

CODE OF CONDUCT ON PESTICIDE MANAGEMENT FOR PEMAK MEMBERS



PREAMBLE

This code of conduct is intended to establish standards of ethical practice for all persons engaged in the use, disposal, sale and transport of pest control products and will be applied consistently with regard to relevant statutes and authorities from time to time as set out by the pest control products board as established by section 2 of the pest control products act cap 346 laws of Kenya together with international best practices within the industry. This code is to be constructed so as not to hinder or obstruct the free market enterprise.

Whereas the pest control products board is the statutory authority that establishes the procedures to be followed and adhered to by persons or organizations engaged in pest management and the breach thereto, this code contains guidelines adopted from international standards to be observed on pesticide management.



ACRONYMS

AIDS – Acquired Immune Deficiency Syndrome

CGIAR – Consultative Group for International Agricultural research

CIPAC – Collaborative International Pesticides Analytical Council

GHS - Globally Harmonized System of Classification and Labelling of Chemicals

GAP – Good Agricultural Practice

HIV – Human Immuno Deficiency Syndrome

FAO – Food and Agriculture Organization of the United Nations

IPM – Integrated Pest Management

IVM – Integrated Vector Management

IUPAC – International Union of Pure and Applied Chemistry

PCO – Pest Control Operator

PEMAK – Pest Management Association of Kenya

MRL – Maximum Residual Level

SETAC – Society of Environmental Toxicology and Chemistry

UN – United Nations

UNEP – United Nations Environment Programme

WHO – World Health Organization



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1. AIMS AND OBJECTIVES

- 1.1 The objectives of this Code are to establish voluntary standards of conduct for all members of the association engaged in or associated with the management of pest control products.
- 1.2 The entities which are addressed by this Code include individuals/ companies/ consultants that are involved in pesticide industry, application equipment industry, traders of pesticides and pest control operators (PCOs).
- 1.3 The Code is designed for use within the context of national legislation as a basis whereby relevant entities addressed by the Code may determine whether their proposed actions and/or the actions of others constitute acceptable practices.
- 1.4 The Code describes the shared responsibility of many sectors of association to work together so that the benefits to be derived from the necessary and acceptable use of pest control products are achieved without significant adverse effects on human and animal health and/or the environment.
- 1.5 The standards of conduct set forth in this Code:
 - 1.5.1 Encourage responsible and generally accepted trade practices.
 - 1.5.2 Promote practices which reduce risks throughout the lifecycle of pesticides, with the aim of minimizing adverse effects on humans, animals and the environment and preventing accidental poisoning resulting from handling, storage, transport, use or disposal, as well as from the presence of pesticide residues in food and feed.
 - 1.5.3 Ensure that pesticides are used effectively and efficiently and in a manner, that contributes to the sustainable improvement of agriculture, public and animal health and the environment.



- 1.5.4 Adopt the "life-cycle" approach to management of pesticides to address all major aspects related to the development, registration, production, trade, packaging, labelling, distribution, storage, transport, handling, application, use, disposal and monitoring of pesticides and pesticide residues as well as management of pesticide waste and pesticide containers
- 1.5.5 Are designed to promote Integrated Pest Management (IPM) and Integrated Vector Management (IVM)

2. TERMS AND DEFINITIONS

For the purpose of this Code:

- Active ingredient:** Means the part of the product that provides the pesticidal action.
- Advertising:** Means the promotion of the sale and use of pesticides by printed and electronic media, signs, displays, gifts, demonstration or word of mouth.
- Application equipment** Means any technical aid, equipment, implement or machinery which is used for the application of pesticides.
- Application technology** Means the actual physical delivery and distribution process of a pesticide to the target organism or to the place where the target organism comes into contact with the pesticide.
- Banned pesticide** Means a pesticide all uses of which have been prohibited by final regulatory action, in order to protect human health or the environment. It includes a pesticide that has been refused approval for first-time use, or has been withdrawn by industry either from the domestic market or from further consideration in the domestic



approval process, and where there is clear evidence that such action has been taken in order to protect human health or the environment.

