

**1968/201**

## THE AGRICULTURAL CHEMICALS REGULATIONS 1968

ARTHUR PORRITT, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 14th day of October 1968

Present:

THE RIGHT HON. J. R. MARSHALL, PRESIDING IN COUNCIL

PURSUANT to the Agricultural Chemicals Act 1959, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

#### ANALYSIS

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#### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Agricultural Chemicals Regulations 1968.

(2) These regulations shall come into force on the fourteenth day after the date of their notification in the *Gazette*.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

“The Act” means the Agricultural Chemicals Act 1959:

- “Contractor” means any person who, by agreement with the owner or occupier of any land, applies any agricultural chemical to the land; but does not include an employee of the owner or occupier:
- “Cover crop” means any vegetation on which livestock is grazed or which is intended to be used as a fodder crop for livestock:
- “Dust” means fine particles of matter, a substantial percentage of which would pass through a 100-mesh New Zealand Standard sieve (N.Z.S.S. 196, B.S. 410: 1962):
- “Fertiliser” means a fertiliser as defined in the Fertilisers Act 1960:
- “Herbicide” means any agricultural chemical specified in the First Schedule to these regulations:
- “Horticultural producer” means any person who occupies, or on whose behalf is occupied, any land—
- (a) Used for the commercial production of fruit, vegetables, hops, tobacco, cut flowers or other ornamental crops, or seedlings; or
- (b) Which is for the time being registered as a nursery under the Nursery Registration Regulations 1954\*:
- “Insecticide” means any agricultural chemical specified in the Second Schedule to these regulations:
- “Landholder” means any person to whom or on whose behalf a permit to apply any insecticide is issued or on whose behalf any insecticide is applied to any land, pasture, or plant life:
- “Orchard” means an orchard as defined in the Orchard and Garden Diseases Act 1928:
- “Vendor” means any person who, in the ordinary course of his business, sells or offers for sale, either on his own account or on behalf of any other person, any agricultural chemical:
- “Vineyard” means any land used for the purposes of a vineyard and of which not less than 1 acre is for the time being planted in grapes:
- Expressions defined in the Act have the meanings so defined.

#### *Fees*

**3. Application fees**—Every application made pursuant to section 13 of the Act for full registration of an agricultural chemical shall be accompanied by a fee of \$6, and every application made pursuant to the said section for provisional registration of an agricultural chemical shall be accompanied by a fee of 50c:

Provided that where, by reason of any change in the content or concentration of the active ingredient or ingredients in any registered agricultural chemical, application is made for registration of the changed agricultural chemical (not being an application for renewal of registration pursuant to section 19 (1) (a) of the Act), the application shall be accompanied by a fee of 50c:

Provided also that where an application fee of \$6 has been paid for full registration, and the Board grants provisional registration only, the fee with each subsequent application for full registration of the agricultural chemical shall be \$1.

### *Insecticides*

**4. Use of insecticides**—(1) Subject to subclause (2) of this regulation, no person shall apply or cause to be applied to any land or pasture or to any plant life any insecticide (whether or not mixed with any fertiliser or other substance), except—

(a) In accordance with a permit from the Director-General; or

(b) In compliance with a notice under these regulations given by the Director-General and published in the *Gazette*.

(2) DDT, DDD, or lindane may, without a permit or other authority under subclause (1) of this regulation, be applied otherwise than to pasture (including any fodder crop and any seed or grain crop the straw or aftermath of which is intended as food for livestock) if the package in which the insecticide is packed for sale does not contain more than 2 oz of DDT, DDD, or lindane, expressed as the active ingredient, or of a mixture of any such ingredients, and not more than the contents of one such package is used in one application.

(3) Any permit or notice under this regulation may be subject to such terms and conditions as the Director-General considers necessary for the safe use of the insecticide to which it relates and any such terms and conditions shall be prescribed in the permit or notice.

