Unboxed: Online Sales of Banned Pesticides in Malaysia

LAWS OF MALAYSIA ONLINE VERSION OF UPDATED

Act 149

PESTICIDES ACT 1974



PESTICIDES



Advancing food sovereignty, environmental health, and social justice since 1992

Unboxed: Online Sales of Banned Pesticides in Malaysia

Copyright PAN Asia Pacific 2023

The information in this publication may be used free of charge for the purposes of advocacy, campaigning, education and research provided that the source is acknowledged in full. The copyright holder requests that all such uses be registered with PANAP for impact assessment purposes. For copying in any other circumstances, reuse in other publications, or translation or adaptation, permission must be secured. This document has been produced with the financial assistance of Sweden. The views herein shall not necessarily be taken to reflect the official position of Sweden.

Comments and inquiries may be forwarded to:

PAN Asia Pacific (PANAP)

48, Persiaran Mutiara 1, Pusat Komersial, Bandar Tasek Mutiara, 14120 Simpang Ampat, Penang, Malaysia T: +604 502 2337 | E: info@panap.net | W: www.panap.net



Research undertaken and report written by: Nisha Kumaravel

Editorial Team: Sarojeni Rengam, Alia Diyana Mohamed Hassim, Dinesh Rajendran, Ilang-Ilang Quijano, Diana Bando

Cover, layout & design: Adrian Cheah, ACEK Creative Solutions

www.panap.net

Contents

BACKGROUND

| 1. Prevalence of Pesticides in Malaysia | _ 2 |
|---|-----|
| 2. Placing Profit Over Responsibility | _ 2 |

INVESTIGATION ON THE SALE OF BANNED PESTICIDES

| 1. | Scope and Toxicity of HHPs Investigated | 3 |
|----|---|---|
| 2. | Limitations | 4 |

FINDINGS

| 1. | Product Brands and Manufacturer Labels | 5 |
|----|--|---|
| 2. | Volume of Products | 6 |
| 3. | Origins of Products | 7 |
| 4. | Labelling and Misinformation | 7 |
| 5. | Buyer Comments and Implications | 9 |
| 6. | Usage and Application | 9 |
| 7. | Platform Offers and Vouchers | 9 |
| | | |

ANALYSIS AND DISCUSSION

| 1. | Product Brands and Manufacturer Labels | 10 |
|----|--|----|
| 2. | Volume of Products | 11 |
| 3. | Origins of Products | 11 |
| 4. | Labelling and Misinformation | 12 |
| 5. | Usage Implications | 12 |

CONCLUSIONS AND RECOMMENDATIONS

10

2

3

4



0

0

PANAP is dedicated to the elimination of harm upon humans and the environment by pesticide use

1. Prevalence of Pesticides in Malaysia

n the name of ensuring food security amidst a rapidly growing population and decrease in arable land, the Malaysian agricultural industry has relied heavily on the use of pesticides and other agrochemicals.¹ Approximately 36,000 metric tons of pesticides were used in 2020,² proving that pesticide use is pervasive in Malaysia both in agricultural and household settings. However, reliance on agrochemicals leads to dire consequences for both human and planetary health. Between 2006 and 2015, over 11,000 pesticide poisoning cases were recorded by the Malaysian National Poison Centre.³ Tap water and surface water of rivers were found to be contaminated with highly toxic pesticides.⁴ Additionally, pesticide ingestion as a method of committing suicide is increasingly common among Malaysians, with over 6,000 cases between 2006 to 2015.⁵ Approximately 1.86 million people or 10% of the Malaysian labour force who are involved in agriculture are also exposed to toxic pesticides.⁶

<u>Pesticide Action Network Asia Pacific</u> (PANAP) has continuously worked to advocate for bans on <u>Highly Hazardous Pesticides</u> (HHPs) in Malaysia, the Asia Pacific region, and globally. As of March 2021, 338 HHPs were listed on PAN International's List of Highly Hazardous Pesticides,⁷ however, only 48 pesticides are banned or restricted in accordance with the Malaysian Pesticide Board.⁸ The process of governments enacting bans or phase-outs of pesticides and enforcing penalties for offences is long and difficult.⁹ As a result, the use of HHPs remain rampant and the sale or distribution of banned HHPs continue. PANAP also builds the capacity of civil society organisations (CSO) to monitor the impact of pesticides using the <u>community-based action</u> <u>monitoring</u> (CPAM) in Asia Pacific. It also supports and organises national and regional learning exchanges on agroecology to advance food sovereignty and right to land. Women farmers and agricultural workers contribute to food and agriculture production and thus PANAP works with groups to strengthen women's rights and support their leadership.