Co-formulant	Means a non-active ingredient component of a formulated product.
Container	Means any object used to hold a pesticide product.
Disposal	Means any operation to recycle, neutralize, destroy or isolate pesticide waste, used containers and contaminated materials.
Distribution	means the process by which pesticides are supplied through trade channels to local or international markets.
Environment	Means surroundings, including water, air, soil and their interrelationship as well as all relationships between them and any living organisms.
Equivalence	Means the determination of the similarity of the impurity and toxicological profile, as well as of the physical and chemical properties, presented by supposedly similar technical material originating from different manufacturers, in order to assess whether they present similar levels of risk.
Extension service	Means the entities in a country which are responsible for the transfer of information, technology advice and training regarding the improvement of agricultural practices, including production, handling, storage and marketing of agricultural commodities.
Formulation	Means the combination of various ingredients designed to render the product useful and effective for the purpose claimed and for the envisaged mode of application.



Good Agricultural Practice (GAP) In the use of pesticides includes the officially recommended or nationally authorized uses of pesticides under actual conditions necessary for effective and reliable pest control. It encompasses a range of levels of pesticide applications up to the highest authorized use, applied in a manner which leaves a residue which is the smallest amount practicable.

Hazard Means the inherent property of a substance, agent or situation having the potential to cause undesirable consequences (e.g. properties that can cause adverse effects or damage to health, the environment or property).

Highly Hazardous Pesticides Means pesticides that are acknowledged to present particularly high levels of acute or chronic hazards to health or environment according to internationally accepted classification systems such as WHO or GHS or their listing in relevant binding international agreements or conventions. In addition, pesticides that appear to cause severe or irreversible harm to health or the environment under conditions of use in a country may be considered to be and treated as highly hazardous.

Integrated Pest Management (IPM) Means the careful consideration of all available pest control techniques and subsequent integration of appropriate measures that discourage the development of pest populations and keep pesticides and other interventions to levels that are economically justified and reduce or minimize risks to human and animal health and/or the environment. IPM emphasizes the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms.



Integrated Vector Management (IVM) Means the rational decision-making process for the optimal use of resources for disease vector control. It aims to improve efficacy, cost-effectiveness, ecological soundness and sustainability of disease vector control interventions for control of vector borne diseases.

International Organization Means a public intergovernmental organization including the UN, UN Specialized Agencies and Programs, Development Banks, and CGIAR Member Centers, International Scientific Bodies such as IUPAC, CIPAC, SETAC.

Label Means the written, printed or graphic matter on, or attached to, the pesticide or the immediate container thereof and also to the outside container or wrapper of the retail package of the pesticide.

Life cycle Means all the stages a pesticide might pass through from production to its degradation in the environment after use, or its destruction as an unused product. The life cycle includes manufacture, formulation, packaging, distribution, storage, transport, use and final disposal of a pesticide product and/or its container.

Manufacturer Means a corporation or other entity in the public or private sector (including an individual) engaged in the business or function (whether directly or through an agent or entity controlled by or under contract with it) of manufacturing a pesticide active ingredient or preparing its formulation or product.

Marketing Means the overall process of product promotion, including advertising, product public relations and information services as well as the distribution and sale on local or international markets.



Maximum Residue Limit (MRL) Means the maximum concentration of a residue that is legally permitted or recognized as acceptable in or on a food or agricultural commodity or animal feedstuff.

Packaging Means the container together with the protective wrapping used to carry pesticide products via wholesale or retail distribution to users.

Personal protective equipment Means any clothes, materials or devices that provide protection from pesticide exposure during handling and application. In the context of this Code, it includes both specifically designed protective equipment and clothing reserved for pesticide application and handling.

Pest Means any species, strain or biotype of plant, animal or pathogenic agent injurious to plants and plant products, materials or environments and includes vectors of parasites or pathogens of human and animal disease and animals causing public health nuisance

Pest Control Operator (PCO) Means any person or company that apply pesticides as a profession.

Pesticide Means any substance, or mixture of substances of chemical or biological ingredients intended for repelling, destroying or controlling any pest, or regulating plant growth.

Pesticide management Means the regulatory and technical control of all aspects of the pesticide life cycle, including production (manufacture and formulation), authorization, import, distribution, sale, supply, transport, storage, handling, application and disposal of pesticides



and their containers to ensure safety and efficacy and to minimize adverse health and environmental effects and human and animal exposure.

