

# Pesticide Label Directions

## Pesticide Safety Technical Note

Number 20

**OFFICIAL**

### Using pesticides in accordance with the label directions

The Australian Pesticide and Veterinary Medicines Authority (APVMA) register pesticides for use in and around Australian households. The APVMA requires manufacturers to label pesticides with information for correct use of the product to ensure the chemical works as is intended and so that the risk to public health, animals and the environment is minimised.

The Agriculture Victoria administers the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* which contains provisions relating to off-label use of pesticides in Victoria. Off-label use is the use of pesticides contrary to label directions.

You should ensure that you read and understand the label before you use a pesticide. Some pesticide containers also have a booklet containing relevant information. The booklet is part of the label and must also be read before using a pesticide.

All safety directions on the label must be complied with to ensure the safe application of the pesticide.

### Your legal responsibility

When using pesticides as a licensed pest control operator in Victoria you must also comply with the conditions of licence under the *Public Health and Wellbeing Act 2008* including the requirement to comply with the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992*.

#### It is against the law to:

- increase the application rate of a pesticide;
- use a chemical product at intervals more frequent than stated on the label;
- contravene a 'DO NOT' statement on a pesticide label;
- use an unregistered agricultural chemical; or
- use a restricted use chemical to treat a pest not specified on the label.

#### Prosecution

In 2011 the then Department of Economic Development, Jobs, Transport and Resources prosecuted a spray contracting company for contravening the directions on a chemical product label. Extensive damage was caused when they sprayed a long lasting herbicide on a wet day. As a result, the spray washed away from the target areas and damaged pastures on adjoining properties.

The employees that sprayed the chemicals were found guilty of causing damage to plants by spray drift and illegal off label use of a chemical, as was the employer. Under the deeming provisions of the Act, employers can be found guilty of the same offence as their employees if they do not exercise due diligence.

## Legal consequences of not following label directions

### Example A

A pest control operator uses a termiticide at 3L per m<sup>3</sup> for a vertical soil barrier under buildings when the label states the maximum label rate is 2.2L per m<sup>3</sup>.

It is an offence under Section 19(1)(a) of the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* to use a chemical product at an application rate higher than the maximum rate stated on the chemical product label for that use. You may be prosecuted and if found guilty liable to pay the maximum penalty for an individual: 100 penalty units.

This is also a breach of pest control licence conditions under Section 109(1) of the *Public Health and Wellbeing Act 2008*. Maximum penalty: 120 penalty units.

### Example B

A company director advises a pest control operator to use a chemical on a drainage ditch when the label for that product states 'DO NOT apply to drainage ditches or channels'.

It is an offence under Section 19(3) of the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* to use a chemical product in a way that contradicts any 'DO NOT' statements contained on the label unless an applicable permit to do so has been issued. Maximum penalty for an individual: 100 penalty units.

This is also a breach of pest control licence conditions under Section 109(1) of the *Public Health and Wellbeing Act 2008*. Maximum penalty: 120 penalty units.

In addition, it is an offence under Section 109(2) of the *Public Health and Wellbeing Act 2008* to provide inaccurate advice to an employed pest control operator on the use of a chemical product when the advice, if relied upon, would cause a user of the chemical product to breach part of the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* or the regulations made under the Act. Maximum penalty for an individual: 60 penalty units, and for a body corporate 300 penalty units.

### Example C

A farmer uses an insecticide containing mevinphos (a Schedule 7 Poison and 'restricted use' chemical) to control diamondback moth in radishes. This is an off-label use of a restricted use chemical and is therefore illegal.

It is an offence under Section 25A of the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* for a person to use a restricted use chemical in a manner that is not specified on the product label. Maximum penalty for an individual: 200 penalty units and for a corporation: 400 penalty units.

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