



Requirements to Sell, Manufacture or Commercialize Transgenics, Insecticides, Pesticides, Herbicides and Rodenticides

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1. Is permission required from the government in order to plant, commercialize, import or export products that have been genetically modified or engineered ("GMOs")?

Delaware does not expressly require its permission to plant, commercialize, import or export GMOs. Such products are subject, however, to Title 3 of the Delaware Code and its regulations, which govern agricultural products and livestock being imported, exported or otherwise used in the state. Additionally, Delaware's Pure Food and Drugs Act does not permit the manufacture, sell or trade of food or drugs that are adulterated, misbranded, poisonous or deleterious. 16 Del. C. § 3302.

2. Is local presence required in order to be considered a duly registered distributor where the GMO is going to be imported and sold?

Any person who solicits or receives on consignment, purchases for resale, or negotiates the purchase or sale of any fruits or vegetables must obtain a license from the Delaware Department of Agriculture. 3 Del. C. § 2502. Livestock dealers, other than state-federal approved livestock markets, must also obtain a license from the Department for the buying, selling or transporting of any cattle, sheep, swine, goats, horses, mules, other equines, poultry or cultured aquatic stock. Id. § 7603.

3. **Which governmental authorities are involved in the determination of the regulations involving GMOs (for example, food and agriculture, environmental, health, safety)?**

The Delaware Department of Agriculture, the Delaware Department of Health and Social Services and the Delaware Department of Natural Resources and Environmental Control each have regulatory authority over agricultural products and livestock.

4. **Are local performance and/or environmental safety studies required to obtain the permit to plant, commercialize, import or export GMOs, or are studies carried out in the country of origin of the GMO where it has already been certified, valid or accepted?**

There is no specific permit program to plant, commercialize, import or export genetically modified or engineered products in Delaware.

5. **Does the permission granted by the Government authorize the consumption of GMOs by human beings? Are there specific rules for the consumption of GMOs?**

There is no specific permit program to plant, commercialize, import or export genetically modified or engineered products in Delaware.

6. **Is governmental permission required for foreign companies to commercialize, import or export pesticides, insecticides, rodenticides and/or their consumables?**

Every pesticide that is distributed within Delaware or delivered for transportation or transported in intrastate commerce or between points within the state must be registered with the Delaware Department of Agriculture, subject to certain limited exemptions. See 3 Del. C. § 1204(b); 601 Del. Admin. C. § 4.1. Additionally, no person may sell, transport or ship any plant pest or biological control agent without a U.S. Department of Agriculture permit or its Delaware equivalent. Id. § 1107(a).

7. **Is local presence required in order to be a registered or authorized distributor where the pesticides, insecticides, rodenticides and/or their consumables are going to be imported and sold?**

Delaware requires any person engaged in the business of applying pesticides to the property of another to be licensed by the Delaware Department of Agriculture. 3 Del. C. § 1206(a). Such person must be certified as, or employ, a certified applicator at all times. Id. Nonresidents of Delaware may apply for a license. Id. § 1213.

No person may sell a "restricted use pesticide" or a "state restricted use pesticide" unless issued a dealer permit by the Department. 3 Del. C. § 1214.

8. **Which governmental authorities are involved in the determination of the environmental health and safety of pesticides, insecticides, rodenticides?**

The Delaware Department of Agriculture, the Delaware Department of Health and Social Services and the Delaware Department of Natural Resources and Environmental Control have



regulatory authority over pesticides, insecticides and rodenticides.

9. Are local performance and/or environmental safety studies required to obtain the authorization to market pesticides, plaguicides, rodenticides, insecticides, or are studies carried out in the country of origin of the products, valid or accepted?

Delaware does not require local performance and/or environmental safety studies to register a pesticide, plaguicide, rodenticide or insecticide or to obtain a dealer permit. See 3 Del. C. §§ 1204 and 1214.

10. Is a prescription by a qualified professional required in the herbicides commercialization? If the answer is "YES", what is the professional that grants such prescription?

A prescription by a qualified professional for herbicide commercialization is not required under Delaware's pesticides laws and regulations. See 3 Del. C. § 1201 et seq.; 601 Del. Admin. C. § 1.0 et seq.