- Poison** Means a substance that can cause disturbance of structure or function, leading to illness, injury or death when absorbed in relatively small amounts by human beings, plants or animals.
- Poisoning** Means occurrence of damage or disturbance caused by a poison, and includes intoxication.
- Product (or pesticide product)** Means the formulated product (pesticide active ingredient(s) and co-formulants), in the form in which it is packaged and sold.
- Product stewardship** Means the responsible and ethical management of a pesticide product from its discovery through to its ultimate use and beyond.
- Public Interest Group** Means (but is not limited to) scientific association, farmer group, citizens' organization, labor union and non-governmental environmental, consumer and health organization.
- Public health uses of pesticides** Means pesticides that are used in the control of pests of public health significance. They include disease vector control pesticides, household pesticide products, and professional pest control pesticides (used by pest control operators in homes and public areas).
- Registration** Means the process whereby the responsible national government approves the sale and use of a pesticide following the evaluation of scientific data aimed at demonstrating that the product is effective for its intended purposes and does not pose an



unacceptable risk to human or animal health or the environment under the conditions of use in the country or region.

Repackaging

Means the transfer of a pesticide from any authorized commercial package into any other, usually smaller, container for subsequent sale.

Residue

Means any specified substances in or on food, agricultural and other types of commodities or animal feed as well as in environmental media including soil, air and water resulting from the use of a pesticide. The term includes any derivatives of a pesticide, such as conversion products, metabolites, breakdown products, reaction products and impurities considered to be of toxicological or ecotoxicological significance. The term "pesticide residue" includes residues from unknown or unavoidable sources (e.g. environmental contamination) as well as known, authorized uses of the chemical.

Responsible authority

Means the government agency responsible for regulating pesticides and more generally for implementing pesticide legislation.

Risk

Is the probability and severity of an adverse health or environmental effect occurring as a function of a hazard and the likelihood and the extent of exposure to a pesticide.

Severely restricted pesticide

Means a pesticide virtually all use of which has been prohibited by final regulatory action in order to protect human health or the environment, but for which certain specific uses remain allowed. It includes a pesticide that has, for virtually all use, been refused for approval or been withdrawn by industry either from the market or from further consideration in the



domestic approval process, and where there is clear evidence that such action has been taken in order to protect human health or the environment.

Specification	Means the parameters and criteria defining the physical appearance and physical and chemical properties of technical and formulated pesticides linked with hazard and risk profiles.
Tender	Means a formal request for bids in the procurement of pesticides.
Toxicity	Means a physiological or biological property which determines the capacity of a chemical to do harm or produce injury to a living organism by other than mechanical means.
Trader	Means anyone engaged in trade, including export, import and domestic distribution.
Vulnerable groups	Mean persons that include pregnant and nursing women, the unborn, infants and children, the elderly, HIV/AIDS affected people and, when subject to high exposure to pesticides over the long term, workers and residents.

3. MEANS OF ACHIEVING THE OBJECTIVES

In order to achieve these aims and objectives, members of the Association will;

- 3.1. Adhere to the provisions of this Code as a standard for the manufacture, distribution, sale, use and advertising of pesticides.
- 3.2. Ensure that the requirements of relevant international agreements are followed.



- 3.3. Observe the following practices in pesticide management.
- a. Supply only pesticides of adequate quality, packaged and labelled as appropriate for each specific market;
 - b. In close cooperation with procurers in close cooperation with procurers of pesticides, adhere closely to the provisions of FAO and WHO guidance on procurement and tender procedures;
 - c. Pay special attention to the choice of pesticide formulations and to presentation, packaging and labelling in order to minimize risks to users, the public and the environment provide, with each package of pesticide, information and instructions in one or more of the official languages of the country and in a form adequate to ensure effective use, and minimize risks to users, the public and the environment;
 - d. Be capable of providing effective technical support, backed up by full product stewardship to end user level, including advice on and implementation of mechanisms for the effective management of unused and obsolete pesticides and empty pesticide containers;
 - e. Retain an active interest in following their products through their entire life-cycle, keeping track of major uses and the occurrence of any problems arising from the use of their products, as a basis for determining the need for changes in labelling, directions for use, packaging, formulation or product availability.
- 3.4. Pesticides whose handling and application require the use of personal protective equipment that is uncomfortable, expensive or not readily available should be avoided, especially in the case of small-scale users and farm workers in hot climates.
- 3.5. All relevant entities addressed by this Code should take coordinated action to produce and disseminate relevant and clear educational materials through all available media to extension services, agricultural and public health advisory services, farmers and farmers' organizations, pest control operators, public health workers and other entities providing advice on pesticide management. Users should be encouraged to seek educational materials and be helped to understand and follow its advice before handling and applying pesticides.



