THE PESTICIDES ACT

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SCHEDULES.

[The inclusion of this page is authorized by L.N. 92c/2012]
THE PESTICIDES ACT

[13th July, 1987.]

1. This Act may be cited as the Pesticides Act.

2. In this Act unless the context otherwise requires—
   "active ingredient" means any substance in a pesticide which acts on a pest so as to exterminate it;
   "advertize" includes any representation by any means whatever for the purpose of promoting directly or indirectly, the sale or other disposition of a pesticide;
   "analyst" means a person so designated pursuant to section 17;
   "the Authority" means the Pesticides Control Authority established by section 3;
   "chairman" means the chairman of the Authority or any person for the time being performing the functions of the chairman;
   "extermination" means the destruction or control of pests by means of the use of a pesticide;
   "functions" includes duties and powers;
   "inspector" means a person so designated pursuant to section 17;
   "label" includes any legend, word, mark, symbol or design applied or attached to, included in, belonging to or accompanying any pesticide;
   "manufacturer" means a person engaged in the business of formulating, producing, preparing, mixing or processing any pesticides;
"package" means any container, wrapping, covering or holder in which any pesticide is wholly or partly contained, placed or packed;

"pest" means any insect, fungus, bacterium, nematode, weed, rodent, predatory animal or any other form of plant or animal life, including a virus, which may infest or be detrimental to vegetation, man, animals, or households, present in any environment where not desired, or which may be declared by the Minister, by order, to be a pest;

"pest control operator" means any person who, by himself or his employees, assistants or agents, carries out an extermination by way of trade or for purposes of gain;

"pesticide" means any product, organism, substance or thing that is manufactured, represented, sold or used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest, and includes—

(a) any compound or substance that enhances or modifies or is intended to enhance or modify the physical or chemical characteristics of a pesticide to which it is added; and

(b) any active ingredient used for the manufacture of a pesticide;

"prohibited pesticide" means any pesticide of which the possible effects on the environment, plants, animals or human beings are considered by the Minister to be too dangerous to justify its use, and which is specified in the Second Schedule;

"Registrar" means the Registrar appointed pursuant to section 6;

"registered premises" means any premises registered pursuant to section 9;
"restricted pesticide" means any pesticide specified in the Third Schedule, and any preparation or mixture containing such pesticide, other than—

(a) a preparation or mixture in which the quantity of any such pesticide identified by an asterisk is not more than 2% by weight; or

(b) an impregnated resin strip in which the quantity of a restricted pesticide is not more than 20% by weight of dichlorvos;

"sell" includes offer for sale or expose for sale, display or advertise for sale, have in possession for sale and distribute;

"vehicle" includes any vessel or aircraft.

3.—(1) There shall be established for the purposes of this Act a body to be called the Pesticides Control Authority which shall be a body corporate to which the provisions of section 28 of the Interpretation Act shall apply.

(2) The provisions of the First Schedule shall have effect with respect to the constitution and procedure of the Authority and otherwise in relation thereto.

4. The functions of the Authority shall be—

(a) to register pesticides;

(b) to license persons to import or manufacture registered pesticides;

(c) to authorize persons to sell restricted pesticides;

(d) to register premises in which a restricted pesticide may be sold;

(e) to license pest control operators;

(f) to consider and determine applications made pursuant to this Act and to deal with all aspects of the importation, manufacture, packaging, preparation for sale, sale, disposal and use of pesticides and to advise

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the Minister on all matters in relation thereto; and

(g) to do such other things as may be expedient or necessary for the proper performance of its functions under this Act.

5. The Minister may, after consultation with the chairman, give to the Authority directions of a general character as to the policy to be followed in the performance of any of its functions, and the Authority shall give effect to such directions.

6. The Authority shall appoint a Registrar and may engage such other employees as it thinks necessary for the proper carrying out of the provisions of this Act at such remuneration and on such terms and conditions as it thinks fit:

Provided that no salary in excess of five thousand dollars per annum shall be assigned to any post without the prior approval of the Minister.