**5. Permits**—No permit under regulation 4 of these regulations for the application from any aircraft or by an airblast sprayer or spinner topdressing machine of any insecticide which is in the form of a dust (whether or not mixed with any fertiliser or other substance), or of an emulsion or wettable powder which may be sprayed, shall be issued without the consent of the Minister given on the recommendation of the Board:

Provided that the Director-General may, without such a consent, issue permits to horticultural producers for the application of any such insecticide to any plant life by an airblast sprayer.

**6. Sale of insecticides**—No insecticide, other than those exempt under paragraph (b) of subclause (1), or subclause (2), of regulation 4 of these regulations, shall be sold or supplied for application to any land or pasture or plant life except to the holder of a permit issued under paragraph (a) of subclause (1) of that regulation:

Provided that nothing in this regulation shall apply to the sale of any insecticide in the normal course of trade practice to a vendor or distributor, or to the agent of any such person, for ultimate resale to a landholder.

**7. Provisions as to permits**—(1) Every vendor who sells any insecticide to which a permit under paragraph (a) of subclause (1) of regulation 4 of these regulations applies shall endorse his copy of the permit with the date of the sale and the quantity of the insecticide sold, and shall retain his copy of the permit for a period of two years in some place of security at his place of business:

Provided that if the permit relates to any insecticide which is a poison within the meaning of the Poisons Act 1960 the period of retention shall be not less than three years.

(2) If any person enters into a contract or other arrangement whereby he undertakes to supply an insecticide to another person and also to apply it to any land, pasture, or plant life, he shall, for the purposes of these regulations, be deemed to be a vendor.

(3) Where, under subclause (1) of regulation 4 of these regulations, a permit is required for the application of an insecticide, the person who applies the insecticide shall endorse on the landholder's copy of the permit the date of the application, details of the insecticide applied, and a description of the area to which it was applied, and shall sign the endorsement; and the landholder shall retain the endorsed copy of the permit at his normal address for a period of two years.

**8. Certain insecticides to be coloured**—As from a date to be notified in the *Gazette* by the Director-General, no material specified in the Third Schedule to these regulations shall be despatched from its place of manufacture unless it is distinctly coloured in a manner approved by the Director-General.

**9. Transport of certain insecticides in containers**—Except as provided in regulation 10 of these regulations, no insecticide exempt from registration under the Act pursuant to section 11 of the Fertilisers Act 1960 shall be despatched from its place of manufacture unless it is packed and secured in closed containers sufficiently strong to protect the contents from damage and to prevent the escape of the contents when the packages are subject to the ordinary risks of delivery, transport, and storage; and no such insecticide shall be transported, or stored after transport, unless it is so packed.

**10. Transport and storage of insecticides in bulk**—(1) Notwithstanding the provisions of regulation 9 of these regulations, it shall be lawful for any material specified in the Third Schedule to these regulations to be transported in bulk, or stored in bulk after transport, if—

- (a) The material is transported in a vehicle, aircraft loader, or distributing equipment that is effectively covered and secured to prevent escape of the material during transport; and
  - (b) Any vehicle or aircraft loader used is of such a type as will enable the material to be discharged directly either into distributing equipment by which the contents are to be applied or into bins, and the material is not otherwise removed from the vehicle or loader; and
  - (c) The material is not discharged or removed from any distributing equipment for distribution except by means of direct application by that equipment.
- (2) Where any such material is discharged into or stored in bins after transport the bins shall be—
- (a) Clearly branded to indicate the nature of the material contained in them; and
  - (b) Enclosed and secured to prevent rain damage or escape or accidental misuse of the insecticide.
- (3) No material placed in any bin after transport shall be removed therefrom except for loading into distributing equipment and unless the loading takes place as near as practicable to the bin.
- (4) Notwithstanding the foregoing provisions of this regulation, the Director-General may prohibit or authorise the delivery, transport, discharge, or storage of any material to which this regulation applies in particular circumstances or impose such conditions in respect of any such delivery, transport, discharge, or storage, as he considers necessary.

### *Herbicides*

**11. Packaging and handling of herbicides**—(1) Any agricultural lime or fertiliser with which is mixed any herbicide shall, when sold or delivered by the vendor, be packed in a package of a type approved by the Director-General:

Provided that this subclause shall not apply to any sale or delivery by a vendor who is the holder of a permit under section 16 of the Act in accordance with the terms and conditions of the permit.

