



**NATIONAL AGENCY FOR FOOD AND DRUG
ADMINISTRATION AND CONTROL (NAFDAC)**

PESTICIDE REGISTRATION REGULATIONS 2019

ARRANGEMENT OF SECTIONS

Commencement

1. Scope
2. Prohibition.
3. Exceptions
4. Application for the registration of pesticide.
5. Efficacy assessment for new pesticide formulation:
6. Submission of application
7. Residue level
8. Use of the pesticide product
9. Labelling information
10. Precautionary statement
11. Issuance of Certificate of Registration
12. Validity of registration
13. Power to seal
14. Penalty
15. Forfeiture
16. Interpretations
17. Repeal
18. Citation

Commencement:

In exercise of the powers conferred on the Governing Council of the National Agency for Food and Drug Administration and Control (NAFDAC) by Sections 5 and 30 of the NAFDAC Act Cap N1 LFN 2004 and Section 12 of the Food, Drugs and Related Products (Registration, Etc.) Act Cap F33 LFN 2004 and of all the powers enabling it in that behalf, THE GOVERNING COUNCIL OF THE NATIONAL AGENCY FOR FOOD AND DRUG ADMINISTRATION AND CONTROL with the approval of the Honorable Minister of Health hereby makes the following Regulations:-

1. Scope.

These Regulations shall apply to the registration of all pesticides that are manufactured, imported, exported, advertised, sold, distributed or used in Nigeria.

2. Prohibition.

- (1) No pesticide shall be manufactured, formulated, imported, exported, advertised, sold, distributed or used in Nigeria unless it has been registered in accordance with the provisions of these Regulations.
- (2) No person to whom a certificate of registration has been issued under these Regulations shall lend, hire, sell, transfer or otherwise dispose of the certificate of registration to any other person without the approval of the Agency.

3. Exceptions

- (1) Notwithstanding Regulation 2, a person shall obtain authorization from the Agency for the importation of unregistered pesticides, if the pesticide is:
 - (a) Imported for experimental or research purpose and not for distribution or sale;
 - (b) Importation in the event of national disease outbreak or emergency;
 - (c) Bulk importation for farm use only;
 - (d) Bulk importation of technical grade for the purpose of manufacturing formulated pesticide within the country.

4. Application for the registration of pesticide

- (1) No person shall submit application for the registration of any pesticide unless such pesticide was manufactured or formulated in an establishment acceptable and approved by the Agency.
- (2) The application for pesticide registration shall be made by filing an application and supported with relevant documents in such form as the Agency may, from time to time prescribe.
- (3) Each application for registration shall be accompanied by a non-refundable fees prescribed by the Agency.

5. Efficacy assessment for new pesticide formulation

- (1) Efficacy assessment of a pesticide to be introduced into the market shall be carried out to ensure that pesticide approved would be efficacious for its intended use.
- (2) The assessment shall be for two (2) cropping seasons or as may be prescribed by the Agency.

- (3) The assessment will be conducted in two (2) different agro-ecological zones or as may be prescribed by the Agency.
- (4) The assessment shall be monitored by the Agency at approved research institute(s)

6. Submission of Application

- (1) The completed application for the registration of Pesticides shall be submitted with the following and any other document as prescribed by the Agency:
 - (a) Original certificate of analysis of the pesticide product;
 - (b) Certificate of manufacture and free sale of pesticide product from the statutory body responsible for the safety of the product in the country of origin if imported;
 - (c) Radio-active test certificate where demanded by the Agency;
 - (d) Power of Attorney or an agreement duly notarized in the country of origin from the manufacturer to register the pesticide product in Nigeria if it is an imported pesticide;
 - (e) Specimen labels of the pesticide product; and
 - (f) Evidence of any special labelling claims on the character, quality and safety of the pesticide product.
- (2) No falsified documents for the registration of pesticide shall be submitted by applicant to the Agency.
- (3) Product chemistry of the pesticide to be submitted to the Agency shall be made up of;
 - (a) The product composition, normal concentration, physical and chemical characteristics, and
 - (b) Standard laboratory analytical methods for each active ingredient, impurity or inert ingredient that is toxicologically significant.
- (4) Other studies conducted in respect of the pesticide product shall include;
 - (a) Environmental fate
 - (b) Degradation
 - (c) Metabolism in plants and animals
 - (d) Mobility, that is, the stability thereof;
 - (e) Accumulation
 - (f) Hazard to human or domestic animals
 - (g) Toxicity whether by oral, dermal and inhalation;
 - (h) Teratogenicity or reproductive studies;
 - (i) Mutagenicity;
 - (j) Hazard to non-target organisms including birds and fishes;
 - (k) Product performance including efficacy trials in Nigeria.and any other requirement as prescribed by the Agency:

7. Residue Level

The applicant shall state the residue level for the pesticide in all its intended usage in the country and this will be compared with the tolerance level as may be determined by the Agency.

8. Use of the Pesticide Product

The instructions for use of the pesticide product shall include;

- (1) Dosage and direction for use
- (2) Fields of application;
- (3) Methods of application;
- (4) Target pest;
- (5) Re-entry period;
- (6) Pre-harvest period;
- (7) Target crop.

9. Labelling information

- (1) All pesticides shall be legibly labelled in English and may include any other language(s).
- (2) All pesticide labels shall be as approved by the Agency.
- (3) All information required to be indicated on the label shall be prominent, and distinct.
- (4) Labelling shall be informative, accurate and shall not be false or misleading.
- (5) The labelling of pesticides shall be in accordance with the Agency's Labelling requirement.
- (1) The label of a pesticide shall specify conspicuously the name and manufacturing location address of the manufacturer, and the name of the Certificate of Registration Holder.

10. Precautionary statement

- (1) All Pesticide shall be clearly labeled with the following precautionary statements
 - (a) a statement directing the user to read the label, this statement shall be in the following form "READ THE LABEL BEFORE USE";
 - (b) the Pesticide is not to be ingested.
 - (c) a person shall wear appropriate personal protective equipment while handling pesticide.
 - (d) the Pesticide should be kept out of reach of children.
 - (e) warning or cautions and hazard statements;

11. Issuance of certificate of registration

- (1) Where the Agency is satisfied with the application for registration, the product shall be issued with a Certificate of Registration.
- (2) Where the application for registration is unsatisfactory, the applicant shall be informed with reasons in writing.

12. Validity of Registration

- (1) A pesticide registration shall be valid for five (5) years from the date of registration or as prescribed by the Agency.
- (2) The Agency may suspend or revoke a certificate of registration issued to an applicant if:
 - (a) The standard of quality, safety and efficacy as prescribed in the documentation for registration is not being complied with or the grounds on which the pesticide was registered were later found to be false or incomplete.
 - (b) New information has become available to the Agency which portrays the pesticide unsafe, dangerous or ineffective.

- (c) The premises on which, or on part of which, the pesticide is manufactured, packaged or stored by or on behalf of the holder of the certificate of registration are unsuitable for the manufacturing, packaging or storage of the pesticide.
 - (d) The Certificate of Registration Holder has given a notice to the Agency in writing of any intentions to suspend product registration for a period not exceeding 5 years.
 - (e) There is any adverse effect on non-target animal or plant.
 - (f) Any other reason as deemed fit by the Agency.
- (3) A person whose certificate of registration has been suspended under these Regulations shall give a notice to the Agency in writing of any intention to reintroduce the product registration and the notice shall:
- (a) Give reasons for reintroduction,
 - (b) Be accompanied by a prescribed fees for the renewal of a Certificate of Registration.
 - (c) Be accompanied by copies of the current label for the pesticide.
 - (d) Relevant documents as may be prescribed by the Agency

13. **Power to seal**

The Agency shall have power to seal up any premises used or being used in connection with any offence under these Regulations until such time as the regulated product is removed or such time as the regulated product is removed or such reasonable time as the Minister so determines