2. Placing Profit Over Responsibility

The banning and restriction of 48 HHPs in Malaysia are small victories in the effort to protect humans and the environment from harm caused by pesticides. Penalties, including a fine and prison sentence, were imposed through the 1974 Pesticides Act for the illegal import or sale of banned HHPs.¹⁰ However, the banning of certain HHPs have hardly made a dent on the billion-ringgit pesticide industry. In 2020, the sale value of pesticides and agrochemical products was RM 1.88 billion (as of June 2023, the conversion rate is 1.00 Malaysian Ringgit = 0.22 US Dollars), increasing to a whopping RM4.11 billion in 2022.¹¹

Online shopping or e-commerce platforms have become an expanding avenue for the sale of pesticide products, including, as PANAP's investigation shows, banned HHPs. During the COVID-19 pandemic and subsequent lockdowns, online shopping surged as Malaysians turned to e-commerce platforms for their needs. As a result, Malaysia's e-commerce market saw an exponential growth in revenue – in the second quarter of 2022, the net income of e-commerce in Malaysia reached RM288.2 billion.¹² E-commerce platforms give Malaysians access to a wide range of products across borders,

References

- Mordor Intelligence. (n.d.). Malaysia agrochemicals market size & share analysis - Growth trends & forecasts (2023 - 2028). Retrieved from <u>https://www.</u> mordorintelligence.com/industry-reports/ agrochemicals-market-malaysia
- Statista Research Department. (2022). Volume of pesticides used in Malaysia from 2011 to 2020. Retrieved from <u>https://www.statista. com/statistics/1101033/malaysia-pesticideuse-volume/</u>
- Kamaruzaman, N. A., Leong, Y.-H., Jaafar, M. H., Mohamed Khan, H. R., Abdul Rani, N. A., Razali, M. F., Abdul Majid, M. I. (2020). Epidemiology and risk factors of pesticide poisoning in Malaysia: A retrospective analysis by the National Poison Centre (NPC) from 2006 to 2015. *BMJ Open*, *10(6)*. Retrieved from: <u>https://pubmed.ncbi.nlm.nih.gov/32487578/</u>
- IPEN-PANAP. (2015). Pesticide Action Network Press Release: Highly Toxic Pesticides contamination in Cameron Highlands. Retrieved from <u>https://ipen.org/news/</u> pesticide-action-network-press-releasehighly-toxic-pesticides-contaminationcameron-highlands
- Kamaruzaman, N. A., Leong, Y.-H., Jaafar, M. H., Mohamed Khan, H. R., Abdul Rani, N. A., Razali, M. F., Abdul Majid, M. I. (2020). Epidemiology and risk factors of pesticide poisoning in Malaysia: A retrospective analysis by the National Poison Centre (NPC) from 2006 to 2015. *BMJ Open*, *10(6)*. Retrieved from: <u>https://pubmed.ncbi.nlm.nih.gov/32487578/</u>
- Statista Research Department. (2023, March 6). Malaysia: Annual employment in agriculture industry 2022. Retrieved from https://www.statista.com/statistics/809602/ annual-employment-in-agriculture-industrymalaysia/
- PAN International. (2021). PAN International List of Highly Hazardous Pesticides. Retrieved from <u>https://pan-international.org/wp-</u> content/uploads/PAN_HHP_List.pdf
- Jabatan Pertanian Malaysia. (2023). Senarai racun makhluk perosak yang telah diharamkan di Malaysia. Retrieved from <u>http://www.doa.</u> gov.my/index/resources/aktiviti sumber/ sumber_awam/maklumat_racun_perosak/ pendaftaran_rmp/senarai_racun_perosak haram_terhad_feb2023_v2.pdf
- Rahman, H. A. (2021). Application of Pesticides Act 1974 In Protecting Community and Environment Health in Malaysia from the Exposure of Pesticides. *International Journal* of Academic Research in Business and Social Sciences, 11(185). Retrieved from <u>https://</u> <u>hrmars.com/papers_submitted/10641/</u> <u>application-of-pesticides-act-1974-in-</u> <u>protecting-community-and-environment-</u> <u>health-in-malaysia-from-the-exposure-of-</u> <u>pesticides.pdf</u>
- Jiang, S. (2017). Overview of Pesticide Managment in Malaysia. Retrieved from https://agrochemical.chemlinked.com/ chempedia/overview-pesticide-managmentmalaysia
- 11. Statista Research Department. (2023). Sales value of manufactured pesticides and agrochemical products in Malaysia from 2019 to 2022. Retrieved from https://www. statista.com/statistics/643277/sales-valuemanufactured-pesticides-agrochemicalproducts-malaysia/#:%7E:text=ln%202022%2 C%20the%20sales%20value.ringgit%20in%2 Othe%20previous%20year
- Statista. (2022). Quarterly net income of ecommerce sector in Malaysia from 1st quarter 2020 to 2nd quarter 2022. Retrieved from https://www.statista.com/statistics/1336144/ malaysia-quarterly-e-commerce-netincome/#:~:text=Quarterly%20e-commerce %20net%20income%20in%20Malaysia%20Q 1%202020-Q2,278.2%20billion%20Malaysian %20ringgit%20in%20the%20previous%20qu arter

however, lax regulations governing the establishment and operation of online seller accounts or licenses create loopholes that can potentially be exploited for the import, export, manufacture and sale of banned HHPs in Malaysia.

