



Pesticide Discussion Forum Summary Digest

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Online sale of pesticides

With the expansion of Internet in the last 2 decades, e-commerce has grown rapidly for all kind of products in many countries. Online pesticide sales have followed the same trend and it is now possible for anyone to buy almost any products online, either directly from the manufacturers' sites or through online platforms. Given the very nature of the internet, it seems possible to get pesticides in any country (where the buyer is located) or to buy them from anywhere in the world. So, what does it mean in terms of registration and regulation? What if the pesticide is not authorized or banned in the country of destination? Who will ensure that the buyer is allowed to buy the products? And that they will know how to use it?

As noted in the FAO/WHO guidance on pesticide licensing schemes (2021), "*Sale of pesticides over the Internet is a complex issue, as the market situation changes continuously, and sellers and buyers can hide behind false names in often unknown locations. E-commerce can facilitate the purchase of illegal pesticides on international markets, including those that are banned in most countries, not registered for use in the country of the buyer or are fake or counterfeit products*". It further adds: "*The potential for anonymity increases the risks of improper handling and use of pesticides sold over the Internet, hence increasing health risks and environmental contamination*".

In higher-income countries, with large ecommerce markets like in China, US, EU, Brazil, etc., internet sales of pesticides represent a growing share of the pesticide market. It is unclear how online pesticide sales have developed in low to middle-income countries (LMICs) in recent years. To tackle the new regulatory challenges of online sale of pesticides, some countries have taken some incremental actions to strengthen pesticide management, including developing specific regulations or licenses, amending existing internet or/and pesticide legislative text, while the industry has developed some good practice guidance.

During this discussion, we explored the status of online sale of pesticides in the countries of the participants, discussed the various issues associated with such trade (including challenges and risks) reviewed how existing regulations could assist in managing such trade or how they should be amended to insert specific provisions to cover pesticide e-commerce.

This document is a summary of the University of Cape Town's Division of Environmental Health's Pesticide Community of Practice held on the 28 April 2022 titled: "Online sale of pesticides". This digest presents the issues and points raised, and the information shared by participants in response to three questions prepared by the presenter, Beatrice Grenier (FAO). A total of 66 participants joined the live discussion and 2 people left offline responses. From the members who attended, 76% were from Africa, 12% were from Europe, 5% were from Latin America and the Caribbean, 3% were from Eastern Mediterranean, 3% were from South-East Asia and 2% were from Western Pacific.

About the Presenter



Beatrice Grenier works with FAO on various pesticide management issues. She is involved in normative activities related to the FAO/WHO International Code of Conduct on Pesticide Management and in field projects particularly in West Africa. She has been involved in pesticides and chemicals at the international level for many years, also working at OECD and participating in IOMC. She has been involved in many aspects of the pesticide life cycle, such as: registration, residues, compliance, and enforcement, biopesticides, obsolete pesticides, soil remediation and container management. She also coordinates the activities, development, and trainings of the FAO Pesticide Registration Toolkit. Beatrice holds a Master's degrees in chemistry and in environmental sciences and an MBA. She is currently supervising the development of a short new FAO/WHO guidance on online sales of pesticides.

DISCLAIMER: The information below represents the opinions of members participating from different countries expressed during the discussion and shall not necessarily be taken to reflect the official opinion of the DEH, UCT, FAO, or Kemi.

PRESENTED BELOW ARE THE THREE QUESTIONS AND RESULTING DISCUSSION INPUTS FROM PARTICIPANTS:

Question 1: Can you buy pesticides over the internet in your country or the country you work in? Who buys pesticides over the internet (e.g., farmers, non-professional users for domestic uses) and why?

