

Regulation
On
Import, Distribution and Use of Pesticides

Date: 3rd October 1996

Chapter one
General provisions

Article 1

(1). This regulation has been developed to regulate and set conditions for import, distribution and proper use of quality and riskless pesticides to protect plants, increase harvest and ensure the health of users.

(2). The pesticides used for human and animal health are not included in this regulation.

Article 2

Pesticides include those materials used to:

Prevent and eliminate, protect and defeat any kind of plant diseases when plants are growing;

Or the plants are produced, stored, moved, distributed and processed for human and animal edibles;

Or are those materials used against animals' external parasites;

Or materials used to regulate plants growth, make the leaves fall, dry the plants, integrate fruits products, avoid budding;

Or the materials use prior to and after the harvest to protect the products from spoiling at the time of being stored.

Chapter two

Registration

Article 3

Import, distribution and use of the pesticides are allowed only after their quality and quantitative characteristics are certified by Plant Protection and Quarantine Department of MAIL and agreement from MoPH.

Article 4

The importing organization can apply to register or amend its available permit. The seller organization with permission from importing organization may claim and sign its amendment application by mentioning the date.

Article 5

Registration application contains figures and necessary information on pesticides physical and chemical characteristics and its effectiveness, toxic range and duration; and its environmental effects which are included in Annex 1. Amendments on existing technical issues and other amendments will be developed and published by MAIL with cooperation of MoPH.

Article 6

If a pesticide is already registered by an organization and its A1 is taken and regulated by a second organization, the second organization also needs to register the same pesticide.

Article 7

A manufacturer or seller organization should submit its registration/amendment application to Plant Protection and Quarantine Department of MAIL.

Article 8

A pesticide provider organization including producer/seller may submit its registration application in any forms as bellow:

1. Pilot registration
2. Temporary registration
3. Business registration

Application submission for any forms of above may take place based on the previous records and previous use of a pesticide.

Article 9

Pilot registration: is for those pesticides which have not been previously used in the country. Pesticides registered under this category undergo comprehensive tests and examinations so that the effects of pesticide on products will be identified and period

between the time of last spray and harvest season will be determined. Pilot registration is valid for only two years. The test results will be documented by the applicant and will be reviewed after one year for a temporary registration.

Article 10

- (1) *Temporary registration*: Is done before distribution of pesticides.
- (2) Applicants may apply for temporary registration for those pesticides which have the following characteristics:
 - a. Has been used in the country for several past years without any negative effects;
 - b. Its negative affects are less than international standard range;
 - c. If the use of the pesticide in other countries has been without negative effects, such registration is valid for three years. If quality and quantity figures, review and comprehensive analysis disallow the use of pesticide, the period may be limited.

Article 11

Business registration: is done when all required figures show that the pesticide can be used without great negative effects. Such registration is valid for 5 years.

Article 12

Evaluation of registration application is done against a fee specified in Annex 2. The fee will go to Emirate account. The cost of imported chemicals and, lab costs (when needed) will take place under the provisions of this of the regulations.

Article 13

Registration is every phase may be updated and amended based on fresh information/data.

Article 14

Test and registration of pesticides are done under the current conditions in country except those that Plant Protection and Quarantine Department consider them unnecessary based on its available experience and information. Pesticide test application due for upcoming year should be submitted before the month of Jadi.

Article 15

Pesticide tests are carried out by lab professional staffers of plant protection department or under the direction of the department in provincial offices, research institutes and universities.

Article 16

Test and examinations are done based on international standard methods and in the places where the pesticide may not affect surface water resources.

Article 17

If the pesticide test in an agricultural area proves that the level of poisonous material in the pesticide is less than international standards, the products of the area may be used as human and animal food.

Article 18

If the effects of the pesticide in agricultural products exceed to international standard level, or if due to some reasons such effects are immeasurable, the loss in the products will be compensated from specific budget set us to this end.

Article 19

According to Annex 3, the figures and information obtained from tests will be evaluated by registration board

Article 20

Before the registration documents (according to Article 3 of this regulation) are issued, the results from pesticide test will be given to the representative of the applicant, heads and deputy heads of the organizations involved in registration process, head of registration board and director of Plant Protection and Quarantine Dept. only.

Article 21

The figures presented by application for the purpose of registration will be kept confidential and will not be revealed unless a written agreement is obtained from the applicant.

Chapter 3

Restrictions and limitations

Article 22

MAIL will return a registration application under one of the following:

- 1- Negative and bad effects on human, plant and environment despite of proper use;
- 2- Deficiency in given figures for comprehensive evaluation of pesticide and;
- 3- A lack of satisfactory in biological effects and quality of pesticide

Article 23

MAIL may return or restrict temporary business registration under one of the following:

- 1- If the users are prone risk due to grown plants and environment;
- 2- If the products lack good quality and;
- 3- If are not usable and deliverable in the long tern.

Article 24

The stored pesticides whose registration has been returned may be used only based on an exclusive direction from Plant Protection and Quarantine Dept.

Article 25

In order to prevent and maintain plants from unexpected diseases MAIL's Plant Protection and Quarantine Dept. in emergencies will issue a maximum one-year permit for preparation and use of pesticides and will inform MoPH of the permit issue.

Article 26

In emergencies, authorized organizations and individual traders based on direction of MAIL's Plant Protection and Quarantine Dept. Without required registration procedures will provide the necessary pesticides.

Chapter 4

Import and distribution

Article 27

The kind and quantity of pesticide needed for protection of plants in Afghanistan will be determined and identified by Plant Protection and Quarantine Dept.