Several investigations – both independent and government-backed – have been launched to examine the sale of banned HHPs, including on e-commerce sites. The United States Environmental Protection Agency ordered online marketplace Bonanza.com to stop selling illegal pesticides in the US in 2019,¹³ whereas in India, the Tamil Nadu Agriculture Department shared with news outlets their opinion that online outlets are pushing the sale of banned pesticides. To combat this, the department issued an order for squads to investigate and prevent the use of these pesticides.¹⁴ Another example is an independent investigation conducted by Greenpeace United Kingdom's Unearthed project, which found that illegal and dangerous pesticides and weed killers are widely available for sale on the online marketplace eBay.¹⁵ These investigations show that online sales of banned HHPs is a pressing problem in the region and around the world, and multilateral collaboration must be undertaken to stop this.

Investigation on the Sale of Banned Pesticides

To address this problem, PANAP investigated the sale of several banned HHPs¹⁶ via e-commerce platforms in Malaysia.

1. Scope and Toxicity of HHPs Investigated

The HHPs banned in Malaysia that were investigated:

a) Paraquat

Paraquat was first banned in Malaysia in 2002, reinstated when the ban was lifted in 2006, then banned again in 2020. Currently, it is banned in 58 countries, and the campaign to ban paraquat in Malaysia began in the 1980s, when citizen groups took action to raise awareness on the various health problems affecting plantation owners.¹⁷ Paraquat is a herbicide used predominantly as a weed killer. Exposure can lead to cancer, endocrine disruption and reproductive or developmental disorders in humans, whereas for plants and animals, paraquat is highly toxic.¹⁸ In a study on pesticide poisoning in Malaysia between 2006 to 2015 during which the ban on paraquat was temporarily lifted, it was found that paraquat was the second largest contributing agent in both accidental and intentional poisonings (23%) after glyphosate (53%).¹⁹ It is colloquially known as 'parakuat' or 'paraguat' in Malaysia.

b) Endosulfan

Endosulfan was banned in 2005 in Malaysia, and was used predominantly as an insecticide, specifically as snail poison in Malaysia. Similar to paraquat, endosulfan exposure is known to lead to cancer, endocrine disruption, reproductive and developmental disorders in humans as well as being very toxic to nearly all kinds of organisms.²⁰ Endosulfan belongs to a group of chemicals called persistent organic pollutants (POPs), which are highly toxic and persistent in the environment over long periods of time.²¹ Endosulfan was listed for elimination under the

... online sale of banned HHPs is a pressing problem in the region and around the world ...

References:

- United Stated Environmental Protection Agency. (2019). EPA orders online marketplace to stop selling illegal pesticides. Retrieved from <u>https://www.epa.</u> gov/newsreleases/epa-orders-onlinemarketplace-stop-selling-illegal-pesticides
- 14. DT Next. (2023). Banned pesticides found in several parts of TN, govt to take action. Retrieved from: <u>https://www.dtnext.in/</u> tamilnadu/2023/04/18/banned-pesticidesfound-in-several-parts-of-tn-govt-to-takeaction
- Unearthed. (2018). We were able to buy illegal and dangerous pesticides on eBay. Retrieved from <u>https://unearthed.</u> greenpeace.org/2018/07/25/ebay_ pesticides-westminster-trading-standardseu/#:~:text=However%2C%20sellers%20ba sed%20outside%20of%20the%20EU%20wh o.a%20statement%20from%20the%20Healt h%20and%20Safety%20Executive
- Jabatan Pertanian Malaysia. (2023). Senarai racun makhluk perosak yang telah diharamkan di Malaysia. Retrieved from http://www.doa.gov.my/index/resources/ aktiviti sumber/sumber awam/maklumat racun_perosak/pendaftaran_rmp/senarai_ racun_perosak_haram_terhad_feb2023 v2.pdf
- 17. Fernandez, J. M. & Bhattacharjee, R. B. (2006). *The politics of Paraquat*. Tenaganita.
- PANAP. (2012). A PANAP Factsheet Series: Paraquat. Retrieved from <u>https://files.panap.net/resources/pesticides-factsheet-hhps-paraquat.pdf</u>
- Kamaruzaman, N. A., Leong, Y.-H., Jaafar, M. H., Mohamed Khan, H. R., Abdul Rani, N. A., Razali, M. F., Abdul Majid, M. I. (2020). Epidemiology and risk factors of pesticide poisoning in Malaysia: A retrospective analysis by the National Poison Centre (NPC) from 2006 to 2015. *BMJ Open*, *10(6)*. Retrieved from: <u>https://pubmed.ncbi.nlm. nih.gov/32487578/</u>
- 20. Watts, M. (2008). Endosulfan. Retrieved from: <u>http://chm.pops.int/Portals/0/</u> download.aspx?d=UNEP-POPS-POPRC.5-<u>REL-ENDOSU-PANAP-20080601.pdf</u>
- 21. Environmental Justice Foundation. (2009). End of the road for Endosulfan. Retrieved from <u>https://ejfoundation.org/resources/</u> <u>downloads/end_of_the_road_for_</u> <u>endosulfan.pdf</u>