REGION	STATUS OF PESTICIDE SALES ONLINE
AFRICA	
Ethiopia	<p>No:</p> <ul style="list-style-type: none"> ➤ Online shopping does not take place in our country. ➤ The law does not prohibit pesticide marketing online. ➤ The way the financial system works makes online shopping less likely. Only those registered can import pesticides and retailers would distribute it. ➤ There is no online pesticide marketing.
Kenya	<p>Yes:</p> <ul style="list-style-type: none"> ➤ Pesticides are sold online, however, small shops cater for local farmers. ➤ Anyone can buy pesticides online for their use. ➤ Jumia.co.ke is a popular online shop (like amazon) where anyone can buy pesticides.
Rwanda	<p>Yes:</p> <ul style="list-style-type: none"> ➤ Pesticides can be bought on the internet; however, only certified agro-dealers are allowed to purchase non-banned pesticides.
South Africa	<p>Yes:</p> <ul style="list-style-type: none"> ➤ A wide range of pesticides can be purchased over the internet; however, the target is for domestic use and farmers.
Sudan	<p>No:</p> <ul style="list-style-type: none"> ➤ No one in the country can purchase pesticides on the internet as it is not legally allowed. ➤ The law does not allow pesticides to be smuggled.
Tanzania	<p>Yes:</p> <ul style="list-style-type: none"> ➤ It is allowed but challenging and not common.
Uganda	<p>Yes:</p> <ul style="list-style-type: none"> ➤ Pesticides can be purchased in online shops like Famunera. ➤ There is no regulation to manage pesticide sales' over the internet and if there were, enforcement could be a challenge.
Zambia	<p>Yes:</p> <ul style="list-style-type: none"> ➤ It is possible to buy pesticides online. During COVID-19, retail agro-shops advertised it. ➤ Most products sold online are used at a domestic level. ➤ Pesticides are advertised online by local companies. If a person knows the pesticide's mode of action, they can buy it online. ➤ Legislation requires an application for the usage of the pesticide and to ensure that there are appropriate labels. At the points of entry, there are import controls to ensure that the Environmental Management Act is complied with. ➤ Commonly, companies and individuals advertise pesticides online, making it easy for consumers to access. ➤ Professionals and non-professionals can buy pesticides online, however, it's not a common practice. ➤ It is challenging to sell pesticides online due to the number of questions and clarifications required before buying. Therefore, it is easier to sell face to face and provide the answers in real-time.
Zimbabwe	<p>Yes:</p> <ul style="list-style-type: none"> ➤ Pesticides can be purchased online, and the main target group is members of the public and farmers.
LATIN AMERICA AND THE CARIBBEAN	
Bahama's	<p>Yes:</p> <ul style="list-style-type: none"> ➤ Pest control operators and farmers buy pesticides online. ➤ Amazon and online pesticide stores in the US and China are available. ➤ Although anyone can buy pesticides online, buying large amounts may require a business license. However, there are no regulations in place.
Guyana	<p>No:</p> <ul style="list-style-type: none"> ➤ Purchasing pesticides online is not allowed. ➤ As pesticide vendors are in farming communities, online buying is not practised. ➤ Only registered importers are allowed to import pesticides.
MIDDLE EAST	
Iran	<p>Yes:</p> <ul style="list-style-type: none"> ➤ There are many advertisements/ pages, etc about pesticides online. ➤ Anyone can buy pesticides online, and therefore regulations are not properly followed.
SOUTH-EAST ASIA	
China	<p>Yes:</p> <ul style="list-style-type: none"> ➤ Many online stores are selling both agricultural and vector control pesticides. Both individual small-scale farmers and domestic users are buying.

Question 2: What are the main characteristics and main issues associated with internet sales of pesticides?

Sale of toxic pesticides

- Highly Hazardous Pesticides (HHPs) can be sold and bought.
- Pesticides banned in other countries can be bought and pose a risk.
- Banned/restricted pesticides can be procured through e-commerce
- Buyers can purchase a counterfeit or a different product from what one ordered.
- Where online shopping is advanced like in China, farmers are more likely to be exposed to fake products and they are not able to identify them.
- The problem is that pesticides banned in a country can easily be sold via online platforms.
- Restricted, unregistered, cancelled, or suspended pesticides can be sold online.
- Cross-contamination of other products being delivered.

Lack of information

- Inadequate information on safety and precautions can be provided.
- Language barriers between sellers and buyers can exist.
- There are several internet platforms where pesticides are advertised. Advertising often do not follow the standards of the International Code of Conduct on Pesticide Management (article 11)
- As sales are on platforms accessed by buyers from different countries, there is no boundary.
- Material safety data sheets may be lacking and as a result, it can be difficult to get permits to import.
- Information on safety precautions is not given online.
- Wrong pesticides can be bought.
- There is little knowledge on whether the advice is offered to farmers on online sales of pesticides, in Kenya.

Registration

- Registration of selling pesticides online is a risk in countries like Madagascar.

- There is a possibility for pesticides that are sold online to not be locally registered.

Legislation and regulation

- It is important to stick to policy on sales and distribution and to monitor that the premises and structures of the sale follow the law.
- Courier service providers must declare pesticide consignments to regulatory agencies for monitoring and registration before transportation.
- There are weak entry points at the borders for pesticide's imports.
- It is increasingly easy to buy and sell pesticides globally. However, with Asian and American pesticide industries issues related to e-commerce for pesticide sales, it is complicated and not addressed appropriately by national governments. Therefore, stronger intergovernmental systems (e.g., FAO, WHO, help from the BRS, SAICM, etc.) are needed to rewrite global pesticide regulations and enforce them.
- If there is no stringent regulation, online sales might attract illegal importation.
- Lack of proper control, inspection, and regulation is an issue with the online sales of pesticides.
- Online sales of pesticides can attract fraudulent pesticide sellers.

Occupational exposure risk

- The safety requirements for shipping, transportation, and storage of pesticides can be compromised.
- Occupational exposures are a risk for the transporters.
- Monitoring the product and the use thereof by the final user the farmers is a challenge.
- Sellers can create their own online sales site to sell products and deliver. This creates a chain that involves more people potentially exposed, especially intermediaries such as delivery people.

Awareness and traceability

- Internet sellers and industry should be included in existing awareness-raising programmes.
- Formal businesses have traceability.

Question 3: What should be the roles and responsibilities of the different stakeholders, for online platforms (if legally authorised to sell pesticides)?

