

AGROCHEMICALS ACT
(Cap. 35:09)

AGROCHEMICALS REGULATIONS, 2003
(Published on 8th August, 2003)

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IN EXERCISE of the powers conferred on the Minister of Agriculture by section 31 of the Agrochemicals Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Agrochemicals Regulations, 2003. Citation
2. In these Regulations, unless the context otherwise requires, “licensee” Interpretation
means a holder of a licence issued under these Regulations.
3. (1) A person may make an application to register an agrochemical in accordance with section 12 of the Act and with the provisions of sub regulation (2). Application to register an agrochemical
(2) An application under subsection (1) shall be made to the Registrar in Form 1 set out in the First Schedule and shall further be accompanied by —
 - (a) two samples of the agrochemical;
 - (b) any advertising material or experimental data in support of efficacy of the agrochemical;
 - (c) full toxicological data of the agrochemical;
 - (d) methods of analysis of the agrochemical; and
 - (e) residue and phytotoxicity data of the agrochemical under Botswana or similar conditions.

(3) Where an applicant is only seeking registration for the sale of an agrochemical and the manufacturer of the agrochemical is not prepared to give the applicant information about such agrochemical, the manufacturer shall submit the full composition statement of such agrochemical directly to the Registrar.

Registration

4. (1) The Registrar shall, where he is satisfied that an application meets the requirements of regulation 3, register the agrochemical and issue a registration certificate, as set out in the Second Schedule, to the applicant.

(2) Where the Registrar is not satisfied that the application meets the requirements of regulation 3, he shall reject the application and notify the applicant thereof in writing, stating the reasons for the rejection.

Other applications

5. (1) An application for —

(a) a temporary import permit shall be in Form 2;

(b) a permit for the import of an agrochemical for research or experimental purposes shall be in Form 3;

(c) a licence to facilitate the transit of an agrochemical from one country to another country shall be in Form 4;

(d) a licence to dispose of an agrochemical and its by-products shall be in Form 5;

(e) a licence to manufacture an agrochemical shall be in Form 6;

(f) a licence to import, sell or distribute an agrochemical shall be in Form 7; and

(g) a licence to commercially use an agrochemical shall be in Form 8, set out in the First Schedule.

(2) Where the Registrar is satisfied that an application made in accordance with sub regulation (1) meets the requirements of section 12 of the Act and of these regulations, he shall issue a licence to the applicant, under such terms and conditions as he may consider appropriate.

(3) Where the Registrar is not satisfied that the application meets the requirements of regulation 3, he shall reject the application and notify the applicant thereof in writing, stating the reasons for rejection.

Labelling

6. (1) All containers in which an agrochemical is offered for sale or distribution shall bear a label written in English, and where possible, in Setswana, firmly affixed to the container, the wording of which shall be approved by the Committee.

(2) An application for the approval of the words to be placed on a label in accordance with sub regulation (1) shall be made to the Committee in writing.

(3) A label in accordance with sub regulation (1) shall contain the information set out in the Third Schedule.

(4) The classification of an agrochemical on a label according to toxicity shall be in accordance with the Fourth Schedule.

(5) The codes to be used for an agrochemical formulation on a label shall be as set out in the Fifth Schedule.

Duty of licensee

7. A licensee shall ensure that —

(a) an agrochemical distributed by him is approved, marked, packed and labelled in accordance with the provisions of these Regulations;

(b) the substance contained in an agrochemical distributed by him is in accordance with the specification on the label; and

(c) direction for use and other information printed on the label do not contain misleading or erroneous information.

8. (1) No person shall issue an advertisement of an agrochemical unless the advertisement has been approved by the Registrar.

Promotion
and
advertisement

(2) The Registrar shall not allow an advertisement that —

- (a)** uses words or phrases calculated to lead a purchaser to believe that registration or licensing implies special approval or official guarantee of the efficacy of the agrochemical; or
- (b)** makes claims other than those on a label made in accordance with regulation 6.

9. A record concerning the importation, manufacture, distribution or sale of an agrochemical maintained in accordance with section 28 of the Act shall contain the following information regarding the agrochemical —

Record
keeping by
licensee

- (a)** common name;
- (b)** trade name;
- (c)** chemical group;
- (d)** type of formulation;
- (e)** quantity of the product;
- (f)** date of manufacture;
- (g)** expiry date;
- (h)** toxicity class;
- (i)** quantity of obsolete chemicals;
- (j)** intended use;
- (k)** number of employees; and
- (l)** training level of employees.

