



DISCUSSION DIGEST

Mechanisms for Preventing the Illegal Pesticides Trade

Issue 3 of 2024
Discussion: 23 May 2024

This document summarises the University of Cape Town's (UCT) Division of Environmental Health's (DEH) Pesticide Community of Practice discussion held on the 23rd of May 2024, titled 'Mechanisms for Preventing the Illegal Pesticides Trade'. View the discussion [recording here](#), [presentation slides here](#), and [newsletter here](#). This digest presents the issues and points raised and the information shared by participants in response to questions prepared by the presenters:

- **Rorisang Mantutle** (Ministry of Agriculture, Food Security, and Nutrition, Lesotho)
- **D'Arcy Quinn** (CropLife International)
- **Bill Garthwaite** (Food & Agriculture Organization of the United Nations)

Rorisang began by explaining **what is meant by illegal pesticides and the trade thereof**. She highlighted multiple **reasons for concern** around the illegal pesticides trade, including human health, economic and environmental risks, cost to government, users and industry, and undermining government risk reduction schemes. She described some of the roles of government and regulators in preventing the illegal pesticides trade, such as strengthening regulatory action, awareness-raising, training (including on identification of counterfeits), and stakeholder collaboration. She **illustrated a case of counterfeit pesticides** encountered in Lesotho and the complexity in the investigation thereof.

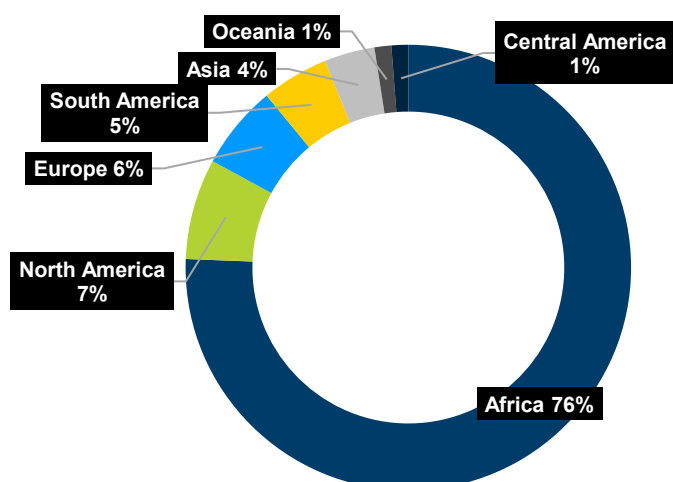
D'Arcy described the **pervasive issue of counterfeiting in multiple industries**, and that 10-14% of products on the European Union (EU) market are counterfeit. He highlighted the issue of illicit, even more than counterfeit, pesticides being sold and purchased on the internet through e-commerce platforms. He **described one strategy to combat this being that the burden of due diligence should be placed on these platforms to verify the sellers' licences**, mentioning the Transnational Alliance to Combat Illicit Trade (TRACIT) report on this issue. He also mentioned that CropLife is working with Interpol to create an e-training course on counterfeit pesticides which will be released globally.

Bill discussed the **role of legislation** in addressing the illegal pesticides trade. Legislation can vary significantly between countries despite agreements at global levels, e.g. the Rotterdam Convention. Many countries have some kind of relevant legislative provisions related to the trade of pesticides, but those **provisions may vary widely, or the rules are not always clear**. He described key first steps to tackling the illegal pesticides trade, which is **understanding what rules are in place in one's country context that could be implicated, what legal tools are available to regulators and enforcement agencies, and if deemed necessary, what room is there for strengthening current legislation**. A strong overall legal framework governing pesticides is important for many reasons, even beyond illegal trade.

