

To
Dr. Gurbachan Singh
Chairman (ASRB & RC)
1st Floor, Krishi Anusandhan Bhawan I
Pusa Complex, Pusa
New Delhi

Subject: Concerns around regulations surrounding the sale/use of insecticides

Dear Sir,

Retailers Association of India (RAI), is the premier-most body representing modern retailers across the country. Our membership base includes over 900 retail organisation which comprise of over 98000 store outlets. RAI has constantly strived for conducive regulation and legislation that promotes the interests of consumers by allowing modern retail to grow and flourish. It is in this interest that we write to you today to express some of the issues faced by our members engaged in the sale of household insecticides.

As you would be aware, the subject of import, manufacture, sale, transport, distribution and use of insecticides is regulated by the Insecticides Act, 1968. The noble aim of the act is to ensure that risk arising from misuse of insecticides towards human and animal life is mitigated by regulation. We agree that considering some of the harmful or potentially harmful effects of insecticides it is important that some of them be tightly regulated to prevent any harm.

However, we would like to submit to you that considering the overbearing nature of this regulation, it poses certain impediments to the retail industry which we believe can be addressed **without increasing the risk exposure**. Most retail outlets are engaged in the sale of “household insecticides” which pose considerably less risk to life as compared to other industrial or commercial insecticides which indeed need to be regulated more strictly. We would like to make the following recommendations so that commerce can flourish while at the same time no aspect of safety is ignored.

1. A variety of powers lie with the authorities like entering and searching premises in which they have has reason to believe an offence under this Act has been, or is about to be, committed. They can inspect, examine and make copies of, or take extracts from documents kept by a manufacturer/distributor or any other person and seize the same,

if there is belief that any of them may furnish evidence against an offence. This has bestowed significant powers for searching and calling for information based on mere belief of the possibility of an offence. The authorities also enjoy the power of police officers while conducting such a search. These over-reaching powers could be misused and the government should consider making the guidelines controlling the powers vested more stringent. Adequate proof or prior written approval from senior officials should also be required for inspection of any premises.

2. A seller/retailer is required to produce the original principal certificates from the producer/manufacturer for selling insecticides. It is a difficult and time-consuming task which is **required for each outlet separately. Also, given that the retail industry only deals in pre-packed household insecticides, it is not particularly necessary.** The government should consider removing strict licensing rules for household insecticides.
3. The sale of Household insecticides requires a license and non-compliance carries severe punishments, including imprisonment. Household insecticides are very different compared to other commercial and industrial insecticides and are not as harmful to humans unless used incorrectly and do not pose the same health threats. The government should consider removing the compliance requirements of household insecticides from those of other insecticides and also not require a license for their sale.
4. All sales of insecticides are to be made against a bill or a cash memo and authorities have power to seek information on particulars of all persons. Consumer's information is to be recorded by the seller and kept for future reference and/or inspection. However, such information is usually not shared by consumers. It is extremely difficult to comply with this rule and hence the government needs to consider relooking if this requirement is necessary.
5. Persons handling insecticides need to be adequately protected with appropriate clothing made of washable materials which prevent or resist the penetration of any form of insecticides formulation. Given that retailer's trade only in household insecticides, these are not really necessary for handling household insecticides. The government needs to consider relooking if this requirement is necessary.

In summary, we submit that there needs to be a classification of insecticides on the basis of risk posed. This is a step that will not only allow retailers to successfully comply with the law and satisfy consumer needs but also allow the authorities to focus on more harmful insecticides that



pose a much greater risk. We believe this is a sensible step in organizing the sector and achieving the stated objective of the Act in protecting life. We hope that you shall receive our representation positively and would appreciate if you could grant us a meeting so that an industry delegation may meet you and benefit from your expert opinion.

For Retailers Association of India,

Gautam Jain
Authorised Signatory

Cc:

Dr BS Phogat
Secretary (Central Insecticides Board & Registration Committee)
Addl Plant Protection Advisor
Department of Agriculture and Cooperation
Directorate of Plant Protection Quarantine & Storage
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