Stockholm Convention on Persistent Organic Pollutants.²² As of 2022, endosulfan has been banned in 130 countries.

c) Profenophos

The pesticide profenophos or locally known as 'profenofos' was banned in Malaysia in 2014, and is an insecticide that is toxic to the environment, specifically aquatic life. Profenophos has been banned in 34 countries as of 2022, as it affects human health by causing overstimulation of the nervous system, respiratory issues and even death at high exposure levels.²³

Investigation on the sale of the above three banned HHPs was done on e-commerce platforms available in Malaysia, primarily Shopee and Lazada, and other platforms that are either based in Malaysia, or which listed products that shipped to Malaysia including Alibaba, Amazon.com and others.

2. Limitations

This investigation has the following limitations:

a) Types of HHPs investigated

Only three HHPs were investigated – paraquat, endosulfan and profenophos. A more comprehensive investigation on the availability of all 48 banned or restricted pesticides for sale on e-commerce platforms would be required to understand the true scope of the problem.

b) Duration of investigation

Investigation on the sale of three HHPs via e-commerce platforms in Malaysia was conducted between March 20 to April 14, 2023 with the findings presented in this report. A longitudinal study examining changes in patterns of sales, strategies to circumvent the ban as well as user experiences or outcomes of lobbying to regulatory bodies to enforce this ban online would be beneficial to understand long-term impact.

Findings

The investigation showed that all three HHPs are readily available on e-commerce platforms in Malaysia. The table below is a summary of availability of these banned HHPs:

| | Shopee | Lazada | Alibaba | Amazon | Others | |
|-------------|--------|--------------|---------|--------|--|--|
| Paraquat | ~ | \checkmark | × | × | Farmpays (based in Nigeria) | |
| Endosulfan | ~ | √ | × | × | × | |
| Profenophos | ~ | ~ | ~ | × | Katyayani Organics (based in India) | |

The table above shows that banned HHPs are available, either through a simple search on the Google Shopping tab or by searching for the products on the respective platforms. The products were also affordable, with prices ranging from RM20 to RM300 per bottle.

The investigation showed that all three HHPs are readily available on e-commerce platforms in Malaysia ...

References:

- 22. United Nations Environment Programme. (2011). Stockholm Convention Endosulfan Overview. Retrieved from: https://chm. pops.int/Implementation/PesticidePOPs/ Endosulfan/Overview/tabid/5362/Default. aspx
- 23. United States Environmental Protection Agency. (2000). *Profenofos Facts*. Retrieved from <u>https://www3.epa.gov/pesticides/</u> <u>chem_search/reg_actions/reregistration/</u> <u>fs_PC-111401_1-Jul-00.pdf</u>



1. Product Brands and Manufacturer Labels

Several of the banned HHPs are sold under the brand name of major companies like Syngenta's Selecron (profenophos) and Bayer's Thiodan (endosulfan). However, some Syngenta labels of Selecron and Gramoxone (paraquat) appears to be counterfeit, with designs that are different from the design of official company labels.





(right); Gramoxone paraquat sold on Amazon India (far right)

Gramoxone paraquat sold on Shopee Malaysia Additionally, what appears to be Bayer's Thiodan (endosulfan) is sold on e-commerce platforms. However this product has been discontinued since the global ban on endosulfan, and is no longer listed on the <u>Bayer</u> <u>product portfolio</u>.

Endosulfan with Bayer's Thiodan packaging and logo being sold on Shopee Malaysia



The table below displays a collation of several available brands and trade names of the three HHPs investigated:

| Banned pesticide | Manufacturer indicated in the label | Brand name indicated in the label | |
|------------------|---|--------------------------------------|--|
| Paraquat | n/a | Gramoxone PP10 | |
| | n/a | Hesstar Paraquat 1300 | |
| | n/a | Super Gramoxone 25 | |
| | n/a | Super Paraguat | |
| Endosulfan | Bayer | Thiodan | |
| | n/a | Endosofan 35EC | |
| Profenophos | Syngenta | Selecron 500EC | |

2. Volume of Products

Search in Lazada

PARAGUAT 41 ITER

Racun sentuh

Cepat mati

🏓 Lazada

Categories ~

afarm

or & Garden > Lawn & Garden >

RACUN RUMPUT&LALANG

Banned HHPs sold on e-commerce platforms are also available in different quantities. Endosulfan and profenophos are available in 1-litre bottles whereas paraquat can be purchased in 1-litre, 4-litre or 20-litre bottles. Additionally, most sellers do not restrict the number of products one could purchase, instead relying on stock availability.



