

## IMPORTANT CHANGES TO BE INCORPORATED INTO PESTICIDES MANAGEMENT BILL 2020 BEFORE IT IS PASSED BY THE PARLIAMENT

This is with regard to the Pesticides Management Bill 2020 which is expected to be tabled in the current session of the Parliament (Ref: [http://164.100.47.5/newsite/bulletin2/Bull\\_No.aspx?number=59675](http://164.100.47.5/newsite/bulletin2/Bull_No.aspx?number=59675)).

### **a. Regulatory Approach/Framework:**

1. The Bill, as opposed to looking at regulation as a clearing house/facilitatory function, should focus on prevention of risk to human beings and environment (biosafety). Therefore, in the Preamble, the objective of the Bill should be stated as follows: “A Bill to regulate the import, manufacture, packaging, labelling, research, export, storage, distribution, transport, sale, advertising and disposal of pesticides with a view to prevent risk to human beings or other living organisms and the environment, and to minimise and incrementally phase out (synthetic) pesticides from our food and farming systems”. Needless to say, if the objective of the Bill is right, the other provisions in the Bill will also have to align themselves to the objective.
2. Regulation should cover all Herbicides/Weedicides, Insecticides, Fungicides, Rodenticides, Molluscicides, other Biocides, Growth Regulators.
3. Regulation should reflect post modern science of pest management and therefore, should incorporate Needs and Alternatives Assessment before any application for registration is processed.
4. Regulation should include prohibition in particular geographies (parks, schools, water bodies, hospitals, forests, biodiversity hotspots etc.) to create pesticide-free zones, especially to protect children and biodiversity.
5. Regulation should incorporate an entire product life cycle approach with liability fixed on the registrant/manufacture till the very end of the product.
6. Registration or refusal to register should certainly take into account end-use conditions

### **b. Registration related provisions:**

1. Registration should be only after a Needs and Alternatives Assessment.
2. No registration should be allowed of pesticides that have been banned or severely restricted in two or more countries.
3. No registration should be allowed without long term, comprehensive, independent and transparent assessment of risks (this includes publishing of data in the public domain and independent scrutiny of test results).
4. No registration should take place of known carcinogens, endocrine disruptors and teratogens, and no registration should also take place of Class I and II pesticides as per WHO classification of acute toxicity.
5. There should be no “Deemed to be Registered” category of pesticides. Similarly, there should be no provisional registration of pesticides.
6. There should be no registration without fixing of MRLs for all registered uses in all approved crops (not just MRLs of some crops).
7. There should be no time limit set for registration applications to be cleared.
8. Biosafety assessment for registration should assess the safety of inert substances/surfactants etc., also and not just the active ingredient. Further, assessment should also look at biosafety of metabolites or breakdown products of a pesticide.

c. **Review related provisions:**

1. Every pesticide should come up for an automatic review every 5 years.
2. Reviews of a registered pesticide should also kick in whenever more than 2 countries ban or severely restrict a given pesticide (which means that the government should have a surveillance mechanism on regulatory developments elsewhere), whenever a state government takes a prohibitory action and whenever a crowd-sourced data system throws up any registered pesticide as implicated in pesticide poisoning instances and whenever a hospital based surveillance system shows particular pesticides implicated in human poisoning (inhalation, accidental and ingestion).
3. Review should be done by a Standing Committee set up for the purpose, consisting of biosafety experts, and should not be done by the Registration Committee.

d. **Institutional Mechanisms/Authority/Responsibilities**

1. Central Pesticides Board: This Board should not be just advisory in its functions, but empowered to oversee the work of all other functionaries who are meant to implement the statute. The Board should constitute the Registration Committee. It should specifically have consumer organisation representatives, independent ecologists, and post-modern pest management experts in addition to the constitution proposed in the Bill. All nominated members should be completely devoid of any conflict of interest.
2. Registration Committee: Chairperson of the committee has to be specified and is ideally drawn from the Health or Environment Ministries. Employees of the department of Health Research and Biosafety experts should be part of the Committee. The co-option of adding other experts apart from the ones mentioned should be after Central Pesticides Board permits. Such co-option should be of only independent experts without any conflict of interest.
3. Review Committee: A separate review committee should be constituted that reviews all registered pesticides for continued use/production. It should consist only of biosafety experts.
4. State Governments should be empowered to prohibit particular pesticides as per their own evidence and need. This power should not be limited to just one year, or only pending review.

