to these regulations shall continue in force as if they had been given under regulation 13 of these regulations.

SCHEDULES

FIRST SCHEDULE

Reg. 2

LIST OF SCHEDULED INSECTICIDES

Aldrin.	Dieldrin.
Benzene hexachloride.	Endrin.
Chlordane.	Heptachlor.
Chlordecone.	Lindane.
TDE.	Methoxychlor.
DDT.	Toxaphene.

SECOND SCHEDULE

Reg. 17 (1)

REGULATIONS AND NOTICES REVOKED

Title	Statutory Regulations Serial Number
The Agricultural Chemicals Regulations 1968...	1968/201
The Agricultural Chemicals (Exemption from Registration) Notice 1970	1970/159
The Agricultural Chemicals Regulations 1968, Amendment No. 1	1971/38
The Agricultural Chemicals (Registration of Applicators) Regulations 1971	1971/118
The Agricultural Chemicals Regulations 1968, Amendment No. 2	1972/122
The Agricultural Chemicals Regulations 1968, Amendment No. 3	1973/148
The Agricultural Chemicals (Parathion and Parathion-Methyl) Notice 1974	1974/125
The Agricultural Chemicals (Endosulfan) Notice 1974	1974/174
The Agricultural Chemicals (Fensulfothion) Notice 1974	1974/182
The Agricultural Chemicals (Endosulfan) Notice 1974, Amendment No. 1	1975/73
The Agricultural Chemicals Regulations 1968, Amendment No. 4	1975/203
The Agricultural Chemicals (Fensulfothion) Notice 1974, Amendment No. 1	1975/291
The Agricultural Chemicals Regulations 1968, Amendment No. 5	1976/9
The Agricultural Chemicals Regulations 1968, Amendment No. 6	1976/180
The Agricultural Chemicals Regulations 1968, Amendment No. 7	1977/91

Reg. 17 (2)

THIRD SCHEDULE

NOTICES SAVED

Title	Statutory Regulations Serial Number
The Agricultural Chemicals (2, 4, 5-T Specification) Notice 1973	1973/72
The Agricultural Chemicals (Paraquat Specifications) Notice 1979	1979/70
The Agricultural Chemicals (2, 4, 5-T Specification) Notice 1973, Amendment No. 1 ...	1982/147

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are made pursuant to the Pesticides Act 1979 and replace the Agricultural Chemicals Regulations 1968 and their amendments.

Regulation 1 relates to the Title and commencement.

Regulation 2 defines certain terms used in the regulations.

Regulation 3 prescribes a fee of \$30 on an application for the registration of a pesticide, and regulation 4 provides that no fee is payable for an experimental use permit.

Regulations 5 to 7 control the application and sale of the insecticides listed in the First Schedule to these regulations.

Regulations 8 to 10 control the transport and application of herbicides. Regulation 9 tightens the present provisions relating to the application of herbicide dusts during the certain months. Except as may be permitted by the Director-General, such dusts may be applied during those months only by means of a hand-operated shaker to individual plants. Regulation 10 is new. It makes it an offence to apply a herbicide in such a reckless manner as to cause damage to any property (other than the target property).

Regulations 11 to 13 repeat present provisions relating to the powers of Inspectors and Police officers, the amendment of the list of insecticides in the First Schedule to these regulations, and the specification of standards for particular pesticides.

Regulation 14 is new. It provides that where a pesticide is labelled "Toxic to Bees" it must be used in accordance with the warning on the label, or as otherwise permitted by the Director-General.

Regulations 15 and 16 are penal provisions brought forward from the present regulations, although the maximum fines have been increased.

Regulation 17 relates to revocations and savings.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 24 February 1983.

These regulations are administered in the Ministry of Agriculture and Fisheries.