(2) No person shall transport any herbicide (whether or not mixed with agricultural lime or fertiliser)—

- (a) Otherwise than in bulk, unless packed in closed packages or containers:
- (b) In bulk, unless effectively covered and secured to prevent escape.

### *Orchards*

**12. Withholding periods**—Every person who applies or causes to be applied any agricultural chemical specified in the Fourth Schedule to these regulations to any tree in an orchard in which is growing a cover crop shall ensure that, at the time of the application of the agricultural chemical, no livestock are present in the orchard, and that no livestock obtain access to any such cover crop until the expiration, from the time of application of the agricultural chemical, of the period specified in the Fourth Schedule to these regulations in respect of the agricultural chemical.

### *Vineyards*

**13. Herbicide dusts**—No person shall, at any time during the period commencing with the 1st day of September in any year and ending with the 30th day of April next following, apply or cause to be applied to any land or pasture or to any plant life within 5 miles of any vineyard, any herbicide in the form of a dust, whether or not mixed with agricultural lime, fertiliser, oil, or other substance.

**14. Herbicides in oils**—No person shall at any time apply or cause to be applied any herbicide in the form of an oil-soluble ester or in the form of an emulsifiable ester or acid mixed with oil with aromatic content to any land or pasture or plant life—

- (a) Within 5 miles of a vineyard, if applied from an aircraft or by an airblast sprayer; or
- (b) Within 1 mile of a vineyard, if applied by any other means.

**15. Herbicides mixed with water**—(1) Except where notice of his intention so to do has been acknowledged by an authorised officer of the Department of Agriculture, no person shall, at any time during the period commencing with the 1st day of September in any year and ending with the 30th day of April next following, apply or cause to be applied any herbicide in the form of an invert emulsion, a water solution, or an emulsifiable ester or acid mixed with water to any land or pasture or plant life,—

- (a) Within 5 miles of a vineyard, if applied from an aircraft or by an airblast sprayer; or
- (b) Within 1 mile of a vineyard, if applied by any other means.

(2) Any notice under subclause (1) of this regulation shall expire at the end of 28 days after the date of acknowledgment.

(3) Nothing in subclause (1) of this regulation shall apply to any person who is the holder of a chemical rating granted to him pursuant to the Civil Aviation Regulations 1953\*.

### *Inspection*

**16. Powers of Inspectors**—(1) Any Inspector or member of the Police may—

(a) At all reasonable times enter on and inspect any land or premises if he has reasonable cause to believe that any agricultural chemical—

(i) Has been or will be applied to or deposited on the land; or

(ii) Has been or is being stored on the land or premises— and may require the owner or occupier of the land or premises to produce and show to him all or any of the books, documents, and permits in his possession or under his control that relate to agricultural chemicals:

(b) At all reasonable times enter on any land or premises and, without payment, take samples of—

(i) Any agricultural chemical or any substance that he has reasonable cause to believe is an agricultural chemical or to have been derived from an agricultural chemical; or

(ii) Any soil, water, pasture, or plant life on or to which he has reasonable cause to believe an agricultural chemical has been deposited or applied, or of any product derived therefrom, or of any tissue or product derived from any animal that is or has been depastured on the land:

(c) At all reasonable times enter on and inspect the premises of any proprietor, distributor, or vendor of agricultural chemicals, or of any person whom he has reasonable cause to believe is a contractor, and may require that all or any of the books, documents, and permits in his possession or under his control that relate to agricultural chemicals be produced and shown to him:

(d) Make copies of or take extracts from any book, document, or paper relating to agricultural chemicals.

(2) In this regulation “premises” means any vehicle, factory, commercial building, store, or shed.