e. **Prohibition of pesticides**

1. Prohibition of pesticides should happen automatically whenever 2 or more countries ban a pesticide – review can happen after prohibition comes in. Prohibition should come in as soon as reporting database implicates particular pesticides in poisoning instances incl. suicides (rapid ground level verification can be taken up).
2. There should be a prohibition of pesticides from those countries which have banned the pesticide for domestic use.
3. As per our Constitution's Schedule VII, Agriculture and specifically "Protection against Pests and Prevention of Plant Diseases" are in the State List. States should be empowered to prohibit in their jurisdiction

f. **Regulation of the Supply Chain and Usage**

1. Strict regulation of advertising should be part of the regime.

2. Elaborate labelling with special warnings/symbols on different properties of the pesticide, on safety precautions to be adopted, on poisoning symptoms and first aid etc., in local languages and pictograms, comprehensible to farmers, should be part of regulation.
3. Registrant / Manufacturer should be liable for the entire product life cycle, and thereby, end disposal of pesticides too.
4. Registrant / Manufacturer should be liable for supply of Personal Protective Equipment to all users of their pesticides.

**g. Poisoning/Contamination and Redressal**

1. Redressal should include Compensation as well as Remediation wherever required.
2. State governments should build and operate a data system for collecting information on poisoning from hospital based surveillance.
3. Central government should build and operate citizen-sourced data system for poisoning instances.
4. There has to be a system for investigating (epidemiologically) chronic poisonings when community level effects are reported.
5. Compensation Fund should have a cess collected from the pesticides industry based on the revenue generated.
6. Such a Compensation Fund should be used to support all affected citizens, including ones poisoned, for ones contaminated (organic farmers) and other affected (for instance, livestock poisoned).
7. The administration of the Compensation Fund should be simple, and accessible to the affected at the taluka/block level, and should be time-bound.
8. The compensation amount proposed in the Bill should be revised upwards periodically, based on recommendation of the Central Pesticides Board.
9. No affected citizen should be asked to take recourse to Consumer Protection Act, since they are not likely to be 'consumers' in most cases and will not find justice in the Consumer Protection Act.
10. Players in the supply chain like stockists, retailers, distributors etc., can certainly take resort to Consumer Protection Act.

**h. Penalties**

1. There should not be so many categories of Offences defined in the statute and so many slabs of penalties. This should be simplified.

**i. Pesticide Testing Labs**

1. Labs should be accessible to public, upon payment of nominal fees if required.
2. Data of testing should be put out in the public domain, location, batch and brand wise.
3. Labs should test a minimum target set for them of not just pesticides, but of food, water and soil samples.

**j. Licensing system**

1. One time licensing for life time should be avoided. Period of licensing could be made into 7-10 years.

The above are only some of the key amendments needed. Several other improvements can be made too in the Bill.

More detailed inputs as provided to the Ministry of Agriculture & Farmers' Welfare in the recent past are available here: <http://www.kisanswaraj.in/2019/11/29/ashas-inputs-on-pesticides-management-bill-expected-to-be-introduced-in-the-parliament-in-winter-session-of-2019/>

ASHA's inputs on the 2017 version of the Pesticides Management Bill, including clause by clause amendments sought at that time, are available here: <https://www.kisanswaraj.in/2018/03/05/withdraw-pesticides-management-bill-2017-if-the-objective-is-not-right/>

A powerpoint presentation which helps in a quick overview and main issues is available here: [https://drive.google.com/open?id=1rB-M\\_2jrGh\\_FF2eEWu7Ltrw8N0TfYSNU](https://drive.google.com/open?id=1rB-M_2jrGh_FF2eEWu7Ltrw8N0TfYSNU)

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