

Interpretation of the *Pest Management Regulation 2003* sections 7(1)(g) and 7(1)(h) relating to not using a food or drink container in a pest management activity

Purpose

This fact sheet has been developed to provide a practical interpretation of the sections 7(1)(g) and (1)(h) of the *Pest Management Regulation 2003 (Regulation)* which relates to not using a food container or drink container in a pest management activity.

Scope

It is not the intention of this fact sheet to identify specific containers that qualify as food or drink containers.

Pest Management Regulation 2003 - Section 7 Requirements about containers

'A pest management technician must ensure a container used, in relation to the carrying out of a pest management activity, by the technician or a trainee carrying out the activity under the technician's supervision—

7(1)(g) is not a container that is a food or drink container; and

7(1)(h) is not a container that is similar in colour, shape or appearance to a food or drink container.'

Interpretation

A black or white interpretation cannot be provided as there are numerous containers that could be deemed to be a food or drink container and a decision will need to be made on a case-by-case basis. There needs to be flexibility due to current and future variations in containers.

As a guide, examples of containers that section 7 refers to are ones commonly available in the community and include:

- soft drink bottles, cordial bottles, milk bottles, chocolate drink tins, breakfast cereal box, sauce bottle.

In general, other containers may be sold as empty generic containers and are not intended to be subject to section 7, for example:

- generic clear plastic containers used to store breakfast cereal are not considered solely food containers for the purposes of section 7.

However, an empty generic container that is similar to an existing commonly available food container mentioned above in respect of colour and/or shape would be considered to be a food container for the purposes of section 7 for example;

- a squeezable condiment bottle (colour and/or shape).

The question to consider is: '*Would the average person say the container resembles a food or drink container?*' This is the question that Queensland Health inspectors will ask themselves if they inspect the containers. Also, it is a question that a Magistrate may

consider, should the matter be taken to court if your opinion differs from that of the inspector.

When there is a complaint or a compliance audit, Queensland Health inspectors will assess the appropriateness of the container based on the information provided in this fact sheet.

Note on disposal of used pesticide containers

Appropriate storage containers that have been used to store pesticides and are no longer wanted must be disposed of in accordance with section 9 of the *Pest Management Regulation 2003*.

Background

There have been instances where children and adults have unintentionally consumed pesticides and herbicides stored in food and drink containers resulting in poisoning, an adverse reaction or death.

The *Health (Drugs and Poisons) Regulation 1996* (HDPR) contains a long standing provision that prohibits a person from using or allowing to be used, a food or drink container to hold a scheduled poison. Some pesticides are not scheduled under the Standard for the Uniform Scheduling of Drugs and Poisons and are not subject to the requirements of the HDPR.

The *Pest Management Act 2001* (Act) and the Regulation are the primary legislative instruments governing the licensing of pest management technicians and pest management activities. The inclusion of sections 7(1)(h) and 7(1)(g) in the Regulation reflects the provision in the HDPR.

The main objective of the Act is to protect the public, including pest management technicians from health risks associated with pest management activities and the adverse results of the ineffective control of pests.

The Queensland Injury Surveillance Unit (QISU) Bulletin No.87 July 2005 about Non-Medicinal Ingestions in Children stated that between 1998 and the end of 2004 there were 1884 children under the age of five years who presented to a QISU participating Emergency Department for treatment of a non-medicinal poisoning. Of this number rat poison accounted for 8% and pesticides, insecticides and herbicides 6% of the total presentations. The QISU Bulletin No. 16 August 1993 for the period 1988 to mid 1993 stated that two of the most common poisoning scenarios were children finding and ingesting pellets of rat poison and accidental ingestion of pesticide from bottles or drums when thirsty. The then Child Accident Prevention Foundation of Australia stated the following precaution: Never transfer poisonous products from their original containers into everyday containers eg. Coke or lemonade bottles.

The above QISU information underlines the need for pest management technicians to be vigilant in not providing the opportunity for persons to ingest pesticides unintentionally, especially children who are by nature, inquisitive.

Further enquiries

Further information regarding the pest management legislation can be obtained by contacting your local Public Health Unit at <http://www.health.qld.gov.au/ph/default.asp>

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