7. No person shall manufacture, import, advertise or sell any pesticide unless such pesticide is registered in the prescribed manner.

8. No person shall manufacture, or import any pesticide unless he first obtains in the prescribed manner a licence to manufacture or import, as the case may require, that pesticide.

9.—(1) No person shall sell a restricted pesticide unless—

(a) he is authorized in the prescribed manner so to do;

(b) the premises in which the sale is carried out has been registered in the prescribed manner for the purpose; and

(c) the sale is carried out in accordance with such other requirements as may be prescribed.
(2) The Minister may from time to time, after consultation with the Authority, by order, amend the list of restricted pesticides specified in the Third Schedule.

10.—(1) No person shall engage in or perform or offer to perform an extermination for reward unless he is licensed as a pest control operator by the Authority in the prescribed manner or, subject to subsection (2), is an employee of such operator.

(2) No person shall serve as an employee of a pest control operator for the purpose of carrying out an extermination unless he complies with the regulations for the time being in force relating to employees of pest control operators.

11.—(1) The Authority shall cause the Registrar to keep in such form as it may from time to time determine—

(a) a register to be known as the Register of Pesticides in which shall be entered the name and prescribed particulars of any pesticide registered under this Act;

(b) a register to be known as the Register of Licensees in which shall be entered the name and prescribed particulars of every person licensed under this Act to manufacture or import a registered pesticide;

(c) a register to be known as the Register of Authorized Persons and Registered Premises in which shall be entered the name and prescribed particulars of any person authorized under this Act to sell a restricted pesticide and the prescribed particulars of the premises registered by that person for the purpose of such sale;

(d) a register to be known as the Register of Pest Control Operators in which shall be entered the name and prescribed particulars of any person licensed under this Act as a pest control operator.

[The inclusion of this page is authorized by L.N. 37/1988]
(2) The registers kept pursuant to subsection (1) shall be open to inspection by any member of the public at all reasonable times and a copy of each register shall be published in the Gazette at such times as may be prescribed.

(3) Every application for the registration of a pesticide, for a licence to manufacture or import a registered pesticide, for authorization to sell a restricted pesticide, for registration of the premises in which such restricted pesticide may be sold, or for registration as a pest control operator, shall be made in the prescribed form and be accompanied by the relevant prescribed fee; and, subject to the provisions of this Act, the Authority may grant any such application on such terms and conditions as it thinks fit, may refuse any such application, and may at any time after an application has been granted, revoke any licence, certificate or authorization issued pursuant to that application.

(4) The Registrar shall issue to every person whose application made pursuant to this section is granted, the appropriate licence or certificate of registration or authorization, as the case may require, in the prescribed form.

12. It shall be the duty of the Registrar—

(a) to remove from any of the registers mentioned in subsection (1) of section 11 any entry which the Authority directs him in writing to remove;

(b) to correct in accordance with the Authority's directions any entry in any such register which the Authority directs him in writing to correct as being in the opinion of the Authority an entry which was incorrectly made; and

(c) to make from time to time any necessary alterations in any prescribed particulars contained in any of such registers.

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13.—(1) If any person who has obtained any registration, licence or authorization pursuant to this Act, is found upon enquiry by the Authority to have procured such registration, licence or authorization, as the case may be, as a result of any misleading, false or fraudulent representation, the Authority may if it thinks fit, either suspend that registration, licence or authorization, as the case may be, for a period not exceeding one year or direct the Registrar to delete the relevant entry from the appropriate register.

(2) The Authority may at any time if it thinks just, direct any entry which has been deleted from a register pursuant to subsection (1) to be reinstated.

(3) The Authority may, as soon as practicable after—

(a) any registration, licence or authorization has been suspended or deleted from a register; or

(b) the reinstatement of any registration, licence or authorization which was deleted from a register, cause notice of the appropriate fact to be published in the Gazette.

(4) Whenever any registration, licence or authorization is deleted from a register, the Authority may in writing require the person to whom such registration, licence or authorization had been granted to return to the Registrar the relevant certificate or licence, as the case may be, and such person shall comply with that requirement.

