

The Pesticide Management Bill 2020

A. D. Dileep Kumar and D. Narasimha Reddy

The Union Cabinet of India approved the new Pesticide Management Bill in February 2020. This Bill has provisions to regulate industry. However, it does not reflect critical prevailing issues, which are inevitable for reducing and mitigating risks arising from pesticide use. The Bill failed to address post registration risk reduction and mitigation, protection of pesticide users, community and environment. Therefore the Bill could have poor implications on protecting public health and environment; hence requires critical amendments.

The Pesticide Management Bill 2020 (PMB2020)¹ was approved by the Union Cabinet, India in February 2020. In June 2021, the Bill has been referred to the Standing Committee on Agriculture for examination. Once passed, the new act will replace the Insecticide Act 1968. The Bill has provisions to regulate industry as well as monitor pesticide poisoning and compensate the victims. Yet, it does not address a number of prevailing issues that are critical for effective pesticide management. These issues are discussed below.

The PMB2020 failed to address pesticide use scenario in India. Pesticides are registered and approved for specific crop-pest combinations and or for target pests by the Central Insecticides Board and Registration Committee (CIB&RC)². Pesticide residue standards and related regulations are developed based on approved uses. Studies revealed that State Agriculture Universities/Departments (SAU/D), Commodity Boards and industry had recommended pesticides without complying with the approved use. Farmers use pesticides for several crops irrespective of its approved use³. Usage of non-approved pesticides was noted in residue monitoring⁴. Hence, PMB2020 should have provisions to harmonize approved use and recommendations by SAU/D, commodity boards and pesticide label claims, and declare all other uses as illegal.

The definition of 'pest control operator' and 'worker' in the PMB2020 excludes farmers and farm workers, who are the largest among the pesticide users in the country. Hence, it is important that the Bill specified who all can use pesticide in agriculture and other uses.

The process of pesticide registration gives an opportunity for selection of pesticides, through evaluation of data on efficacy and safety to human health and the environment under the conditions of

use⁵. 'Reduce Reliance on Pesticides', 'Select Pesticides with Lowest Risk' and 'Ensure Proper Use' are the three important steps to achieve pesticide risk reduction⁶. Complying with the article 3.6 and 6.1.1 of International Code of Conduct on Pesticides Management (ICCPM), FAO toolkit⁷ for registration decision-making and not to register chemicals that are considered as Highly Hazardous Pesticides⁸ (which are acknowledged to present high acute and chronic toxicity) would be more advantageous for achieving pesticide risk reduction in India.

Currently, 62 pesticides in India are 'deemed to be registered'⁹, whose presence precedes the Insecticides Act 1968 (ref. 10). Most continue as (deemed to be) registered, escaping the evaluation process. Retention of this provision for 'deemed to be registered' (Clause 23) in the Bill is redundant. Provisions for mandatory registration scrutiny and review of all pesticides with a standard protocol should be part of the Bill.

The PMB2020 has proposed the constitution of a Central Pesticide Board (CPB) with an advisory role. In addition, the CPB can be tasked with developing and updating the criteria for pesticide registration, designing transparent processes, complying with internationally acceptable norms and monitoring post registration. This Board can have representatives from recognized farm worker organizations.

Important provisions of using Personal Protection Equipment (PPE) are missing in the PMB2020, which were available in the Insecticide Act 1968 and in the draft PMB2017. Pesticide application without PPE was cited as one of the reasons for pesticide poisoning in Maharashtra¹¹. Adequate provisions that mandate the use of PPE complying with article 3.6 of the ICCPM through the industry, might serve well. Pesticide use often results in poisoning. For this reason, restricting

registration of pesticides only with antidotes would be helpful.

Pesticide drift could increase the risk of exposure and poisoning to people beyond the area of application, and contamination of the ecosystem. To avoid this, PMB2020 can declare buffer zones at least for sensitive areas like anganwadi, schools, health care facility, community gatherings, housing, etc. The power to declare pesticide-free buffer zones should be given to the state governments and local units.

