Pesticide Administration Regulations of the PRC

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Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purpose of strengthening the administration of pesticides, ensuring the quality of pesticides, safeguarding the quality and safety of agricultural products,

protecting the safety of human and animal life, and protecting the ecological environment.

Article 2 — For the purposes of these Regulations, "pesticides" refers to any substance or mixture of substances used for the prevention, control, or elimination of diseases, pests, weeds, and other harmful organisms that endanger agriculture or forestry, and for the purposeful regulation of the growth of plants and insects. Pesticides include those used for the following purposes: (1) prevention, control, or elimination of diseases, pests (including insects, mites, and nematodes), weeds, rodents, mollusks, and other harmful organisms that endanger agriculture or forestry; (2) prevention, control, or elimination of diseases, pests, and other harmful organisms in storage and processing premises; (3) regulation of the growth of plants and insects; (4) preservation or freshness preservation of agricultural or forestry products; (5) prevention, control, or elimination of mosquitoes, flies, cockroaches, rodents, and other harmful organisms; and (6) prevention, control, or elimination of harmful organisms in rivers, dams, railway infrastructure, buildings, and other premises.

Article 3 — The agricultural administrative department of the State Council shall be responsible for the supervision and administration of pesticides nationwide. The agricultural administrative departments of the local people's governments at or above the county level shall be responsible for the supervision and administration of pesticides within their respective administrative regions. Other relevant departments of the people's governments at or above the county level shall, within their respective functions and duties, be responsible for the relevant supervision and administration of pesticides.

Article 4 — The local people's governments at or above the county level shall strengthen their leadership of the supervision and administration of pesticides and shall incorporate funds for the supervision and administration of pesticides into the government budget at the same level.

Article 5 — Pesticide production enterprises and pesticide trading entities shall be responsible for the quality and safety of the pesticides they produce and trade and shall accept social supervision. Pesticide production enterprises and pesticide trading entities shall strengthen self-discipline, standardize production and trading, and keep production and trading records.

Chapter II — Pesticide Registration

Article 6 — The State shall implement a pesticide registration system. A pesticide that has not been registered shall not be produced, imported, traded, or used. The agricultural administrative department of the State Council shall be responsible for pesticide registration and shall establish a pesticide registration review committee to be responsible for the review of pesticide registration applications.

Article 7 — An applicant for pesticide registration shall submit samples of the pesticide product and documents on the efficacy, toxicology, residue, environmental impact, labeling, and other materials relating to the pesticide product to the agricultural administrative department of the State Council in accordance with the provisions. The agricultural administrative department of the State Council shall organize a review and make a decision on whether to approve the registration within the prescribed time limit from the date of receipt of the application.

Article 8 — Where a pesticide registration applicant applies for registration, the pesticide shall be field-tested. Pesticide field testing shall be conducted by an entity that has the corresponding qualifications. Pesticide field testing shall be conducted at representative locations. Pesticide field testing entities shall ensure the truthfulness and accuracy of the test data and shall be responsible for the test conclusions.

Article 9 — The agricultural administrative department of the State Council shall issue a pesticide registration certificate to pesticides that have passed the registration review. The validity period of a pesticide registration certificate is five years. Where a pesticide registration certificate holder needs to continue producing or importing the pesticide after the expiration of the validity period, it shall apply for renewal of the registration 90 days before the expiration of the validity period.

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Article 10 — Where a pesticide registration certificate holder changes the scope of use, method of use, dosage, or other registration particulars of a pesticide, it shall apply to the agricultural administrative department of the State Council for an alteration of the registration.

Article 11 — The agricultural administrative department of the State Council shall organize the re-evaluation of pesticides. The re-evaluation of pesticides shall be conducted periodically. Where a pesticide poses an unacceptable risk to agriculture, forestry, human and animal health, or the ecological environment through re-evaluation, the agricultural administrative department of the State Council shall revoke or alter the registration certificate of the pesticide.

Chapter III — Pesticide Production

Article 12 — The State shall implement a pesticide production licensing system. Pesticide production enterprises shall have the conditions prescribed by the State and apply to the agricultural administrative department of the people's government of the province, autonomous region, or municipality directly under the Central Government for a pesticide production license. The agricultural administrative department of the people's government of the province, autonomous region, or municipality directly under the Central Government shall, in accordance with the provisions, examine and issue a pesticide production license to those that meet the prescribed conditions.

Article 13 — Pesticide production enterprises shall produce pesticides in strict accordance with the requirements of the pesticide registration certificate and the pesticide production license, and shall not entrust others to produce pesticides without authorization.