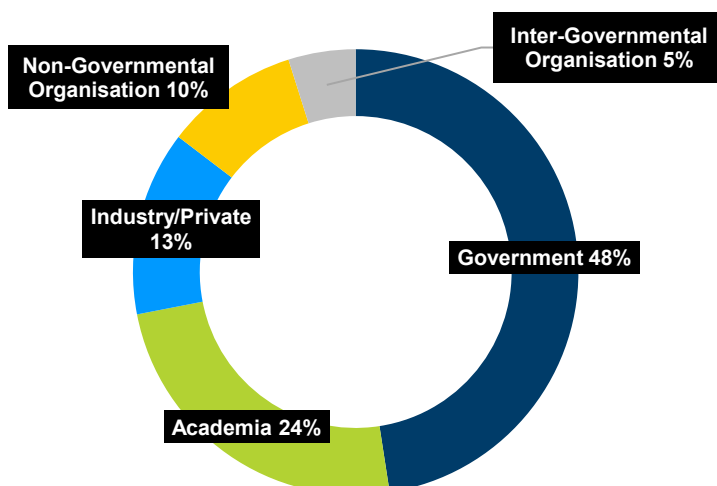


Breakdown of Discussion Participant Demographics

Regional Representation



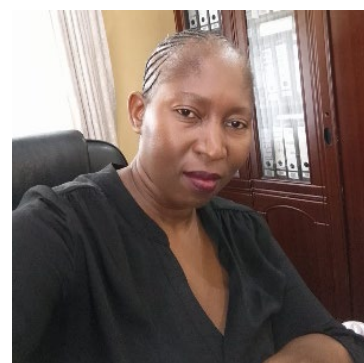
Sectoral Representation



Total = 82 participants live

PRESENTERS

Rorisang Mantule currently works as a chief crop production officer in the Department of Crops Services, Ministry of Agriculture, Food Security and Nutrition in Lesotho. She has worked in the Ministry of Agriculture since 2001, when she graduated from the National University of Lesotho. Rorisang has 23 years' experience in the field of crop production dealing with crop production and protection. She has worked with national and regional bodies such as the Southern African Pesticide Regulators Forum (SAPReF) to regulate issues of pesticides management in the Southern African Development Community (SADC) region. She has been a member of the FAO/World Health Organization (WHO) Joint Meeting on Pesticide Management (JMPPM) since 2023 representing the Africa region.



D'Arcy Quinn is the director of Anti-Counterfeiting at CropLife International, based in Brussels, Belgium. Mr. Quinn began his anti-counterfeiting career with the French food group Danone by eliminating counterfeiting factories in North Africa and Asia. He was Legal Counsel for Merck Sharp & Dohme in the Middle East and Africa, dealing with medicines that were smuggled and counterfeited and coordinated global anti-counterfeiting investigations for the Pharmaceutical Security Institute. For the manufacturer of Marlboro and L&M he reduced the Russian rate of counterfeit cigarettes from 17% to less than one percent and oversaw police raids of twenty-two illegal cigarette factories in the ex-Soviet Union.

Currently Mr. Quinn advises multinational agrochemical companies and governments about counterfeit and illegal pesticides, on behalf of CropLife International.

Bill Garthwaite is a consultant supporting the Development Law Service of the Food and Agriculture Organization of the United Nations (FAO). His work for FAO has included supporting a range of projects aiming to strengthen the regulation of pesticides at the country, regional, and global levels.



CONTRIBUTIONS FROM PARTICIPANTS

Disclaimer: The information in this digest represents the opinions of members participating from different stakeholder groups expressed during the discussion. The views expressed in this document do not necessarily represent the opinion or the stated policy of the Swedish Chemicals Agency (KemI) or the Division of Environmental Health UCT, nor does citing trade names or commercial processes constitute an endorsement

The key discussion points raised by participants are presented under each question. Throughout the discussion, informal polls were conducted to help encourage discussion among the participants. They do not provide any representative data but rather provide a snapshot of the participants' views.

QUESTION 1

- A. Give examples of cases of illegal trade in pesticides you have experienced in your country.
B. How did you deal with/address the situation?**

Guyana

- Illegal pesticides can enter the country due to extended borders and are sold illegally on the market. They can enter the country in containers as undeclared. The regulatory body works on a multi-tier approach, ensuring products needed in the country are registered and economical for farmers

Zambia

- Illegal importation of pesticides. The importer was prosecuted using the Environmental Management Act No. 12 of 2011
- There is limited capacity to handle illegal importation of pesticides. There is a need to synchronise the environmental online and ASYCUDA (Automated System for Customs Data) systems. This may help to combat the illegal importation of pesticides

South Africa

- There have been cases of mislabelling and false advertising.
- A lot of street vendors are selling insecticides for controlling rats, cockroaches, and other pests. Some of the insecticides are not labelled

Tanzania

- Illegal manufacture of pesticides. The starting point is to create awareness of the illegal trade of pesticides and then strengthen the legal framework on pesticide trade

Nigeria

- Majority of the pesticides sold by agro-dealers are counterfeit, and this is what

farmers use because it is way cheaper than the original. Farmers are trained on the identification of less toxic pesticides and reading pesticide labels. Contacts are provided for original pesticide suppliers to agro-dealers and pesticide users

Burkina Faso

- In August 2020, the Ministry of Agriculture and Hydro-agricultural Development of Burkina Faso conducted inspections in the Rood Woko and Sankaryaré markets in Ouagadougou. During these inspections, significant quantities of unapproved pesticides were seized. The inspections aimed to verify the quality of pesticides sold and ensure compliance with regulations governing the sale of phytosanitary products in Burkina Faso