### *Miscellaneous Provisions*

**17. Schedules may be amended by notification in the Gazette**—The Director-General may, on the recommendation of the Board, from time to time by notice under his hand add or exclude any agricultural chemical to or from any list of agricultural chemicals set out in the First Schedule, the Second Schedule, the Third Schedule, or the Fourth Schedule to these regulations, and may in like manner vary the withholding periods referred to in the said Fourth Schedule, and, on the publication of any such notice in the *Gazette*, the Schedule to which the notice relates shall be deemed to be amended accordingly.

**18. Authority to gazette specifications for agricultural chemicals**—(1) The Director-General may, on the recommendation of the Board, by notice in the *Gazette* specify physical and chemical standards for any agricultural chemical.

(2) It shall be unlawful for any person, otherwise than in accordance with a special permit which may be issued by the Director-General on the recommendation of the Board, to sell or offer for sale for application to, or knowingly to apply or cause to be applied to, any land or pasture or to any plant life, any agricultural chemical which does not conform to any such standards, or to take any action which alters the physical or chemical properties of the agricultural chemical otherwise than in the normal course of application.

**19. Application of arsenic from aircraft**—No person shall apply or cause to be applied from any aircraft any agricultural chemical in the form of a spray containing arsenic for the purpose of killing or desiccating plant life.

**20. Apiaries Protection Regulations**—Nothing in these regulations shall limit or affect the provisions of the Apiaries Protection Regulations 1957\*.

**21. General penalty**—Every person commits an offence and shall be liable on summary conviction to a fine not exceeding \$100 who—

- (a) Being the holder of a permit granted by the Director-General under these regulations, fails to comply with any of the conditions contained therein:
- (b) Does any act in contravention of or fails to comply with any provision of these regulations or of any order made under these regulations:
- (c) Permits livestock to have access to any place where any insecticide is stored, temporarily or otherwise, or has been spilt.

**22. Revocations**—The regulations and notices specified in the Fifth Schedule to these regulations are hereby revoked.

## SCHEDULES

### FIRST SCHEDULE

Reg. 2

#### HERBICIDES

2, 4-D  
 2, 4-DB  
 Benazolin  
 Dicamba  
 Dichlorprop (2, 4-DP)  
 2, 4, 5-T (including isomers of trichlorophenoxyacetic acid)  
 Fenoprop (2, 4, 5-TP)  
 MCPA  
 MCPB  
 Mecoprop (MCP)  
 4-CPA  
 2, 3, 6-TBA  
 Picloram

## Reg. 2

## SECOND SCHEDULE

## INSECTICIDES

Aldrin  
 Benzene hexachloride  
 Chlordane  
 Chlordecone ("Kepone")  
 DDD  
 DDT  
 Dieldrin  
 Endrin  
 Endosulfan ("Thiodan")  
 Fensulfothion  
 Heptachlor  
 Isobenzan ("Telodrin")  
 Lindane  
 Methoxychlor  
 Toxaphene.

## Regs. 8 and 10

## THIRD SCHEDULE

MATERIALS WHICH MAY BE REQUIRED TO BE COLOURED AND WHICH MAY BE CARRIED OR STORED IN BULK AFTER TRANSPORT UNDER CERTAIN CONDITIONS

Granulated DDT/superphosphate or any other granulated preparation of fertiliser and DDT prepared from a mixture of fertiliser and finely-ground DDT.

Superphosphate or any other fertiliser mixed with pelleted preparations of finely ground DDT.

## Reg. 12

## FOURTH SCHEDULE

WITHHOLDING PERIODS IN RESPECT OF CERTAIN AGRICULTURAL CHEMICALS

Agricultural Chemical	Withholding Period Weeks
Any chlorinated hydrocarbon insecticide set out in the Second Schedule to these regulations but not including DDD, DDT, or lindane .....	14
DDD, DDT .....	In accordance with permit or notice issued under regulation 4 hereof
Lindane .....	12
Any organic mercury compound, including phenyl mercuric chloride (PMC) .....	6