Article 14 — Pesticide production enterprises shall establish a pesticide factory inspection system and shall produce in accordance with the product quality standards. Pesticide products may leave the factory only after passing the quality inspection and a certificate of conformity is attached. Pesticide production enterprises shall ensure that their pesticide products are consistent with the registered pesticides.

Article 15 — Pesticide production enterprises shall affix labels to the packaging of their pesticide products in accordance with the provisions. Pesticide labels shall comply with the provisions of the agricultural administrative department of the State Council. Pesticide labels shall indicate the pesticide name, active ingredient and content, dosage form, registration certificate number, production license number, product standard number, net content, production date, shelf life, scope of use, method of use, dosage, technical requirements for use, precautions, toxicological information, first aid measures, storage and transportation methods, producer's name, address, and contact information, and other relevant information. Pesticide labels shall not contain any statements or graphics that mislead users or exaggerate the efficacy of the pesticide.

Chapter IV — Pesticide Trading

Article 16 — The State shall implement a pesticide trading licensing system, except for pesticides used for sanitary purposes. Entities engaged in pesticide trading shall meet the following conditions and apply to the agricultural administrative department of the local people's government at or above the county level for a pesticide trading license: (1) having professional and technical personnel with knowledge of pesticides and pest control and capable of guiding the safe and rational use of pesticides; (2) having business premises and storage facilities suitable for the pesticides traded; (3) having management systems such as quality management, ledger management, and safety management suitable for the pesticides traded; and (4) other conditions prescribed by the State.

Article 17 — Pesticide trading entities shall establish a purchase inspection system, examine the product quality inspection certificate and other relevant certification documents, and shall not purchase pesticides without a pesticide registration certificate, pesticide production license, or product quality inspection

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certificate from pesticide production enterprises. Pesticide trading entities shall establish a purchase and sales ledger, truthfully recording the name, specifications, quantity, producer, purchase source, purchaser's name, sales destination, sales date, and other particulars of the pesticides purchased and sold. The purchase and sales ledger shall be kept for at least two years.

Article 18 — Pesticide trading entities shall not process or repackage pesticides. Pesticide trading entities shall trade pesticides within the scope permitted by the pesticide trading license. Pesticide trading entities that trade restricted-use pesticides shall have the corresponding conditions and shall not trade restricted-use pesticides to minors or persons incapable of identifying or controlling their own behavior.

Article 19 — Overseas enterprises shall not directly sell pesticides within the territory of China. Overseas enterprises selling pesticides within the territory of China shall establish a sales agency or entrust a Chinese agency that meets the conditions prescribed by the State in accordance with law to do so. Enterprises exporting pesticides to China shall have the pesticides registered in accordance with law and shall ensure that the pesticide products exported to China comply with the requirements of these Regulations.

Chapter V — Pesticide Use

Article 20 — Pesticide users shall use pesticides in a safe and rational manner in accordance with the scope of use, method of use, dosage, technical requirements for use, and precautions specified on the pesticide label, and shall not expand the scope of use, increase the dosage, or change the method of use without authorization. Pesticide users shall not use prohibited pesticides. Where the use of a pesticide is restricted, the restrictions on its use shall be observed.

Article 21 — Pesticide users shall protect the environment, protect beneficial organisms and rare species, and shall not discard pesticides, pesticide packaging, or cleaning solutions from pesticide application equipment in drinking water source protection areas or water bodies. It is strictly prohibited to use pesticides to poison fish, shrimp, birds, beasts, or other animals.

Article 22 — Pesticide users shall strictly comply with the safe interval requirements for pesticide use in accordance with the provisions. Pesticide users shall not harvest, slaughter for consumption, or harvest for consumption agricultural products during the safe interval for pesticide use. Pesticide users shall properly keep pesticides, especially toxic pesticides, and shall not mix pesticides with food, medicine, or feed.

Article 23 — Agricultural product production enterprises, specialized farmer cooperatives, and specialized pest control service organizations shall establish pesticide use records, truthfully recording the time and location of pesticide use, the pesticide product name, dosage, method of use, and other information. Pesticide use records shall be kept for at least two years.

Chapter VI — Supervision and Administration

Article 24 — The agricultural administrative departments of the people's governments at or above the county level shall strengthen the supervision and inspection of pesticide production and trading and pesticide use and shall carry out random inspections of the quality of pesticide products. Where substandard pesticide products or pesticides with serious defects in their labels are discovered through random inspection, the inspection results shall be published in accordance with the provisions.