Cameroon

- Despite the existence of a legal and regulatory framework on highly hazardous pesticides (HHPs), there is still a multitude on the market, such as GREFONSEC COMPLEX 210WP, which were identified as being widely used by farmers. An awareness-raising campaign with young farmers in the Manjo agricultural zone and on social networks was undertaken. Unfortunately, financial resources were an obstacle to this action

Gabon

- Some pesticides banned by the government, such as Malathion, are still available on the market and still used. Additionally, several illegally imported pesticides, especially insecticides, can be found in the marketplace



Poll Results

POLL 1: Is there enough capacity in your country to identify these illegal pesticides or to prevent their trade within and between countries?

Yes	4
No	18
Don't Know	0

POLL 2: What challenges is your country facing as a result of illegal trade in pesticides? Include your country in your response

- Nigeria: pesticide poisoning cases where the active ingredient is unknown and delays medical response
- Zambia: contribution to the development of resistance due to indiscriminate use of pesticides especially in agriculture; poisoning
- Ireland: end-users purchasing unregistered products from across borders including online
- Tanzania: similar challenges as those pointed out by the presenter
- South Africa: street pesticides sold at taxi ranks for the control of various household pests are decanted and sold in Coke bottles, and the bait is sold in plastic bags. There is a huge increase in poisonings in South Africa

QUESTION 2

A. What questions do you have about the illegal trade of pesticides? B. How have your country's regulations either supported or posed challenges for your compliance and enforcement efforts related to illegal trade of pesticides?

A.

- What are the best practices to prevent the use of illegal pesticides in developing countries?
- Can countries seek support both regionally and internationally in identifying the composition of illegal pesticides?
- How do we trace the origin of the illegal pesticides?
- How do we reduce risk to lower-income earners who purchase illegal cheap pesticides sold online?
- How can counterfeit products be identified in the absence of testing capacity?
- How can HHPs be recognised on the market, given that the right to information is not respected on the label? In Cameroon, for example, we use a list of government-approved pesticides for our work, which doesn't always guarantee the reliability and credibility of our actions

B.

- **Guyana's** regulation supports compliance and enforcement of the illegal trade of pesticides. It is very detailed, with well-thought-out regulations which can be amended as needed
- The local pesticide regulator should come up with a task force on the trade of illegal pesticides
- Monitoring needs to be strengthened as the legislation in **South Africa** says that you need to catch them (in the act) breaking the law
- In **Nigeria**, there is no monitoring for pesticides that have been banned, and awareness-raising or access to databases with information on bans is limited. This continues to encourage the use of illegal



pesticides. Bribery among authorities at the port of entry is a major problem and continues to let illegal pesticides enter the country

- **Burkina Faso's** regulations on pesticides, as outlined in the Law N°026-2017/AN, provide a framework to monitor and control the production, importation, distribution, and use of pesticides to ensure safety, health, and environmental standards. While the law includes requirements for permits, inspections, and penalties for non-compliance, challenges may arise in enforcement due to factors like limited resources, inadequate infrastructure, and illegal trade networks. Addressing these challenges may require additional resources, capacity building, and collaboration with stakeholders for effective enforcement and compliance efforts
- **Zambia** has been supported by legalisation through provisions that address illegal importation, non-compliance, and trade in counterfeit products
- In **Gabon**, there is the Gabonese Food Health Agency which takes care of management, but there is a lack of monitoring and controlling trade
- There is a Border Management Authority (BMA) in **South Africa** that brings all sectors together regarding compliance of imported products and monitoring for counterfeit and illicit products entering the country
- There should be standardisation from the pesticide manufacturers on labelling
- More enforcement at the entry and exit points

Poll Results

POLL 1: What strengths or innovative approaches in your regulations have been effective to enhance compliance or enforcement related to illegal trade of pesticides?

- Multi-stakeholder approach crucially involving the intelligence community
- Stringent penalties, imprisonment, and fines
- Collaboration among stakeholders including police, industry, and end-users
- Zambia regulates importation, exportation, trade, transportation, storage, and manufacturing. The pesticide regulators also work with the customs department
- Comprehensive regulatory frameworks, rigorous registration processes, enhanced border controls, collaboration, and coordination
- Zambia: availability of personnel to enforce the pesticide laws, and collaboration with line ministries and agencies
- Generally, since illegal pesticide sales are primarily conducted online, the most effective approach would be to implement stricter regulations for e-commerce, with a focus on enforcement
- Strengthening control and setting up a customs nomenclature for pesticides
- Approaching the illegal trade of pesticides from a health and environmental perspective. Letting users know that we are all involved
- Namibia: capacity-building in chemical risk management

