



EXEMPTION FROM LICENSING REQUIREMENTS UNDER THE CONTROLLED SUBSTANCES (PESTICIDES) REGULATIONS 2017

What Does the Law Require?

Regulations under the Controlled Substances Act, 1984 provide that any person who carries out pest control work in the course of a pest control business must hold an appropriate licence endorsed for the type of work being carried out.

"Pest control work" involves the use of pesticides such as insecticides, herbicides, fungicides etc. for the control of a variety of pests including insects, weeds, rodents, fungus diseases etc. in domestic, industrial, commercial or public amenity settings.

A person who uses a pesticide in the course of his work is deemed to be running a pest control business if the pesticide is used "for fee or reward," i.e. if a charge is made to a customer for the application of the pesticide.

Non-Application of Regulations to Certain Pest Control Work

Section 5 of the Regulations allows for persons carrying out pest control work consisting only of the application of **glyphosate** by means of –

- (i) hand-held equipment with a tank having a maximum capacity of **15 litres** or less or
- (ii) a brush or similar implement

to be exempt from the requirement to hold a licence.

Who Does it Apply To?

The Regulations were written primarily to control the activities of persons involved occupationally in domestic pest control, weed control and agricultural spraying. Some workers not involved in these occupations may nevertheless have reason to occasionally use pesticides in the course of their work, e.g. landscapers, gardeners or turf care contractors. In such cases, where the use of pesticides is secondary to the major activity, provision has been made in the Regulations to exempt persons from the need to hold a pest controller's licence. Such persons are generally self-employed, they do not compete with the 'established' pest or weed control industry, and do not advertise the pest control part of their services. Their spraying is generally done on a small scale using equipment and chemicals of low toxicity intended for home garden use.

SA Health may issue a Statement of Exemption to a person if it is satisfied that the pest control work performed will not entail any significant risk to public health or the environment. Such an exemption would specify the pesticides approved for use and the nature of the work authorised to be carried out and would state certain conditions which must be complied with for the exemption to remain valid.

Storage of Pesticides

Pesticides must be kept in a container that bears an approved label and is kept securely closed; and

Housed in a structure that-

- (i) is roofed;
- (ii) has a floor impervious to water; and
- (iii) is adequately ventilated; and
- (iv) is locked when unattended; and
- (v) has an adequate supply of water available to wash any spillage of pesticide that may occur; and
- (vi) is so situated or constructed that a spillage of pesticide cannot drain into a water supply or watercourse or soak into the soil.

Applicant bona fides

Before issuing an exemption SA Health may make any enquiries necessary to establish the bona fides of the applicant and to ascertain if they are a fit and proper person to hold an exemption.

Please include the following with your application:-

- The current certificate(s) of registration of your company and/or trading names including the names and addresses of the company directors; **or**
- The names of the persons running the business where there is no company name but there is a trading name, and the current certificate(s) of registration of trading names; **or**
- The names of the persons running the business where there is no company name or trading name.

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