Article 25 — When carrying out supervision and inspection, the staff of agricultural administrative departments shall have the right to enter pesticide production and trading premises and pesticide use sites to conduct on-site inspections, consult, copy, seal up or detain relevant contracts, bills, account books, and other materials, and seal up or seize pesticides that are proven or suspected of being in violation of the provisions of these Regulations in accordance with law. The entities and individuals under inspection shall cooperate and shall not obstruct or refuse the inspection.

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Article 26 — The agricultural administrative department of the State Council shall establish a pesticide credit system, promptly publish information on pesticide production enterprises and pesticide trading entities such as credit status, administrative penalties, and other information, and implement classified supervision and administration.

Chapter VII — Legal Liability

Article 27 — Whoever produces, trades, or uses a pesticide without obtaining a pesticide registration certificate, or whose pesticide registration certificate has been revoked shall be ordered by the agricultural administrative department of the local people's government at or above the county level to cease the illegal act, and the illegal pesticide products, illegal proceeds, and tools and equipment used for the illegal act shall be confiscated. Where the illegal proceeds exceed 10,000 yuan, a fine of not less than five times but not more than ten times the illegal proceeds shall be imposed concurrently. Where there are no illegal proceeds or the illegal proceeds are less than 10,000 yuan, a fine of not less than 50,000 yuan but not more than 100,000 yuan shall be imposed concurrently. If the case constitutes a crime, criminal liability shall be investigated in accordance with law.

Article 28 — Where a pesticide production enterprise commits any of the following acts, the agricultural administrative department of the people's government of the province, autonomous region, or municipality directly under the Central Government shall order it to cease production, confiscate the illegal proceeds, illegal pesticide products, and tools and equipment used for the illegal act, and impose a fine of not less than five times but not more than ten times the illegal proceeds. Where there are no illegal proceeds or the illegal proceeds are less than 10,000 yuan, a fine of not less than 50,000 yuan but not more than 100,000 yuan shall be imposed concurrently. The pesticide production license shall be revoked by the issuing authority: (1) producing pesticide products without obtaining a pesticide production license; (2) entrusting others to produce pesticides without authorization; or (3) producing pesticides whose active ingredients and contents do not conform to the requirements of the pesticide registration certificate.

Article 29 — Where a pesticide trading entity commits any of the following acts, the agricultural administrative department of the local people's government at or above the county level shall order it to cease trading, confiscate the illegal proceeds, illegal pesticide products, and tools and equipment used for the illegal act, and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan where the illegal proceeds are less than 5,000 yuan, or a fine of not less than two times but not more than five times the illegal proceeds where the illegal proceeds exceed 5,000 yuan. If the circumstances are serious, the pesticide trading license shall be revoked by the issuing authority: (1) trading pesticides without obtaining a pesticide trading license; (2) trading pesticides beyond the scope permitted by the pesticide trading license; or (3) processing or repackaging pesticides without authorization.

Article 30 — Where a pesticide user uses a pesticide in violation of the provisions of these Regulations, the agricultural administrative department of the local people's government at the county level shall order it to make corrections. Where a prohibited pesticide is used, the agricultural administrative department of the local people's government at the county level shall order it to cease the illegal act and confiscate the prohibited pesticide, and impose a fine of not less than 1,000 yuan but not more than 10,000 yuan on an individual user, or a fine of not less than 50,000 yuan but not more than 100,000 yuan on an entity user. If the case constitutes a crime, criminal liability shall be investigated in accordance with law.

Article 31 — Where staff members of agricultural administrative departments and other relevant departments of the people's governments at or above the county level fail to perform their duties of supervision and administration of pesticides, abuse their power, neglect their duties, or engage in malpractices for personal gain, the directly responsible persons in charge and other directly responsible persons shall be given sanctions in accordance with law. If the case constitutes a crime, criminal liability shall be investigated in accordance with law.

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Chapter VIII — Supplementary Provisions

Article 32 — For the purposes of these Regulations, the meanings of the following terms are: (1) "pesticide registration certificate holder" refers to the enterprise that has obtained the pesticide registration certificate; (2) "pesticide production enterprise" refers to the enterprise that has obtained the pesticide production license; and (3) "pesticide trading entity" refers to the entity that has obtained the pesticide trading license.

Article 33 — The supervision and administration of pesticides used for forestry, grain storage, and sanitary purposes shall be governed by these Regulations.

Article 34 — These Regulations shall be effective as of June 1, 2017.

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