- 3.6. All stakeholders, including farmers and farmer associations, IPM/IVM researchers, extension agents, crop consultants, food industry, manufacturers of biological and chemical pesticides and application equipment, PCOs, public health workers, environmentalists and representatives of consumer groups and other public interest groups should play a proactive role in the development and promotion of IPM/IVM.
- 3.7. Governments, pesticide industry and national and international organizations should collaborate to develop and promote strategies to prevent and manage pest resistance to pesticides in order to prolong the useful life of valuable pesticides and reduce the adverse effects of resistance to pesticides. This should include consideration of the impacts of pesticides used in agriculture on resistance development among disease vectors and public health pests.
- 3.8. Ensure that all appropriate staff in their employment are aware of the Association's Code of Conduct and comply with it;
- 3.9. Draw to the attention of the Association any information which may lead to improvement in standards of safe use of pesticide and related chemicals.

4. LEGISLATION

Members will comply with the provisions of the Pest Control Products Act Cap 346 and other relevant legislation concerning pest control products and related chemicals which have been enacted by Government and which contain recommendations regarding layout and content, print size and the placing of information and phrases that are required by law. In recognition of the acceptance of this Code of Practice, members may utilize the logo of the Association on their labels. Proposed uses of the logo must be approved by the Pemak Management Committee.

5. LABELLING, PACKAGING, STORAGE AND DISPOSAL



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- 5.1. All pesticide containers should be clearly labelled in line with relevant regulations or GHS and/or FAO/WHO guidelines on good labelling practice for pesticides.
- 5.2 Pesticide Industry should use labels that:
- a. Comply with registration requirements and include recommendations consistent with those of the relevant authorities in the country of sale;
 - b. Include appropriate symbols and pictograms whenever possible, with their signal words or hazard and risk phrases, in addition to written instructions, warnings and precautions in the appropriate language or languages;
 - c. Comply with national labelling requirements or include, in the appropriate language or languages, a warning against the reuse of containers and instructions for decontamination and the safe disposal of used containers;
 - d. Identify each lot or batch of the product in numbers or letters that can be understood without the need for additional code references;
 - e. Clearly show the release date (month and year) of the lot or batch, expiry date (as appropriate) and contain relevant information on the storage stability of the product.
- 5.3 Pesticide industry, in cooperation with government, should ensure that:
- a. Packaging, storage and disposal of pesticides conform in principle to the relevant FAO, UNEP, WHO guidelines or regulations (34, 35, 47, 49, 50) or to other international guidelines, where applicable;
 - b. Packaging or repackaging is carried out only on licensed premises that with safety standards where the responsible authority is satisfied that staff are adequately protected against toxic hazards, that adequate measures are in place to avoid environmental contamination, that the resulting product will be properly packaged and labelled, and that the content will conform to the relevant quality standards.
- 5.4 Pesticide industry should, with multilateral cooperation, assist in disposing of any banned or obsolete pesticides and of used containers, in an environmentally sound manner, including reuse or recycling, with minimal risk where approved and appropriate.



6. ADVERTISING AND PROMOTION

This section covers any form or medium by which or in which a product is promoted to any member of the public outside the company concerned, particularly to distribute and use. In all forms of media, promotion shall be of a reputable type and be capable of full substantiation as regards its technical content.

Pesticide industry should ensure that:

- 6.1 All statements used in advertising are technically justified;
- 6.2 Advertisements do not contain any statement or visual presentation which, directly or by implication, omission, ambiguity or exaggerated claim, is likely to mislead the buyer, in particular with regard to the “safety” of the product, its nature, composition or suitability for use, official recognition or approval;
- 6.3 Pesticides which are legally restricted to use by trained or registered operators are not publicly advertised through journals other than those catering for such operators, unless the restricted availability is clearly and prominently shown;
- 6.4 No company or individual in any one country simultaneously markets different pesticide active ingredients or combinations of ingredients under a single brand name;
- 6.5 Advertising does not encourage uses other than those specified on the approved label;
- 6.6 Promotional material does not include recommendations at variance with national regulatory decisions;
- 6.7 Advertisements do not misrepresent research results, quotations from technical and scientific literature or scientific jargon to make claims appear to have a scientific basis they do not possess;