10. (1) The licensee shall —

Storage

- (a)** ensure that the storage area of an agrochemical —
 - (i)** is kept locked when the licensee or those of his employees handling the agrochemical are absent;
 - (ii)** is well ventilated to prevent the build up of toxic vapours;
 - (iii)** has suitable and adequate fire extinguishers that are easily accessible from outside, and
 - (iv)** has warning signs posted in a conspicuous place, warning people of the dangers of the agrochemical stored inside;
- (b)** regularly inspect for leaks, any container in which an agrochemical is stored; and
- (c)** where an agrochemical container is damaged, transfer the agrochemical to a suitable, clean and compatible container and shall label the new container in accordance with these Regulations.

11. (1) An employer handling an agrochemical shall —

Safe
handling

- (a)** ensure that his employees are medically examined periodically, to ensure that the employees are fit for work involving exposure to the agrochemical;
- (b)** provide those of his employees handling the agrochemical with appropriate protective clothing, which clothing shall be thoroughly washed at the workplace at the end of each day or operation, particularly when heavily contaminated;
- (c)** keep and maintain a works exposure record card for each employee handling the agrochemical; and
- (d)** at all times keep a first aid kit at hand where the agrochemical is manufactured, transported, handled or disposed.

(2) A works exposure record card kept in accordance with subparagraph 1 (c) shall provide the following —

- (a) the name and address of the employee;
- (b) the exposure period of the employee;
- (c) the common names of the active ingredient being handled;
- (d) the physical state of the formulation of the agrochemical being handled;
- (e) details of any occupational accidents involving the employee during the period of exposure;
- (f) the date and nature of each case of poisoning; and
- (g) a medical practitioners' notes regarding sub regulation (2)(e) and (f).

(3) The employer shall, where an employee falls ill or is involved in an accident at the work place or in the course of discharging his duties as an employee, hand to a medical practitioner who examines the employee, the employee's works exposure record card kept under this regulation.

Disposal of
waste

12. (1) No person shall —

- (a) dump an agrochemical container indiscriminately; or
- (b) put an agrochemical into food containers.

(2) A licensee shall ensure that —

- (a) cartons, boxes and bags used to carry an agrochemical are shredded to avoid re-use;
- (b) agrochemical waste is packed in plastic bags to minimise the risk of exposure during handling;
- (c) pallets contaminated by an agrochemical are broken up;
- (d) disposal of lightly agrochemical contaminated waste is carried out by —
 - (i) burning in an incinerator or in a hot fire in an isolated area down wind of the nearest habitation,
 - (ii) burial in an approved landfill, or
 - (iii) packing in strong polyethylene bags or 200 litres steel drums for disposal as toxic waste; and
- (e) containers that were used to carry an agrochemical are —
 - (i) well drained, thoroughly rinsed with water or any other appropriate solvent such as diesel fuel then shredded or crushed, or
 - (ii) returned to the supplier or retained as spares to re-pack the same agrochemical it previously contained or agrochemical contaminated spill.

Training course

13. (1) The Registrar shall regularly conduct a training course for any person who applies for a licence under these Regulations and does not have relevant qualifications.

(2) A course in accordance with sub regulation (1) shall cover the following topics —

- (a) interpreting a label;
- (b) groups of agrochemicals;
- (c) toxicity classes and colour codes;
- (d) storage and handling of different types of agrochemicals and agrochemicals with different toxicities;
- (e) use of protective clothing; and
- (f) disposal techniques of agrochemicals.

14. A person who contravenes any provision of these Regulations shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding 6 months, or to both. Offence and penalty

FIRST SCHEDULE

FORM 1

(reg 3 (2) and 5(1))

APPLICATION TO REGISTER AN AGROCHEMICAL

1. APPLICANT'S DETAILS

- (a) Name of applicant

- (b) Postal address.
.....
.....
Tel no.

- (c) Physical address

.....
.....
Tel no.
- (d) Address in Botswana if different from above
.....
.....
.....

- (e) Type of organization (manufacturer, distributor, importer etc)
.....

- (f) Name and address of manufacturer/ importer of original agrochemical
.....
.....

- (g) Country of origin of the agrochemical
.....

2. DETAILS OF THE PRODUCT

- (a) Common name(s) of the agrochemical

- (b) Trade name(s) or code number of the agrochemical

- (c) Chemical name(s) of the agrochemical

- (d) Molecular formula of the active ingredient

- (e) Molecular weight
- (f) Structural formula of the active ingredient.....
- (g) Main active ingredient(s).....
- (h) List of adjuvant names(s) content by weight/volume.....
.....
- (i) Type of agrochemical (e.g rodenticide, acaricide).....
- (j) Type of formulation (e.g wettable powder).....
- (k) Physical properties —
 - (i) physical description (e.g colourless liquid).....
 - (ii) solubility of the agrochemical in aqueous or organic solvents (metric units)
.....
 - (iii) wettability.....
 - (iv) emulsion stability.....
 - (v) compatibility with other chemicals.....
 - (vi) melting point.....
 - (vii) boiling point.....
 - (viii) vapour pressure.....
 - (ix) flammability.....
 - (x) acidity/alkalinity.....