14. **Penalty.**

- (1) Any person who contravenes any of the provisions of these Regulations shall be guilty of an offence and liable on conviction. In case of :
 - (a) an individual, to imprisonment for a term not exceeding one year or to a fine not exceeding N50,000 or to both such imprisonment and fine; and
 - (b) a body corporate, to a fine not exceeding N100, 000.
- (2) Where an offence under these Regulations is committed by a body corporate, firm or other association of individuals every:-
 - (a) director, manager, secretary or other similar officer of the body corporate; or
 - (b) partner or officer of the firm or
 - (c) trustee of the body concerned ;or
 - (d) person concerned in the management of the affairs of the association ;or
 - (e) person who was purporting to act in a capacity referred to in paragraphs (a) to (d) of this regulation, is severally guilty of that offence and liable to be proceeded against and punished for that offence in the same manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

15. **Forfeiture after conviction**

- (1) A person convicted of an offence under these Regulations shall forfeit to the Federal Government-

- (a) any asset or property constituting proceeds derived from or obtained, directly or indirectly, as a result of the offence;
 - (b) any of the person's property or instrumentalities used in any manner to commit or to facilitate the commission of the offence.
- (2) In this section, "proceeds" means any property derived or obtained, directly or indirectly, through the commission of the offence.

16. Interpretations

For the purpose of these Regulations, unless the context otherwise requires:

"Agency" means National Agency for Food and Drug Administration and Control;

"Advertising" means the publicity of goods and description of all products (which includes any form of notices in circulars, handouts, labels, wrappers, catalogues and price lists, bill boards, posters, newspapers, magazines, digital and social media, and any other documents) made orally, online or otherwise or by means of projected light and sound recordings;

'Applicant' means a person who applies for or request for a service from the Agency;

"Bulk importation" means bringing in of large size into a country from abroad;

"Container" means any form of packaging of pesticide for sale as a single item whether by completely or partially enclosing the pesticide and includes wrappers. A container may enclose several units or types of packages when such is offered to the consumer.

"Distribute" means to supply, transport, store or sell;

"Export" means to take goods from Nigeria to other countries;

"Formulation" means the combination of various ingredients designed to render the product useful and effective for the purpose claimed, or the form of pesticide as purchased by users;

"GMP" means Good Manufacturing Practice

"Growth Regulator" means any substance or mixture of substances intended through physiological action for accelerating or retarding the growth and development of organisms;

"Import" means to bring in good from other countries into Nigeria;

"Label" means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on, or attached to a package or container of a pesticide.

“Labelling” means any written, printed or graphic matter that is present on the label, accompanying the pesticide, or is displayed near the pesticide, including that for the purpose of promoting its sale or disposal.

“Manufacture” means prepare, compound, make the active or other ingredients, to add substances, mix, formulate, package or re-package, label or otherwise treat the active ingredient with a view to its sale, but does not include the carrying on of bona-fide research or experiment relating to a pesticide or doing of an act or thing that forms part of or is incidental to such research or experiment;

“Pest” means any insect, rodent, bird, fish, mollusc, nematode, fungus, weed, micro-organisms, virus or any other kind of plant or animal life that is injurious to human or animal health, crop, stored produce, processed foods, wood, cloths, fabrics or other inanimate objects;

"Pesticide" means any chemical substance or mixture of substances intended for preventing, destroying, repelling or mitigating the effect of any pests of plants and animal and shall include herbicides, insecticides, rodenticides, fungicides, molluscides, nematocides, repellants, attractants, insect growth regulators used in agriculture, public health, horticulture, food storage or a chemical substance used for similar purpose;

"Residue" means the amount of pesticides that may remain in food, animal feed and the environment;

“Sell” includes to offer for sale and to provide pesticide as part of a service of pest control notwithstanding that the pesticide is described as free or included in the service;

"Tolerance Level" means the maximum permissible amount of pesticides that may remain in or on food and animal feed.

17. Repeal

- (a) The Pesticide Registration Regulations 2005 is hereby repealed.
- (b) The repeal of these Regulations specified in Regulations 17(1) shall not affect anything done or purported to be done under the repealed Regulations

18. Citation

These Regulations may be cited as the Pesticide Registration Regulations 2019.

MADE at Abuja thisday of.....2019

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**Inuwa Abdulkadir Esq
Chairman Governing Council**

National Agency for Food and Drug Administration and Control (NAFDAC)