POLL 2: List changes/improvements to your regulatory framework to better support compliance/enhance enforcement against the illegal trade of pesticides

- Zambia: Formation of the pesticide regulation task force
- Collaboration with other relevant sectors when monitoring and enforcing compliance of illegal trade
- Punitive penalties as a deterrent, specifically covering illegal trade
- People buy illegal pesticides because they are viewed as being cheaper. Perhaps a task force should be created to determine the prices and offer safer pesticides to the public for a lower price
- For Malawi, the following should be considered: review the law to enable enforcement officers to be stationed at the borders, introduce proper monitoring guidelines on sales, and implement restrictions on HHPs
- Regional collaboration
- Fines for non-compliance



- The penalties are far too low and must be increased if this is to be considered a deterrent
- Collaboration with Interpol, immigration, and farmers
- Internal manufacturing of low-cost green pesticides

POLL 3: List specific guidance/information/support useful to strengthen regulations to enhance compliance/enforcement efforts

- Kempl guidance documents
- FAO guidance documents
- Aligning pesticide regulations with international best practices and standards ensures that the country stays updated with the latest developments in pesticide safety and regulation
- Strengthening legislation: harmonisation of regulations, stricter penalties, clear definitions and scope, enhancing monitoring and surveillance, advanced tracking systems, and regular inspections
- Guidance on the establishment of monitoring and tracking systems for imports
- Support to train monitoring and enforcement officers, and police/customs officers, on regulations
- National and regional compilation of data on illegal trade (all products not just pesticides), quantification of loss to economies, human health etc.
- Border enforcement increase

Q&A

Several questions were answered live during the session ([view the recording here](#)), the rest, included in this digest, were answered through typed responses.

Q: Can you consider prosecuting the trade of illegal pesticides as a measure to deter this illegal activity, thus involving judiciary administration? In most of sub-Saharan Africa, sanctions are needed/important to support enforcement

A (Rorisang): This is an issue of fraud and prosecution in the courts of law. If this can be strengthened, then it would deter most importers from importing illegal pesticides

Q: In Lesotho, is it possible for the local companies to buy legal pesticides and then make their own concoction?

A (Rorisang): From the assessment that was done, we have not established an incidence of personal concoctions, but farmers do mix their own unauthorised pesticides with a view of making it stronger. However, we have established that active ingredients are imported from several countries and mixed illegally

Q: Is there a trend of where the counterfeit pesticides are coming from?

A (Rorisang): It's still a matter of investigation but very difficult to establish because the source is difficult to find. A few have been identified in the Republic of South Africa (RSA), but there seems to be a lot more still out there

Q: What are the best practices to prevent the use of illegal pesticides in developing countries?

A (Rorisang): Strengthen our legislation, implement pesticide conventions, training and awareness-raising, and collaboration between regulators and the industry

Q: Will the online course be made available to other members apart from Interpol?

A (D'Arcy): Interpol will decide, sometime in late September



RESOURCES

1. Development Aid. Illegal pesticide use in developing countries: risks and solutions | Experts' Opinions by Catalina Russu. May 2023. <https://www.developmentaid.org/news-stream/post/160678/illegal-pesticide-use-in-developing-countries-eo>
2. United States Environmental Protection Agency. Avoid Illegal Household Pesticide Products. December 2023. <https://www.epa.gov/safepestcontrol/avoid-illegal-household-pesticide-products>
3. UCT Policy Brief. Street Pesticide Use in South Africa - Collective Responsibility in Reducing Health Risks. https://health.uct.ac.za/sites/default/files/media/documents/2019.4.16_street_pesticide_policy_brief.pdf
4. [FAO/WHO Guidance on Pesticide Legislation \(Second edition – 2020\)](#) (Especially Sections 4.4 on import and export of pesticides, 4.13 on inspection, and 5.1 & 5.2 on international cooperation and trade)
5. [OECD Best Practice Guidance to Identify Illegal Trade of Pesticides \(2018\)](#)
6. TRACIT: Tackling the Sale of Illicit Pesticides on E-Commerce. <https://www.tracit.org/tackling-the-sale-of-illicit-pesticides-on-e-commerce-platforms.html>
7. TRACIT website: <https://www.tracit.org/pesticides.html>

If you are not already a member, we invite you to join UCT's Pesticide Network to receive discussion updates and newsletters: <http://eepurl.com/ijR8DX>

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 Professional Masters in Chemical Risk Management (MCRM) and Diploma in Pesticide Risk Management (DPRM). Our aim is to provide support for managing pesticide risks and implementing risk reduction strategies.

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