14.—(1) The pesticides specified in the Second Schedule shall be prohibited pesticides for the purposes of this Act, and accordingly shall not be brought into or used in the Island.

(2) The Minister may from time to time, after consultation with the Authority, by order amend the list of prohibited pesticides specified in the Second Schedule.

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(3) An order made pursuant to subsection (2), may provide for the withdrawal from sale or use, and for the disposal of, any pesticide added to the list of prohibited pesticides.

15. No person shall package, label or advertise any pesticide in a manner that is false, misleading or deceptive, is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety, or is inconsistent with the information supplied to the Authority at the time of the application for registration.

16.—(1) The Authority may, with the approval of the Minister, make regulations—

(a) for the registration of pesticides;

(b) respecting experimental samples of pesticides and matters related thereto;

(c) for the licensing of persons to import or manufacture registered pesticides;

(d) relating to restricted pesticides, the authorization and the eligibility therefor of persons to sell restricted pesticides and the premises in which such pesticides may be sold;

(e) relating to pest control operators, their employees and any medical or other examination which they may be required to undergo, and fixing the amount and type of insurance or bond to be carried or furnished by registered pest control operators;

(f) as respects the labelling, packaging, storage, transportation and use of pesticides;

(g) specifying the pesticides which may only be used by or under the direct supervision of a registered pest control operator or other specified person;

(h) governing the aerial application of pesticides;

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(i) providing for the keeping of books and records by authorized persons, by persons licensed under this Act to manufacture or import registered pesticides and by pest control operators;

(j) relating to the designation of inspectors and official analyst, and the taking and analyzing of samples;

(k) for matters relating to examinations by registered medical practitioners of various persons having contact with pesticides;

(l) prescribing the protective clothing to be worn and other precautions to be taken by persons handling or having contact with particular pesticides or classes thereof and imposing obligations on employers of such persons with respect thereto;

(m) prescribing the permissible level of any pesticide or breakdown product thereof, at any specified time, in any kind of plant or animal product intended for consumption by human beings or domestic animals;

(n) regulating the periods during which particular pesticides may or may not be used on certain agricultural crops;

(o) respecting the disposal of pesticides and packages;

(p) for the protection of person who may suffer damage as a result of the use, storage, manufacture or packaging of pesticides by others;

(q) exempting certain substances which may be used as pesticides from the provisions of this Act when being used otherwise than as pesticides;

(r) prescribing fees and forms in respect of any registration, licence or authorization under this Act; and

(s) for giving further and better effect to the provisions of this Act and prescribing any other matter or thing,
whether similar to the foregoing or not, which may be
or is required by this Act to be prescribed.

(2) Notwithstanding anything contained in section 29
of the Interpretation Act, regulations under this section
may provide in respect of a breach of any of the provisions
thereof that the offender shall be liable on summary con-
viction in a Resident Magistrate's Court to such fine
not exceeding one million dollars or to such term of im-
prisonment with hard labour not exceeding twelve months
or both such fine and imprisonment as may be specified
therein.

17. The Minister may from time to time designate any
person whether by name or by the title of his office to be an
inspector or an analyst for the purposes of this Act.

18.—(1) An inspector may at any reasonable time—

(a) enter—

(i) any premises or vehicle in which an exter-
mination is being carried out;

(ii) any premises where pesticides are manufac-
tured, stored, kept for sale or disposed of;

(iii) any vehicle in which pesticides are transported;

(iv) any other premises or vehicle in which he has
reasonable cause to believe any breach of
this Act has been or is being committed,

and may make such examinations and enquiries and
take such samples free of charge as he may deem
necessary;

(b) open and examine any receptacle or package found
in any premises or vehicle mentioned in paragraph
(a) that he reasonably believes contains any pesticide;

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(c) examine any books, documents or other records found in any premises or vehicle mentioned in paragraph (a) which he reasonably believes contain any information which may assist in the enforcement of this Act, and make copies thereof or extracts therefrom;

(d) seize and detain any article by or in relation to which he reasonably believes any provision of this Act has been contravened, so, however, that any article so seized may, at the option of an inspector, be stored or kept in the premises where it was seized, or may on his direction be removed to any other place which he considers satisfactory for the purpose.