Quantity

- 1 +

🔞 LazMall 💿 Free Shipping 🧉 RM9.90 All In 📋 Top up & eStore 📋 Voucher

Search in Lazada

20 Liter

MANAVANAVANAVANA

nostix flavour | miniatu

🔰 Lazada

Categories V

1-litre (right), 4-litre (bottom left) and 20-litre (bottom right) paraquat sold on Lazada

🕲 LazMall 💿 Free Shipping 🧔 RM9.90 All In 📋 Top up & eStore 🛛 💆 Voucher

Weeds & Pest Control > Super 4Liter /Racun sentuh Rumput&Lalang/Racun cep

Super 4Liter /Racun sentuh

Brand: No Brand | More Lawn & Garden from No Brand

- 1 +

**** 4 Ratings

RM55.00

Quantity

Rumput&Lalang/Racun cepat mati

3. Origins of Products

The three banned HHPs investigated were sold either domestically (distributed from different states in Malaysia like Kedah, Penang and Kelantan) or imported (for example, from Vietnam, China and Thailand). It is important to note that paraquat is banned in all three countries, endosulfan is banned in Thailand (where the product is imported from in the middle photo below) and profenophos is not banned in Vietnam (where the product is imported from in the right photo below).





Endosulfan from Kelantan, Malaysia (left) and imported from Thailand (middle); profenophos from Vietnam (right)

4. Labelling and Misinformation

A common pattern in the product page or listing of these banned HHPs was an attempt to conceal the true nature and lethality or toxicity of these products by sometimes blocking the image or name of the product:

| Shopee > Groceries & Pets > | Search for products, brands and shops IKEA Coffee Kopi IKEA IKEA Coffee Bean II Household Supplies > Pest & Weed Control > I | C CERCoffee Powder Arm And Hammer Bays Rays 2023 Baking Soda KEA Fake Coffee Racun Sentuh 13% Rumput Lalang Rumpai Sambau (Sama Dengan KENPAT ANSAR TEPAT BASTA UNICF | Sogner Exclusion from the first sector of the | |
|-----------------------------|--|--|---|--|
| PAR | AQUAT 13% RUMPAI CEPAT MATI | Racun Sentuh 13% Rumput Lalang Rumpai Sambau (Sama Dengan KENPAT ANSAR TEPAT BASTA UNICRON) Racun Cepat Mati No Ratings Yel 0 Sold RM455-00 RM45.00 INSEE Shipping Dispong To Seberang Penal Selatan, Penang V Shipping Fee RM7.00 V Quantity - 1 + 9 pieces available Disp Add To Cart Buy Now | ALter ALter ALter RACUN RACUN RACUN Data | Paraquat sold with label/packaging image hidden (far left); listing only a shortened active ingredient name "para dichloride" (left) |

Additionally, e-commerce platforms provide an avenue for sellers to list information on the product, as well as adequate instructions or labelling for handling or use. However, this was lacking in the listings of the banned HHPs on e-commerce platforms:

| - Specifications of Betul betul Tengkorak 1Liter Thiodan Endosulfan 35%/Racun serangga | | Product details of 1L Syngenta Selecron 500EC Prefenofos Racun Serangga |
|---|------------------------------|--|
| Brand SKU No Brand 3140732676_MY-15807743526 Insect Control Type Chemical Liquid | | 1L Syngenta Selecron 500EC Prefenofos Racun Serangga Untuk -Ulat kutu daun |
| Insufficient description on endosulfan (abov anc | re) d profenophos (right) | -Kutu trips -Hamama -Ulat ratus -Pengorek batang |

Often, the descriptions on the e-commerce platforms would be confusing or misleading, such as the listing below that states the HHP (paraguat) is safe to be used in home gardens and only provides general precautions for use:

> Product description stating paraquat is a premium-grade pesticide safe to be used in home gardens or plantations

| Product details of Racun Sentuh Cepat Mati 4L & 20L Racun Rumput Rumpai Lalang Sambau Cepat Berkesan |
|---|
| Racun Sentuh 25% PP910 4L Racun Rumput Rumpai Lalang Pekat Herbioide Kesan Cepat Fast Die |
| *RACUN SENTUH 25% Concentrated |
| *4 Liter & 20 Liter |
| * Herbicide suitable for home garden and plantation (kelapa sawit, durian, pisang, getah, sayur-sayuran etc) |
| * Takes approximately 1 days (24hour) for the weed to be killed |
| Premium Grade Herbicide |
| Presultors: 1. Keep aways from children 2. Keep aways from foodstuff, emply foodstuff containers and animals food. 3. Avoid contact with mouth, eyes and skin. 4. Avoid inhalikon the spray mist. Spray in the direction of wind. 5. Wash thoroughly the contaminated clothes and parts of the body after spraying. 6. De not smoke, drink, eat and chew anything withing spraying. |