## FIFTH SCHEDULE

## REGULATIONS AND NOTICES REVOKED

Reg. 22

Title	Statutory Regulations Serial Number
Agricultural Chemicals (Orchards) Regulations 1962	1962/188
Agricultural Chemicals (Herbicides) Regulations 1962	1962/200
Agricultural Chemicals (Vineyards) Regulations 1962	1962/201
Agricultural Chemicals (Fees) Regulations 1963	1963/189
Agricultural Chemicals (Insecticides) Regulations 1964	1964/1
Agricultural Chemicals (Insecticides) Notice 1964	1964/23
Agricultural Chemicals (Insecticides) Notice 1964, Amendment No. 1	1964/60
Agricultural Chemicals (Insecticides) Notice 1964, Amendment No. 2	1967/82

P. J. BROOKS,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations consolidate and amend the various regulations made under the Agricultural Chemicals Act 1959 relating to fees, insecticides, herbicides, orchards, and vineyards.

The principal changes are—

- (a) *Interpretation*—“Herbicide” as defined refers only to those agricultural chemicals listed in the First Schedule. These include the hormone weed-killers and other herbicides, traces of which are liable to damage plants. Similarly, “insecticide” refers only to the insecticides listed in the Second Schedule:
- (b) *Fees*—  
If an application is made for full registration and the Agricultural Chemicals Board grants provisional registration only, the fee for each subsequent application for full registration will be \$1 and not \$6 as prior to these regulations:
- (c) *Insecticides*—These regulations, which modify and simplify the Agricultural Chemicals (Insecticides) Regulations 1964, provide that—
- (i) Permits are required for applications to pasture, other plant life and to bare ground of organochlorine insecticides and fensulfothion except those exempt by notice in the *Gazette* and small quantities of DDD, DDT, and lindane (other than applications to pasture or fodder crops). With the exception of fensulfothion, permits are not required for applications of organophosphorous or other types of insecticides:
  - (ii) If the use is subject to permit, sales may not be made to users unless they hold permits:
  - (iii) As from a date to be notified in the *Gazette*, granulated DDT/fertiliser mixtures and mixtures of DDT pellets and fertilisers shall be coloured:

(iv) Mixtures of agricultural chemicals and fertilisers may not be sold, transported, or stored in bulk except that, under certain specified conditions, DDT/fertiliser and DDT/fertiliser mixtures may be so dealt with.

(v) Particulars of areas treated under a permit are to be endorsed on the permit, which must be kept.

(d) *Herbicides*—

(i) The provisions of the Agricultural Chemicals (Herbicides) Regulations 1962, referring to precautions and directions to be included in the advice note delivered pursuant to the Fertilisers Act 1960, are omitted from the new regulations as the Fertilisers Amendment Act 1962 authorises the Director-General to specify details required to be included in the advice notes:

(ii) The herbicides listed in the First Schedule must be transported in closed packages or, if in bulk, they must be effectively covered:

(e) *Orchards*—The withholding periods for DDD and DDT will be the periods stated in the permit issued for the use of these chemicals and the period for lindane has been increased to 12 weeks:

(f) *Vineyards*—Notification of the intention to apply herbicides in the vicinity of vineyards is to be acknowledged and will lapse after 28 days:

(g) *Inspection*—Previously, Inspectors had power to enter the premises of proprietors and vendors of agricultural chemicals and there inspect books and documents relating to the sale of agricultural chemicals. This power is extended to empower Inspectors to also enter land or premises where an agricultural chemical has been or will be applied or stored and inspect books, documents, and permits relating to agricultural chemicals.

In addition, the previous power to enter, inspect, and take samples of insecticides is now extended to give the same power in respect of all agricultural chemicals.

(h) *Miscellaneous*—Additional provisions not included in the previous regulations provide that—

(i) The Schedules may be amended by notification in the *Gazette*:

(ii) Physical and chemical standards for agricultural chemicals may be promulgated by notice in the *Gazette*. Materials which do not conform to these standards may not be applied except by permit:

(iii) It is an offence to apply arsenic by aircraft in order to kill or desiccate plant life:

(iv) It is an offence to permit livestock to have access to any place where any insecticide is stored, even temporary, or has been spilt.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 October 1968.

These regulations are administered in the Department of Agriculture.