(2) An inspector shall be furnished with a certificate of designation and on entering any premises or vehicle pursuant to subsection (1) he shall, if required so to do, produce the certificate to the person in charge of the premises or vehicle.

(3) The owner or person in charge of any premises or vehicle entered by an inspector pursuant to subsection (1), and every person found therein, shall give the inspector all reasonable assistance in their power and shall furnish him with such information in their possession as he may reasonably require.

(4) An inspector may examine or analyze any article seized by him or any sample therefrom, or any sample taken by him, or submit such article or sample to an analyst for examination or analysis.

19.—(1) Where an inspector or analyst has made an examination or analysis pursuant to section 18, he may issue a certificate setting out the result of his examination or analysis, as the case may be.

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(2) The certificate of an inspector or analyst stating that he has examined or analyzed an article or sample for the purposes of this Act and stating the result of his examination or analysis, as the case may be, shall be admissible in evidence in a prosecution for contravention of this Act and shall be \textit{prima facie} proof of the statements contained in the certificate, but the party against whom it is produced may require the attendance of the inspector or analyst issuing the certificate for the purpose of cross-examining him.

\textbf{20.—}(1) Every person who—

(a) contravenes any of the provisions of this Act;

(b) with intent to deceive—

(i) forges or uses or lends to or allows to be used by another person any licence or certificate issued pursuant to this Act; or

(ii) makes or has in his possession any document so closely resembling such licence or certificate as to be calculated to deceive; or

(c) assaults or obstructs any inspector or other officer designated or appointed as the case may be under this Act, acting in the performance of his functions pursuant to this Act; or

(d) without proper authority interferes with, or disposes of, any article seized or detained pursuant to paragraph \textit{(d)} of subsection \textit{(1)} of section 18; or

(e) bribes or attempts to bribe any inspector or other officer designated or appointed as the case may be under this Act, in connection with any matter arising in the performance of any of his functions pursuant to this Act; or

(f) knowingly gives false or misleading information to any inspector or other officer designated or appointed as the case may be under this Act; or

\textmark
(g) being an inspector or other officer designated or appointed under this Act as the case may be, accepts or solicits any bribe in connection with any matter arising in the performance of any of his functions pursuant to this Act, shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months.

(2) A prosecution for an offence under paragraph (d) or (f) of subsection (1) shall not be instituted without the sanction of the Director of Public Prosecutions.

20A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.

21. Any person aggrieved by any decision of the Authority may appeal to the Minister against such decision within such time and in such manner as may be prescribed.

FIRST SCHEDULE (Section 3)

1. The Authority shall consist of not more than fourteen members being persons appearing to the Minister to have ability and experience in the fields of plant protection, food storage, pesticides chemistry, public health, food chemistry, the pest control industry, and matters related thereto.

2. The appointment of a member shall, subject to the provisions of this Schedule, be for a period not exceeding three years and such member shall be eligible for reappointment.

3. The Minister shall appoint one of the members to be chairman thereof.

4. If the chairman or any other member is absent or unable to act, the Minister may appoint any person to act in the place of the chairman or such member.

5.—(1) Any member other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of receipt by the Minister of such instrument that member shall cease to be a member of the Authority.

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(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of that instrument.

6. The Minister may at any time revoke the appointment of any member if he thinks it expedient so to do.

7. If any vacancy occurs in the membership such vacancy shall be filled by the appointment of another member by the Minister, and in making such appointment, the Minister shall have regard to the provisions of paragraph 1.

8. The names of all members as first constituted and every change in the membership shall be published in the Gazette.

9. The Authority may co-opt such persons, whether Government officers or otherwise, to attend particular meetings or parts thereof, as it thinks fit.

