

A REVIEW OF MALAYSIAN PESTICIDE LAWS AND REGULATIONS



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**“SELAMAT MENJALANKAN PENYELIDIKAN DENGAN JAYANYA”**

Yang benar



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# A REVIEW OF MALAYSIAN PESTICIDE LAWS AND REGULATIONS

## EXECUTIVE SUMMARY

This report presents a critical analysis of the legal and policy issues brought about by the use, management and control of pesticides in Malaysia through a review of the relevant laws and regulations. The use, manufacture, import, sale and storage of pesticides in Malaysia are mainly governed by the Pesticides Act 1974 which objective is to ensure that pesticides sold in the market comply with the standards and specifications at registration. While this main legislation lays down the basic general principles applicable to the use of pesticides, there are still issues and areas for improvement in certain aspects of pesticide regulation and management. The report identifies the following issues and areas for consideration:

1. Piecemeal regulation of pesticides. There is no comprehensive legislation in place to regulate environmental management of chemical substances in different areas.
2. Compliance with international standards. The challenge is to implement an effective regulatory framework at the national level which meets the international trade and environment obligations.
3. The need for a comprehensive statutory legislation that covers not only aspects of registration, labelling, and disposal but all activities throughout a pesticide's life cycle.
4. Inadequacy of the sanctions imposed for breach of the rules and regulations.
5. Inadequacy of personnel and facilities for the implementation and enforcement of pesticides regulation.
6. The need to facilitate easy reporting of pesticide poisoning incidents and complaints, and easy access to information.

This report, thus advances a number of recommendations:

1. The relevant legislation should be comprehensive, covering aspects of labelling, storage, transport, export, import, disposal and other activities throughout a pesticide's life cycle.
2. Relevant measures, including international obligations and standards such as Global Good Agriculture Practices, must be properly implemented to ensure that our products are accepted by foreign markets.
3. Sufficient pipeline of human capital and other resources must be ensured.
4. Suggestions for amendment to the Pesticides Act 1974 to include the following provisions:
  1. The power of authorized officers to compound some offences under the Act;
  2. A provision on control of exportation of pesticides that contain banned substances;
  3. A specific and clear provision on the liability of body corporate in the Act;
  4. To extend the jurisdiction of Session Court to hear pesticide related cases;
  5. To impose a heavier penalty for non-compliance and to set a minimum amount of fine that may be imposed by court for offence committed under the Act;
  6. To charge a higher fee for applications of license and registration;
  7. To set up a "one stop" reporting centre to facilitate public reporting of incidences related to misuse or improper handling of pesticides;
  8. To insert a provision regulating the disposal of pesticide wastes;
  9. To insert a provision regulating transportation of pesticides