

POTATO PRODUCTION STEWARDSHIP PROGRAMME

A COLLABORATIVE INITIATIVE OF POTATOES SOUTH AFRICA, CROPLIFE SOUTH AFRICA AND THE INSECTICIDE RESISTANCE ACTION COMMITTEE



MONOGRAPH 3

RESPONSIBILITY OF ROLE PLAYERS IN THE PESTICIDE VALUE CHAIN TO STRICTLY ADHERE TO LABEL INSTRUCTIONS

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Legal requirements

The label is the only legal document of a pesticide. Regulation Nr. R1716 of 26 July 1991 of Act No. 36 of 1947 stipulates that a pesticide must be used strictly according to label instructions. This means a pesticide may only be used for the crop or situation as indicated on the label, for the pest, disease or weed as indicated on the label, in the dosage as indicated on the label and by the application methods as indicated on the label.

Making recommendations for the use of a pesticide

A recommendation, whether in verbal, written, printed or electronic format for the use of a pesticide made by any person or institution of whatever nature, must be strictly according to the label instructions. No person may offer advice, guidance, or recommendations on pesticides contrary to their label instructions. Manufacturers, registration holders, distributors, agents, crop advisors, technical advisors, consultants, cooperative personnel, retail personnel or any person in whatever capacity, may only recommend to, and advise farmers on the use of pesticides according to their label instructions.

Sales of pesticides

Pesticides may only be sold or offered for sale for the purposes and applications as directed by the label instructions. No person in whatever capacity may sell or offer a pesticide for sale for any other purposes or for any other application methods than those instructed by the label.

Use (application) of pesticides

A person, in whatever capacity, may only apply a pesticide for the purposes and by the application methods as instructed by the labels.

Poor performance or crop damage due to off-label application of a pesticide

A farmer who experiences poor pesticide performance or whose crops suffer damage due to applying pesticides contrary to label instructions ("off-label") of own accord, or whether upon the advice, guidance or recommendation of any other person or institution, has no claim against any other party because the farmer contravened Regulation Nr. R1716.

Consultants, distributors, crop advisors, agents, and sales representatives

Any person that advises, guides, or recommends the use of a pesticide to a farmer, “sells” the pesticide to the farmer because the definition of “sell” in Act No. 36 of 1947 covers all forms of promoting the use of a pesticide. A consultant, distributor, crop advisor, agent, sales representative or any person or institution of whatever nature who advises, guides, or recommends the use of a pesticide, or sells such a pesticide contrary to its label instructions to a farmer, contravenes Regulation Nr. R1716.

Responsibility of farmers to check whether advice, recommendations and sales correspond with label instructions

It is the farmer’s duty to ascertain whether the advice, guidance or recommendation offered by any person or institution of whatever nature, corresponds with the label instructions of the pesticide upon which such advice, guidance or recommendation is offered. It is also the farmer’s duty to check whether pesticides offered for sale are offered according to the purposes and application methods as directed by label instructions.

Common contraventions of Regulation Nr. R1716

- Offering advice, making recommendations, and offering guidance contrary to label instructions of the pesticide.
- Accepting off-label advice, guidance or recommendations from any person or institution and implementing such advice, guidance or recommendations when applying the pesticide.
- Offering a pesticide for sale or selling a pesticide for purposes or for application methods that are not indicated on the label.
- Disposing of (giving away or donating) a pesticide for purposes or for application methods other than those directed by the label instructions.

The rationale for adhering to label instructions

Pesticides are developed for certain purposes and certain application methods. The data is submitted by the manufacturers or suppliers to the Registrar of Act No. 36 of 1947 who registers pesticides for the purposes and application methods as applied for, based on the data that is submitted. Any other purposes or application methods can therefore not be verified or validated for the pesticides and are not approved by the Registrar because the Registrar cannot evaluate purposes or application methods that are not submitted for evaluation.

Consequences of off-label use for farmers

Most cases of crop damage and poor pesticide performance can be traced back to off-label use. Farmers who apply pesticides off-label are at great risk of crop damage or crop losses due to poor pesticide performance or phytotoxicity.

Regulatory consequences of off-label use

Apart from pesticide performance failure and crop damage due to off-label use, the Registrar has a mandate in terms of Act No. 36 of 1947 to impose certain conditions upon any registered pesticide, such as restricting its use to pest control operators. The Registrar may also cancel the registration of any pesticide if he is of the opinion that it is misused, such as for example off-label use. This means that off-label use of a pesticide may result in it being cancelled and no longer available to farmers or restricted to be used only by pest control operators.