10. The funds of the Authority shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament, and such other moneys as may be lawfully paid to the Authority.

11. The Authority shall keep proper accounts of its receipts, payments, assets and liabilities, and such accounts shall be audited annually by an auditor appointed in each year by the Authority with the approval of the Minister.

12.—(1) The Authority shall not later than three months after the end of each financial year, cause to be made and transmitted to the Minister, a report of its activities during the preceding financial year, including a statement of its accounts, audited in accordance with paragraph 11, and the Minister shall cause copies of such report, together with the auditor's report, to be laid on the Table of the House of Representatives and of the Senate.

(2) The Authority shall, before a date specified by the Minister, submit to the Minister for his approval estimates of revenue and expenditure for the ensuing financial year.

13.—(1) The seal of the Authority shall be kept in the custody of the chairman or the Registrar and shall be affixed to instruments pursuant to a resolution of the Authority in the presence of the chairman or any other member of the Authority, and the Registrar.

(2) The seal of the Authority shall be authenticated by the signatures of the chairman or any other member authorized to act in that behalf, and the Registrar.

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(3) All documents other than those required by law to be under seal made by and all decisions of the Authority may be signified under the hand of the chairman, or any other member authorized in that behalf, or the Registrar.

14.—(1) The Authority shall meet at such times as may be expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Authority may determine.

(2) The chairman shall preside at all meetings of the Authority at which he is present, and in the case of the chairman's absence from any meeting, the members present and forming a quorum shall elect one of their number to preside at that meeting.

(3) The chairman may at any time call a special meeting of the Authority and shall call a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any three members of the Authority.

(4) A quorum of the Authority shall be four.

(5) The decisions of the Authority shall be by a majority of votes and, in addition to an original vote, the chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Authority shall be kept.

(7) The validity of the proceedings of the Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of any member thereof.

15.—(1) The Authority may appoint such committees as it thinks fit, and may delegate to any committee so appointed the power and authority to carry out on its behalf such functions as the Authority may determine, so, however, that no committee so appointed shall have the power to make regulations.

(2) The constitution of any committee appointed pursuant to sub-paragraph (1) shall be determined by the Authority.

(3) The validity of the proceedings of a committee appointed pursuant to this paragraph shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(4) The provisions of paragraph 16 shall apply to a member of a committee in like manner as they apply to a member of the Authority.

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Protection of members.

16.—(1) No member of the Authority shall be personally liable for any act or default of the Authority done or omitted to be done in good faith in the course of the operations of the Authority.

(2) Where any member of the Authority is exempt from liability by reason only of the provisions of this paragraph, the Authority shall be liable to the extent that it would be if the member were a servant or agent of the Authority.

Remuneration of members.

17. There shall be paid from the funds of the Authority to the chairman and other members of the Authority such remuneration whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Office of chairman or member of Authority not public office.

18. The office of chairman or member of the Authority shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

SECOND SCHEDULE

(Section 2 and 14)

Prohibited Pesticides

L.N. 41/1999. aldicarb (Temik)
L.N. 41/1999. aldrin
L.N. 41/1999. azinphos-ethyl (Gusathion A)
L.N. 41/1999. azinphos-methyl (Gusathion M. Guthion)
L.N. 41/1999. calcium arsenate
L.N. 41/1999. carbofuran
L.N. 41/1999. copper arsenate
L.N. 41/1999. chlorodecone
L.N. 41/1999. chlordane
L.N. 41/1999. chlorfenvinphos
L.N. 41/1999. cyanides (inorganic)
L.N. 41/1999. cyhexetin
L.N. 41/1999. DDT
L.N. 41/1999. demeton (Systox)
L.N. 41/1999. dicrotophos (Bidrin)
L.N. 41/1999. dieldrin
L.N. 41/1999. dimefox (Pestox XIV)
L.N. 41/1999. dinoseb, dinoseb acetate
L.N. 41/1999. dinoterb
L.N. 41/1999. disulfoton
L.N. 41/1999. DNOC
L.N. 11C/2011. endosulfan
L.N. 41/1999. endrin