3. SUMMARY OF THE PRODUCT'S TOXICOLOGICAL PROPERTIES

- (a) Classification according to World Health Organisation system
- (b) Dermal and oral mammalian toxicity (LD50, LC50)
.....
.....
- (c) Persistence of the agrochemical and its by-products in the environment
.....
.....

4. PREMISES (ATTACH SKETCH)

- (a) Physical address.....
- (b) Manufacturing room(s).....
- (c) Storage of —
 - (i) technical materials.....
 - (ii) adjuvants.....
 - (iii) finished products.....
 - (iv) standards.....
 - (v) antidotes.....

(d) Air and other conditioners.....

(e) Manufacturing equipment.....

(f) Disposal of waste.....

5. NAME AND QUALIFICATIONS OF TECHNICAL STAFF IN CHARGE OF THE AGROCHEMICAL

.....
.....

6. CERTIFICATION

I/we certify that the information given above is to the best of my/our knowledge correct and was given using information and scientific data available to me/us.

.....
.....
.....

FORM 2

(reg 5(1)(a))

APPLICATION FOR A TEMPORARY IMPORT PERMIT

I / We

Of (mailing address).....
.....
.....

wish to import the following agrochemical(s)

.....
.....
.....

whose details are shown in the attached application (Form 1),

the total quantity being.....

The importation will be made during the periodto.....

Signature of authorised officer.....

Title.....

Date.....

FORM 3

(reg 5(1)(b))

**APPLICATION FOR A PERMIT FOR THE IMPORT OF AN AGROCHEMICAL
FOR RESEARCH OR EXPERIMENTAL PURPOSES**

Name of applicant.....

Postal address.

Tel no.

Physical address

Tel no.

Common name of the agrochemical(s).....

Trade name(s) or code number of the agrochemical.....

Chemical name(s) of the agrochemical.....

Main active ingredient(s)

Type of agrochemical

Type of formulation

Classification according to Botswana system

Dermal and oral mammalian toxicity

Amount of agrochemical being imported

Intended use of the agrochemical.....

Place(s) where the agrochemical will be used

Name and qualifications of officer in charge of research or experiment

Signature

Date.....

FORM 4

(reg 5(1)(c))

**APPLICATION FOR A LICENCE TO FACILITATE THE TRANSIT OF AN
AGROCHEMICAL FROM ONE COUNTRY TO ANOTHER**

Name of applicant

Postal address.....

Name of the agrochemical

Quantities of the agrochemical.....

Type of packaging.....

Type of warning signs on the consignment.....

Mode of transport

Country of origin

Country of destination.....

Entry point.....

Exit point.....

Intended date of entry.....

Intended date of exit.....

Name of officer in charge of the consignment.....

Address

Tel no.

Signature of authorised officer.....

Date.....

**NOTE: PLEASE ATTACH LETTER OF CONSENT FROM INTENDED RECIPIENT OF
THE CONSIGNMENT.**

FORM 5

(reg 5(1)(d))

APPLICATION FOR A LICENCE TO DISPOSE OF AN AGROCHEMICAL AND ITS BY-PRODUCTS

Name of applicant

Postal address

Physical address

Tel no.

Physical address

Tel no.

Name of agrochemical.....

Formulation.....

Container type.....

Quantities to be disposed.....

Method of disposal.....

Place where disposal operation will take place.....

Date of intended disposal operation

Name of officer in charge of the disposal operation.....

Qualifications of officer in charge of the disposal operation.....

Signature.....

Date.....

FORM 6

(reg 5(1)(e))

APPLICATION FOR A LICENCE TO MANUFACTURE AN AGROCHEMICAL

Name of applicant

Postal address.....
.....
.....

Tel no.....

Physical address

Tel no.....

Product to be manufactured.....

Quantities intended to be produced per annum.....

Use of the formulated final product

Signature.....

Date.....

FORM 7

(reg 5(1)(f))

**APPLICATION FOR A LICENCE TO IMPORT, SELL OR DISTRIBUTE AN
AGROCHEMICAL**

Name of applicant

Postal address.
.....

Physical address.
.....
.....

Tel no.....

Agrochemicals to be imported, sold or distributed.....
.....
.....

Type.....

Formulation.....

Quantities.....

Intended uses.....

Registration numbers(s) of the products.....

.....
.....

Country of origin

Date of manufacture.....

Registration number in country of origin.....

Name and qualification of officer in charge.....

.....
Signature

Date.....

FORM 8

(reg 5(1)(g))

**APPLICATION FOR A LICENCE TO COMMERCIALLY
USE AN AGROCHEMICAL**

Name of applicant

Postal address.