Additionally, buyers have to zoom into information and instructions on the product photo, which was small and difficult to read. Most products' labels merely had the generic warning of "handling and use of this

product is subject to pesticide regulations" whereas some contained information on product mixing, handling, use of personal protective equipment (PPE) or storing:

| Insufficient labeling on use of |
|---------------------------------------|
| paraquat (right); small print sticker |
| with instructions on use of |
| paraguat (far right) |



Even so, the product descriptions were minimal and did not allude to the hazardous nature of these pesticides, with some even claiming to be ecologically-safe:

Sun-paraquat is a foliar non-particular expansive range contact herbicide for the control of wide leaved weeds and grasses in natural product trees, manor crops, maize (between line and weed control), and so forth.

The item contains 200g paraquat Dichloride per liter as Soluble Liquid (SL). It is inactivated on contact with the dirt, making the item extremely ecological amicable.

The items are bundled in 1-liter jugs.

Subsequent to submitting a request, you will get the items inside 1 to 3 working days.

Benevolently submit your request now.

Product description making the HHP – paraquat – sound safe and beneficial (left).

Also emerging is the trend of repackaging or removing the label altogether from the products, leaving the bottle/package "blank" or without any stickers:

| opee > Groceries & Pets > Household Supplies > Pest & Weed Co | ntrol > racun kopi O. parakuat | Saller Centre Download Fallow on en | le 🕀 Englieh 🗸 🕐 carthenisha | |
|---|--|--|------------------------------------|---|
| resortspess⊕∎ ■GLCDD ← | racun kopi O. parakuat 5.0 ★★★★★ 2. Ratings 4. Sold | Shoppen Earth for product, bread and shops RELOTAR SECOND VIEW AND | а. <u></u> <u></u> <u> </u> | |
| | RM150.00 | Racun Tengkorak Endosulfan 1 liter 4007 | Report | |
| | Shipping To KL City, Kuala Lumpur > Shipping Fee RM10.00 > | Disping To Seberary Persi Seberary P | nang v | Unlabeled paraquat nicknamed "black coffee' |
| | Quantity - 1 + 14 pieces available | Currery - 1 + 18 pecce available | | (far left); unlabeled and repackaged endosulfan |
| | ेष्ट्र Add To Cart Buy Now | | | (left). |
| 6.6 10% REBATE NOW | Shopee Guarantee Get the items you ordered or get your money back. | 0 | | |

5. Buyer Comments and Implications

From the buyer's perspective, many rated the purchase of these banned HHPs with the highest rating (5 stars) and provided positive feedback. However, buyer comments revealed substandard packaging and delivery mishandling, resulting in spillage and exposure to pesticides through contact and inhalation. Additionally, some complained that the labels and instructions were difficult to read or insufficient. Examples of user comments on packaging and delivery are "it's great but the cap should be covered, it was open and the pesticide spilled out" or "fast delivery but the pesticide was leaking."

6. Usage and Application

In terms of usage and application, these banned HHPs are often used without appropriate personal protective equipment (PPE) such as gloves or masks, in both domestic and farming settings including home gardens, public sites such as graveyards or greenhouses. In both settings, the usage of these HHPs endanger not just the buyer, but also family members, neighbours, friends, the community and poison the environment.



Buyers handling toxic banned HHPs with bare hands (top photos)

7. Platform Offers and Vouchers

Sellers of these banned HHPs also offer special deals as part of their marketing strategy on e-commerce platforms, such as free shipping, discounts, rebates and cashback vouchers. These offers are often done in collaboration with the e-commerce platforms, that is, approval for the offer on the product has to be provided by the platform operators.

Paraquat sold with a discount of 18%





Analysis and Discussion

Findings of the investigation on the sale of banned HHPs on e-commerce platforms illustrates that irresponsible parties are using online platforms to sell banned pesticides in Malaysia, endangering human health and the environment. Paraquat, endosulfan and profenophos are banned in Malaysia but enforcement is difficult given that sales through e-commerce platforms increased exponentially during the pandemic and subsequent lockdowns.

It is only now that there is increased concern about the sales of banned pesticides and HHPs on e-commerce platforms. Under the Pesticide Act 1974 and (Amendment) Act 2004 the penalties are hefty and include both fines and imprisonment.

There are international laws, conventions and guidelines on regulating pesticides, particularly banned HHPs, however enforcement of these regulations and punishments for offences are lacking. Findings of this investigation will be analysed and discussed in reference to the violation and non-compliance to some of these regulations, including the Code of Conduct on Pesticide Management (Food and Agriculture Organization & World Health Organization) which Malaysia has adopted (henceforth, the Code),²⁴ the 1974 Malaysian Pesticides Act²⁵ as well as e-commerce platform guidelines.