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EPN
ethylene dibromide
ethylene dichloride
fensulfothion (Dasanit, Terracur P)
fluenetil (Lambrol)
fonofos (Dyfonate)
Gophacide

Heptachlor
hexachlorobenzene
lead arsenate
lindane
medinoterb acetate
mercury compounds
mevinphos
mirex
monocrotophos
parathion
Parathion-methyl
Pentachlorophenol
phorate (Thimet)
phosphamidon
potassium arsenite
red squill

schradan
sodium arsenite

sodium hydrogen methylarsionate/monosodium methyl arsenite (MSMA)
sulfotep
TEPP
thionazin (Nemofos, Zinophos)
toxaphene
tributyltin (TBT)
white arsenic
white phosphorus
Zectran

zinc phosphide

THIRD SCHEDULE (Section 2 and 9)
Restricted Pesticides

2, 4-D
2-methyl-2H-isothiazol-3-one

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2-N-octyl-4-isothiazolin-3-one
3-iodo-2-propynyl butyl carbamate
3-thioallophanate
5-chloro-2-methyl-4-isothiazolin-3-one
5-chloro-2methyl-2H-isothiazol-3-one
abamectin
acephate
acypetacs-copper
acypetacs-zinc
alloxydim-sodium
aluminium phosphide
ametryn
amine methanearsonate
amitraz
asulam
atrazine
azocyclotin
bendiocarb
*benfluthrin
benomyl
bentazon
*bioallethrin
biteranol
*brodifacoum
bromacil
bromadiolone
bromopropylate
bromuconazole
butralin
cadusafos
captan
carbamate
carbaryl
carbenzadim
chlorocetamide
chloropicrin
chlorothalonil
chlorpyrifos
copper hydroxide

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copper oxychloride
copper salts
*coumatetralyl
*cyclopropane carboxylate
cycloxydim
*cyfluthrin
cyhalothrin
*cypermethrin
cyphenothrin
cyromazine
*D-allethrin
*D-phenothrin (=IR-trans-isomer)
dalapon
dazomet
diethyl toluamide (DEET)
*deltamethrin
diafenthiuron
diazinon
*dicamba
dichlorvos
dicofol
*difenacoum
dimethoate
diquat
diuron
*esbiothrin
ethoprophos
ethyl 1-naphtalene acetate
ethylene oxide
etridiazole
*fenitrothion
fenoxy carb
fenpropathrin
fenvalerate
fluazifop-butyl
flumethrin
formothion
fosetyl aluminium
fusilazole
glyphosate
glyphosate-trimesium
hexaconazole hexazinone
*hydramethylnon
imazalil
imazapyr
iodoxynil
iprodione
isazofos
isopropalin
isopropanol
isoxaflutole
lambda-cyhalothrin
linuron
malathion
mancozeb
maneb
mecoprop (MCPP)
metalaxyl
metaldehyde
methamidophos
metham-sodium
methidathion
metalachlor
methomyl
methyl bromide
metoxuron
metribuzin
metsulfuron
N-alkyl-dimethyl benzyl ammonium chloride
octhilinone
octyl methoxycinnamate
oxadiazon
oxamyl
paraquat
pendimethalin
*permethrin
phosmet
picloram
*piperonyl butoxide

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pirimiphos-ethyl
pirimiphos-methyl
polyoxyethylene tallow amine
*prallethrin
profenofos
prometryn
propanil
propiconazole
*propoxur
*pynamin forte
*pyrocide No. 5192 without MGK 264
quinalphos
rotenone
sethoxydim
simazine
sodium bromide
sodium dichloro-S-triazinetrione
sumithrin
terbuthylazine
terbutryn
tetrachloroisophthalonitrile
*tetramethrin
thiabendazole
thiobencarb
thiodicarb
thiophanate
thiophanate-methyl
titanium dioxide
titanium dioxide dispersion
*transfluthrin
triadimefon
trichlorfon
tridemorph
trifluralin
vinclozolin
zineb