Tel no.

Physical address

Tel no.

Type of application (pest, weed control fertilizer application etc)
.....

Application equipment to be used
.....

Name and qualifications of technical staff in charge
.....

SECOND SCHEDULE

(reg 4)

AGROCHEMICAL REGISTRATION CERTIFICATE

Agrochemical Registration Certificate number.....

Category of registration.....

Common name.....

Trade name.....

Name and address of applicant

This is to certify that the above mentioned agrochemical has been approved and registered for sale or use in Botswana under conditions detailed below:

.....

This certificate is valid until.....

Signature
Registrar

Date.....

THIRD SCHEDULE

(reg 6(3))

INFORMATION TO BE WRITTEN ON A LABEL

A label shall show —

- (a) the trade name of the agrochemical;
- (b) the international common (standard) name or the chemical formula of the active ingredient contained in the agrochemical, the formulation of the agrochemical and the purpose for which the agrochemical is to be used;
- (c) the classification of the agrochemical according to toxicity in accordance with the Fourth Schedule;
- (d) warning signs printed in letters which are clear and distinct, and pictograms shall be used whenever possible;
- (e) the net weight or volume content of the container;

- (f) directions for use and compatibility with other preparations:
 Provided that if the container is too small to allow sufficient space for directions for use, directions may be inserted inside the container for solid formulations or be affixed to the container, but not in such a way that danger signs and toxicity class markings are concealed;
- (g) the name and address of the manufacturer, distributor or agent of the agrochemical;
- (h) the registration number provided by the Committee;
- (i) the date of manufacture and the maximum shelf life of the agrochemical;
- (j) the content in the product of each of the active ingredients and their chemical description and the total content of other substances in the agrochemical;
- (k) a statement, when required of the pre-harvest interval or the period which should elapse between the last application of the agrochemical and the —
- (a) harvest of the plant;
- (b) grazing of treated areas;
- (c) slaughter of treated animals for food;
- (d) feeding produce;
- (e) planting of subsequent crops;
- (l) the batch number of the agrochemical; and
- (m) first aid instructions and advice to doctors regarding exposure to the agrochemical.

FOURTH SCHEDULE

(reg 6(4))

CLASSIFICATION OF AGROCHEMICALS ACCORDING TO TOXICITY

<i>Toxicity class product (Botswana)</i>	<i>Toxicity class (World Health Organisation)</i>	<i>Colour symbol</i>	<i>Acute toxicity (LD 50s)</i>
I	Ia, Ib	Red	
II	II	Yellow	
III	III, V	Green	

FIFTH SCHEDULE

(reg 6(5))

CODES TO BE USED FOR AGROCHEMICALS FORMULATIONS

<i>Code</i>	<i>Formulation Type</i>
AB	Grain bait
AE	Aerosol generator
AL	Other liquids to be applied undiluted
BB	Block bait
BR	Briquette
CB	Bait concentrate
CG	Encapsulated granule
CS	Capsule suspension
DC	Dispersible concentrate
DP	Dustable powder
DS	Powder for seed treatment
EC	Emulsifiable concentrate
ED	Electrochargeable liquid
EO	Emulsion, water in oil
ES	Emulsion for seed treatment
EW	Emulsion, oil in water
FD	Smoke tin
FG	Fine granule
FK	Smoke candle
FP	Smoke cartridge
FR	Smoke rodlet
FS	Flowable concentrate for seed treatment
FT	Smoke tablet
FU	Smoke generator
FW	Smoke pellet
GA	Gas
GB	Granular bait
GE	Gas generating product
GG	Magrogranule
GP	Flo-dust
GR	Granule
GS	Grease
HN	Hot fogging concentrate
KN	Cold fogging concentrate
LA	Lacquer
LS	Solution for seed treatment
MG	Microgranuel
OF	Oil miscible suspension/flowable concentrate
OL	Oil miscible liquid
OP	Oil dispersible powder
PA	Paste
PB	Plate bait

PC	Gel or paste concentrate
PO	Pour-on
PR	Plant rodlet
PS	Seed coated with a pesticide
RB	Ready to use bait
SA	Spot on
SB	Scrap bait
SC	Suspension concentrate
SG	Water soluble granules
SL	Soluble concentrate
SO	Spreading concentrate
SP	Water soluble powder
SS	Water soluble powder for seed treatment
SU	Ultra low volume suspension
TB	Tablet
TC	Technical material
TK	Technical concentrate
TP	Tracking powder
UL	Ultra low volume liquid
VP	Vapour releasing product
WG	Water dispersible granules
WP	Wettable powder
WS	Water dispersible powder for slurry treatment
XX	Others

MADE this 30th day of July, 2003.

JONNIE KEEMENAO SWARTZ,
Minister of Agriculture.

L2/7/311 I