1. Product Brands and Manufacturer Labels

The sale of paraquat, endosulfan and profenophos in Malaysia – whether in physical or via online shops – is illegal due to the fact that they have been banned in the country. Despite this, banned HHPs are being sold on e-commerce platforms, with seemingly counterfeit labels and packaging.

This contravenes Article 8.2.6 of the Code, which states that the pesticide industry should endeavour to ensure that pesticides are traded by and purchased from reputable traders, who should preferably be members of a recognized trade organization, as well as Article 8.2.9 which calls on pesticide

References:

- FAO & WHO. (2014). International Code of Conduct on Pesticide Management. Retrieved from <u>https://www.who.int/publications/i/</u> item/9789251085493
- 25. Laws of Malaysia. (2015). *Pesticides Act 1974*. Retrieved from: <u>https://tcclaw.com.my/wp-content/uploads/2020/12/Pesticides-Act-1974.pdf</u>

industries to not knowingly supply pesticides that are restricted for use by particular groups of users, for sale to unauthorized users. These companies should be alerted to the fact that online sellers are marketing products with labels and packaging that imitate theirs, and take action on this.

In addition, according to the 1974 Pesticides Act, any person who intends to import a pesticide for sale must ensure that such pesticides have a valid registration and has the relevant certificate of registration from the Pesticides Board of Malaysia. The right to import a product belongs only to the holder of that registration. Hence, according to the Act, applicants need to apply for a license to manufacture, store or sell pesticides with the Ministry of Agriculture.

Governments must work to ensure that these regulations and laws are also rigorously enforced on e-commerce sellers and platform operators, so that only licensed sellers are authorised to sell non-prohibited pesticides.

2. Volume of Products

In terms of volume, the banned HHPs investigated are available in 1-, 4-, and 20-litre containers. With pesticides as highly toxic as these, it is deeply worrying to consider that buyers could purchase, stockpile and be exposed to large amounts of banned pesticides, subjecting themselves, their family, community and the surrounding environment to potentially lethal poisoning.

It is important that governments as well as e-commerce platform operators and sellers take responsibility in stopping the sale of pesticides to people who are not trained to use them, and stop the sale of banned HHPs altogether.

3. Origins of Products

The banned HHPs sold on e-commerce platforms were either distributed from within Malaysia, or imported from other countries in Asia such as China, Vietnam and Thailand. The origin and distribution path of these banned HHPs especially if imported to or from other countries in the region display a failure to enforce transnational customs regulations.

For example, according to the 1974 Pesticides Act, no person, whether or not he is licensed under this Act, shall sell or store for sale a pesticide that is misbranded or is not for the time being registered under this Act. However, there seems to be a lack of enforcement on the import, sale and distribution of banned HHPs on e-commerce platforms. In addition, the transnational sale of banned HHPs also contravene with e-commerce platform guidelines.

For example, Shopee lists "pesticides" (as item xviii) and "any other items that are illegal or restricted in the jurisdiction of the Buyer and/or the Seller" (as item xxxi) on its list of prohibited and restricted items. On Lazada, Section 2.2 of the platform's terms of use states that the platform should not be used for any illegal purposes or the sale of prohibited materials. Despite the law and regulatory guidelines, e-commerce platforms continue to allow sellers with questionable license or permits to import from overseas or sell locally HHPs that have banned.



Governments must work to ensure that these regulations and laws are also rigorously enforced on e-commerce sellers and platform operators...

4. Labelling and Misinformation

Product labels provide vital information on the handling and use of pesticides to minimise health and environmental risks, and thus are vital in the sale of pesticides, particularly HHPs. Additionally, consumers have a right to information on the products they are purchasing.²⁶ However, many tactics have been employed by sellers on e-commerce platforms to mislead consumers and conceal the lethality of the banned HHPs being sold, such as using counterfeit brand stickers or labels, blocking or concealing parts of the image of the bottle, listing the product under its common name, brand name or some other nickname, repackaging the HHP completely in unlabeled bottles and providing little to no information in the product description section of the listing. As a result, hundreds of buyers and consumers may be unknowingly exposed to toxic substances.

These practices contravene the Code, specifically Article 10 which provides guidelines on the labelling, packaging, storage and disposal of pesticides, including directly urging pesticide industries to, *with multilateral cooperation, assist in disposing of any banned or obsolete pesticides and of used containers, in an environmentally sound manner.* Labelling requirements include information that comply with national standards including manufacturer information, batch number, warnings and precaution, instructions on use, storage or disposal – all of which are lacking in the listing of these banned HHPs on e-commerce platforms.

In reference to repackaging, Article 10.4 specifically calls for *governments* to take the necessary regulatory measures to prohibit the repackaging or decanting of any pesticide. Additionally, Article 9.2 ensures consumers' right to information and urges governments to develop *legislation that permits* public access to information about pesticide risks and the regulatory process. This is violated as consumers lack awareness of the hazards of the pesticides they are exposed to, through insufficient product descriptions on the HHP listings.