Article 28

Import of pesticides is only allowed to those organizations and individuals certified by Emirate and are limited to the list approved by MAIL's Plant Protection and Quarantine Dept. All regulations and restrictions set by MoPH to ensure the health of pesticide workers and users will be observed. The due information on pesticides import through the organizations and individual traders will be determined by MAIL and MoPH.

Article 29

Pesticides distribution in the central and provincial level will be provided through authorized retail agents of importing organizations/individual traders.

Article 30

Permits to pesticides retail dealers will be issued through Plant Protection and Quarantine Dept. based on needs and a written application by the importer(s) providing that they have already set up secured and risk free stores meeting the specifications in regulation of sale and store of pesticide regulation jointly developed by MAIL and MoPH. The old permits will be renewed if sale requirements are fully met.

Article 31

Pesticides importers will have full responsibilities against the sale and distribution of the imports by their respective agents/representatives and they should regularly monitor the activities of retail dealers and the conditions of the shops and stores.

Article 32

Plant Protection and Quarantine Dept. is authorized to nullify a retail permit if it fails to fully meet the requirements of the permit.

Article 33

Pesticides should be sold and distributed in special shops. The sale is not allowed on roadside shops.

Article 34

Pesticide importing organizations/individuals whose imports are sold by authorized retail dealers should sponsor such dealers and should make them renew their permits on a timely basis.

Article 35

Any dealer who sells pesticides without holding a permit according to Annex 4 will be punished.

Article 36

Police without prior notice will collect pesticides sold on roadsides and will send them to Plant Protection and Quarantine Dept. and will be returned pursuant a court verdict.

Article 37

Pesticides distribution will be guided and monitored by Plant Protection and Quarantine Dept. in center and through its relevant departments in the provinces.

Article 38

In order to regulate the sale and distribution of dangerous pesticides Plant Protection and Quarantine Dept. in center and its departments in the provinces are responsible issue distribution certificates to skilled and experienced individuals.

Article 39

Pesticide sale agents are responsible to maintain a record on their daily sales. Upon selling moderate and extreme dangerous pesticides besides noting the quantity and name of the pesticide, they must record buyer's name, ID number and permanent residence.

Article 40

Very dangerous pesticides should be sold only to the people who hold valid certificates for purchase and use of such products.

Article 41

Pesticides are allowed to be distributed in the sale stations only when the packages carry trademarks and the pesticides' specification in both Dari and Pashto languages.

Article 42

If pesticides are packed in small packages with labels specifying product name, serial No, classification, side effects and flammability, separate usage instructions should be included in the package.

Article 43

Repackage of pesticides in small packs will be done through authorized organizations and with the agreement from MAIL and MoPH.

Article 44

Particular methods for disposal of empty pesticide packages will be jointly developed by MAIL and MoPH and will be published in mass media.

Chapter five

Quality requirements

Article 45

All pesticides distributed in market should comply with quality specifications recorded in registration documents.

Article 46

The quality of pesticides will be monitored by lab equipments of Plant Protection and Quarantine Dept. as follows:

- 1- Lab staffers of Plant Protection and Quarantine Dept. will collect pesticide samples from all stores, shops, retail dealers or area of usage;
- 2- If a pesticide package is opened for the purpose of sampling, it can be sold only after its safe repackage and recovering of the quantity takes as sample; Sample takers are obliged to seal the opened package and sign on it.

Article 47

MAIL's Plant Protection and Quarantine Dept. is authorized to stop or limit the distribution of low quality pesticides.

Article 48

Pesticides that due to some reasons are stored for longer period of time and their quality change to worsen will be eliminated according to directions from MAIL, Chemical Fertilization Dept and Afghan Agricultural Services.

Chapter 6

Usage

Article 49

Pesticides are only allowed to be used and applied based on directions and guidance of Plant Protection and Quarantine Dept.

Article 50

Upon using moderate or extreme poisonous pesticides, the responsible person should record date of apply, concentration and location of treated plants.

Article 51

Upon selling a pesticide, written instruction about its usage should be provided. Officials from Plant Protection and Quarantine Dept. should provide farmers with direct or indirect information on the use of pesticides through the mass media.

Article 52

Break between the use of pesticides and harvest season and the effects of authorized pesticides included in registration is as follows:

- 1- Break before harvest season: is the period between the latest use of pesticide until harvest season or if it is applied after harvest until it is moved to market. The break is determined on the basis of day count.
- 2- The maximum quantity of authorized pesticides is the maximum level of the effect which remains on the product after the use of pesticide until it is moved to market.

Article 53

Through the mass media MAIL will publish the maximum effects of authorized pesticides and the break before the harvest season.

Chapter 7

Control of effects

Article 54

Providing that on plant products for edible purposes a pesticide has been applied, should only be distributed in market when the appropriate period before the harvest has been completed.

Article 55

Plant products in which pesticides effects exceeds over the authorized range or have been collected before completion of pre harvest break, are disallowed to be distributed in market.

Article 56

MAIL, lab and toxicology dept. hereby ban sale of plant products in which pesticides effects exceed the normal range.

Article 57

Analysis of pesticide effects on plant products is done by labs section of MAIL's Plant Protection and Quarantine Dept. and MoHP's toxicology section.

Article 58

Sampling from agricultural products for analysis of pesticides effects in them is done by officials from MAIL's Plant Protection and Quarantine Dept and MoPH officials.

Article 59

MAIL And MoPH will issue official certificates to their officers responsible for sampling.

Chapter 8

Final provisions

Article 60

MoPH will monitor all pesticide related affairs in order to ensure the health of workers, users and environment.

Article 61

This regulation will come into effect from the date of approval and will be published in official gazette. Upon its approval the regulation on import, distribution and use of pesticides 22 October, 1989 with all its amendments will be annulled.

(ENDS)