- 6.8 Claims as to safety, including statements such as “safe”, “non-poisonous”, "harmless", "non-toxic", "environmentally friendly" or "compatible with IPM/ IVM," are not made on labels, pamphlets or other publicity material, with or without a qualifying phrase such as "when used as directed". [However, reference to use within specified IPM/IVM programs may be included if validated by the regulating authority, and the claim is qualified accordingly];
- 6.9 Statements comparing the risk, hazard or “safety” of different pesticides or other substances are not made;
- 6.10 No misleading statements are made concerning the effectiveness of the product;
- 6.11 No guarantees or implied guarantees, such as "more profits with..." or "guarantees high yields," are given unless definite evidence to substantiate such claims is available;
- 6.12 Advertisements do not contain any visual representation of potentially dangerous practices, such as mixing or application without sufficient protective clothing, use near food or use by or in the vicinity of children;
- 6.13 Advertising or promotional material draws attention to the appropriate warning phrases and symbols as laid down in the GHS and FAO/WHO labelling guidelines
- 6.14 Technical literature provides adequate information on correct practices, including the observance of recommended application rates, frequency of applications and preharvest intervals in language that is understandable to end users;
- 6.15 False or misleading comparisons with other pesticides are not made;
- 6.16 All staff involved in sales promotion are adequately trained and possess sufficient technical knowledge to present complete, accurate and valid information on the products offered for sale;



- 6.17 Advertisements encourage purchasers and users to read the label carefully, or have the label read to them if they cannot read;
- 6.18 Advertisements and promotional activities should not include inappropriate incentives or gifts to encourage the purchase of pesticides.

7. DISTRIBUTION AND HANDLING

So far as it lies in their power, PEMAK members will ensure: -

- 7.1 That their products are contained in packages suitable for the purpose under any storage and climatic conditions likely to be met;
- 7.2 That their products are transported in a safe manner by responsible carriers who are informed of the nature of the goods carried;
- 7.3 That adequate product and medical information and an emergency telephone numbers are available;
- 7.4.1 That merchants and customers are provided with adequate information on storage and handling of pesticide and related chemicals and specific advice on products with special storage requirements.
- 7.5 Endeavour to ensure that pesticides are traded by and purchased from reputable traders, who should preferably be members of a recognized trade organization;
- 7.6 Ensure that persons involved in the sale of pesticides are trained adequately, hold appropriate government permits or licenses (where they exist) and have access to sufficient information, such as safety data sheets, so that they are capable of providing buyers with advice on risk reduction as well as judicious and efficient use;



- 7.7 Provide, consistent with national requirements, a range of pack sizes and types that are appropriate for the needs of small-scale farmers, household and other local users, in order to reduce risks and to discourage sellers from repackaging products in unlabeled or inappropriate containers;
- 7.8 Not knowingly supply pesticides that are restricted for use by particular groups of users, for sale to unauthorized users.
- 7.9 Procurers of pesticides should establish purchasing procedures to prevent the oversupply of pesticides and consider including requirements relating to pesticide storage, distribution and disposal services in a purchasing contract.

8.PRODUCT KNOWLEDGE

PEMAK Members will: -

- 8.1 Ensure that those of their staff who deal with the public and the users of their products, particularly those whose advice may be sought, are technically competent and responsible.
- 8.2 Give all reasonable help in training and advising the end users of their products.

9. PRODUCT QUALITY

Members of the Association will take all reasonable steps to ensure that the product supplied to customers conforms to the specification provided by the manufacturer or his own specification if formulated locally.

10. PRODUCTION

Production in the agrochemical field may be regarded as covering basic manufacture, formulation and packaging of any pesticide and related chemical products.



- 10.1. Members will adopt good manufacturing, formulation and packaging practice.
- 10.2. Production will be undertaken in suitable premises, arranged, operated and supervised so that potential cross-contamination between different groups of pesticide and related chemicals is eliminated.
- 10.3. Members will comply with the relevant legislation and, in particular, will enforce safety precautions for the health of employees engaged in any procedures involving pesticides and related chemicals.
- 10.4. Members will manufacture, formulate and package in such a manner as to minimize environmental contamination.
- 10.5. All product manufacture shall be in accordance with full specifications backed by adequate quality control facilities.

11.ENFORCEMENT

The enforcement of this Code will be the responsibility of the Management Committee of the Association.

We have read and understood the above Code of Conduct. We agree to abide by its provisions.

COMPANY NAME

COMPANY STAMP

DATE



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NAME OF PERSON SIGNING	TITLE/ DESIGNATION
SIGNATURE	



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