According to the 1974 Pesticides Act, a pesticide is considered misbranded if its label contains a statement, design, or graphic representation that is false or misleading... is otherwise deceptive in respect of the contents of the package... is an imitation, or is sold under the name of another pesticide... is not packed or labelled in the prescribed manner... or has been mixed. It is evident that the government and e-commerce platforms have to enforce stricter labelling requirements, in order to protect consumers from dangerous HHPs and ensure their right to information.

5. Usage Implications

As discussed in the section on 'Scope & Toxicity of HHPs Investigated' the pesticides found on e-commerce platforms are highly hazardous both to human health and the environment, and thus have been banned in Malaysia. However, on e-commerce platforms, hundreds of banned paraquat, endosulfan and profenophos continue to be sold, exposing a large number of consumers to toxic products. Additionally, many buyers remark on the effectiveness of the pesticides, potentially not being aware of its hazards.

Article 9 of the Code urges governments of Member States to *facilitate the* exchange of information between regulatory and implementing authorities to strengthen cooperation and take action to ban or severely restrict a pesticide

... hundreds of buyers and consumers may be unknowingly exposed to toxic substances.

Reference:

PANAP. (2018). Of Rights and Poisons: Accountability of the Agrochemical Industry. Retrieved from <u>https://panap.net/resource/</u> of-rights-and-poisons-accountability-of-theagrochemical-industry/

in order to protect human health or the environment. Additionally, in order to regulate e-commerce platforms better, Article 8 of the Code (on Distribution & Trade) outlines that governments, industries and other stakeholders be responsible in ensuring that persons involved in the sale of pesticides are trained adequately, hold appropriate government permits or licences and have access to sufficient information, so that they are capable of providing buyers with advice on risk reduction as well as judicious and efficient use.

The 1974 Pesticides Act imposes certain penalties for the sale of banned HHPs such as, if found guilty of importing or manufacturing any pesticide without valid registration approval, is liable on a first conviction, to imprisonment for 5 years or to a fine of RM50,000 and, on a second or subsequent conviction, to prison for 10 years or to a fine of RM100,000 or both. This must be enacted and enforced including on e-commerce platforms.

Conclusions and Recommendations

The report shows that online sales of banned HHPs is an emerging concern that needs to be investigated and addressed in Malaysia and other countries. HHPs cause serious and long-term negative health effects particularly to children and other vulnerable people, and these pesticides can also cause irreversible environmental damage.

In order to address this problem, there needs to be multilateral collaboration between government bodies, e-commerce platform operators, sellers, consumer rights groups and the community at the national and international levels. With the rise of online sales and a push for digitisation particularly in the agricultural sector, there needs to be a review of accountability by e-commerce platform operators and an ongoing investigation of impacts on farmers, consumers and the public.

The 1974 Pesticides Act must be enacted and enforced including on e-commerce platforms.



... on e-commerce platforms, hundreds of banned paraquat, endosulfan and profenophos continue to be sold... There needs to be a concerted push for the national, regional and global phase-out of HHPs, as we have seen that banned HHPs still travel within and between countries and inevitably find their way into our homes, farms, food and environment. The following are some recommendations based on the situation of online sales of banned HHPs in Malaysia:

= FOR THE MALAYSIAN GOVERNMENT TO :

- Enforce penalties on individuals and companies involved in the import, distribution and sale of banned HHPs on e-commerce platforms including harsher punishments for repeat offenders.
- Collaborate within and between departments, within Malaysia and with neighbouring countries, to create a more robust legislative framework governing the import and sale of pesticides.
- Promote safer, non-chemical alternatives to pesticides and agroecology and organic farming that are safer for human health and the environment and also mitigate climate change.

FOR E-COMMERCE PLATFORMS TO =

- Stop sales of banned pesticides in the country.
- Set and enforce more robust regulations on the sale of agrochemicals, including ensuring that all pesticides and companies selling them are approved by the Malaysian Pesticide Board, and report or ban sellers who default on this.
- Create stronger description/labelling rules for the sale of pesticides, in alignment with local hazard communication regulations.
- Ensure listing of products comply with local laws including conducting checks from time to time to ensure no new sellers or listings are created that violate local laws and platform guidelines.

= FOR CIVIL SOCIETY ORGANISATIONS AND THE MEDIA TO :

- Raise awareness of the irresponsible sale of toxic agrochemicals.
- Promote safer, healthier alternatives such as agroecological practices.



PAN Asia Pacific (PANAP)

48, Persiaran Mutiara 1, Pusat Komersial Bandar Mutiara 14120 Simpang Ampat, Penang, Malaysia T: +604 502 2337 | E: info@panap.net | W: www.panap.net