Provisions for reducing and mitigating risks of pesticide use are lacking in the PMB2020. Life cycle management of pesticides, including proper collection and disposal of expired products and empty pesticide containers, has to be brought into the PMB2020. Provisions that address contamination and pollution of ecosystems (air, water bodies, soil, forests, etc.) and prevent exposure to human beings and other living organisms are also inevitable. Provisions complying with 'polluter pays principle' have to be part of the legislation.

Further, accountability and transparency provisions are part of the purpose to protecting humans and environment from pesticide harm; hence the same has to be brought into the Bill. Violations of these provisions should be on par with other offenses and punishment. For effective implementation, adequate number of well-trained and knowledgeable staff should be appointed for identified tasks.

The current version of the PMB2020 needs critical amendments, without which the pesticide legislation in India would not be sufficient to protect human health, animals and the environment. In the light of precautionary principle and assuring the rights guaranteed by the Article 21 of the Constitution of India, pesticide legislation in the country should facilitate reduction in the dependence on toxic chemical pest control products by

promoting non-chemical agriculture production systems based on agroecology. To achieve sustainable farming, safe food production and safe working place as well as unpolluted environment, critical amendments to the PMB2020 are needed.

1. The Pesticide Management Bill, 2020, Bill No. XXII of 2020, Introduced in Rajyasabha, Parliament of India.
2. CIBRC, Major uses of pesticides: insecticides (up to 31 January 2020), Central Insecticide Board and Registration Committee, Directorate of Plant Protection, Quarantine and Storage, Department of Agriculture, Cooperation and Farmers Welfare, Ministry of Agriculture and Farmers Welfare, Government of India, 2020; http://ppqs.gov.in/sites/default/files/approved_use_of_insecticides.pdf
3. Dileep Kumar. Conditions of paraquat use in India, IUF, Berne Declaration, PAN AP and PAN India, 2015; http://www.pan-india.org/wp-content/uploads/2017/03/BD_paraquat_4-15_def-WEB.pdf
4. FSSAI, Letter Dated 16 October 2020; https://www.fssai.gov.in/upload/advisories/2019/10/5da705b31ca78Letter_Report_Pesticides_MRL_16_10_2019.pdf
5. The International Code of Conduct on Pesticide Management, World Health Organization and Food and Agriculture Organization of the United Nations, 2014.
6. Guidance on Pest and Pesticide Management Policy Development, International Code of Conduct on the Distribution and Management of Pesticides. Food and Agriculture Organization of the United Nations, 2010.
7. Pesticide Registration Toolkit, Food and Agriculture Organization of the United Nations; <http://www.fao.org/pesticide-registration-toolkit/registration-tools/en/>
8. Guideline on Highly Hazardous Pesticides, International Code of Conduct on Pesticides Management, Food and Agriculture Organization of the United Nations and World Health Organization, 2016; <http://www.fao.org/3/a-i5566e.pdf>
9. Response received to query on deemed to be registered pesticides from The Central Insecticides Board and Registration Committee, 2018 (F no. 21-09/2018-CIR-I).
10. Report of the Joint Committee on Pesticide Residues in and Safety Standards for Soft Drinks, fruit juice and other Beverages. Lok Sabha Secretariat, 2004; http://loksabhaph.nic.in/writereaddata/InvestigativeJPC/InvestigativeJPC_6356-12535872380463.pdf
11. Report of Special Investigation Team with regard to poisoning to Some and Death of Some Farmers/Farmworkers During Spraying Pesticides in Yavatmal District, Government of Maharashtra, 2017; <https://www.maharashtra.gov.in/Site/upload/WhatsNew/SIT%20REPORT.pdf>

A. D. Dileep Kumar and D. Narasimha Reddy works with Pesticide Action Network India, Thrissur 680 026, India.
e-mail: dileep@pan-india.org