Government's roles and responsibilities:

- Relevant government departments need specific legislation that outlines rules and regulations for e-commerce, industry and for consumers.
- Fines for contravening legislation should be given higher up and enforced.
- Regulations and guidance should be made in line with international industry practices and should guide the internet sales of pesticides.
- At the sub-national level, relevant authorities should monitor compliance with the regulations.
- Online sales of pesticides should be regulated, for example by:
 - Guiding on advertising for the online sales of pesticides.
 - Providing a list of authorised Retailers for online sale.
- Improvement should be made during registration, for example, whether a pesticide can be sold online or not.
- In South Africa, the regulations on hazardous substances require pesticide dealers to hold a license to sell, and therefore, the online sale should be included in this regulation (as a possible extension of the sale license). In addition, buyers should be capacitated to only buy from licensed dealers.
- In line with the pesticide lifecycle risk management, all online sellers of pesticides should be registered with the local pesticide regulator.
- A risk-based approach is used and HHPs should not be sold on the internet.
- A challenge for countries in regulating the online sale of pesticides that are not domiciled within the country, like Alibaba.

Retailers' roles and responsibilities:

- Ensure online sales follow guidelines.

Intergovernmental organisations' (IGO) roles and responsibilities:

- Considering the online sale of pesticides nationally and internationally, existing regulations need to be updated as LMICs can encounter issues like impaired enforcement systems. Therefore, as agencies like the FAO, WHO, etc. are working on the issue, they need to support national governments.
- It is key that the FAO/WHO guidelines give guidance on what types of legislative texts and fines should be in national legislations.
- International guidance must be given.

Online platforms' role and responsibilities:

- Before sending the imported pesticides, online platforms should check whether the pesticide is banned or restricted in the country receiving it. This should be ensured by the memorandum of understanding signed between countries and the online platforms that sell pesticides.
- A hazard-based approach should indicate which pesticides cannot be sold online if they fall within a particular WHO or GHS hazard class.
- The online platforms should ensure only registered pesticides are sold online.
- Online platforms should have a reporting requirement on the pesticides they sell.
- If there is no mention of online purchases in pesticide law, all imports should still adhere to the requirement of pesticides being registered, and the importer must have an importation licence.

Industry and government's roles and responsibilities:

- Industry and government are responsible for ensuring the safety of all people involved in the chain of sales (i.e., seller to buyer).
- The industry should self-police itself by implementing an online selling association to monitor sales and implement guidelines (e.g., no selling of HHPs online).

Civil society's roles and responsibilities:

- The public can play a big role in "policing". More information on the risks provided to the public and contact details to report problems is useful.
- Buy pesticides from authorised retailers.

Regulators' roles and responsibilities:

- Regulate online sales of pesticides.
- Guide advertising of pesticides sold online.
- Provide a list of authorised retailers for online sales.
- Strengthen the control and supervision of entry points, ensure close monitoring
- Monitor the adverts being promoted.
- Assess the technical capacity of the sales agent in providing safety messages to buyers.
- Provide online training and ensure those selling online are licensed.
- Provide a list of online dealers registered with a regulatory agency.
- Put in place an age restriction for online purchasers to prevent underage children from accessing the pesticides.

Resources and Further Reading

1. FAO/WHO [guidance on pesticide licensing schemes](#) (2021)
2. Guidance for [Internet Sales of Pesticides](#) by AIC (UK Agricultural Industries Confederation) (2013)
3. [UNCITRAL Model Law on Electronic Commerce](#) (1999)
4. Articles:
 - “EPA again orders Amazon to stop selling illegal pesticides“ (Feb 2021) <https://www.seattletimes.com/business/amazon/epa-again-orders-amazon-to-stop-selling-illegal-pesticides/>
 - Amazon agrees to pay \$2.5M to settle pesticide sales lawsuit (Nov 2021): <https://www.seattletimes.com/business/amazon/amazon-agrees-to-pay-2-5m-to-settle-pesticide-sales-lawsuit/>
 - eBay Ordered to Stop Selling Unregistered, Misbranded Pesticides (June 2021) <https://eponline.com/articles/2021/06/30/ebay-ordered-to-stop-selling-unregistered-misbranded-pesticides.aspx>
5. Buy paraquat online (in South Africa): <https://www.turfmaster.co.za/product/paraquat-200-sl-herbicide-solution-control-annual-grasses-weed-fire-breaks-broadleaf/>

If you are not a member, we invite you to join UCT's Pesticide Discussion Forum:
<https://forms.gle/NzYH5REfUruL3jdm6>

The Division of Environmental Health (DEH) Pesticide Discussion Forum is a bi-monthly online seminar for pesticide regulators and resource persons, as well as students in the postgraduate Diploma in Pesticide Risk Management (DPRM). Our aim is to provide support for managing pesticide risks and implementing risk reduction strategies. DEH is based in the School of Public Health and Family Medicine at the University of Cape Town (UCT). environmentalhealth@uct.ac.za

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