LAWS OF TRINIDAD AND TOBAGO

PESTICIDES AND TOXIC CHEMICALS ACT

CHAPTER 30:03

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42 of 1979
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CHAPTER 30:03

PESTICIDES AND TOXIC CHEMICALS ACT

ARRANGEMENT OF SECTIONS

SECTION

CHAPTER 30:03

PESTICIDES AND TOXIC CHEMICALS ACT

An Act to regulate the importation, storage, manufacture, sale, use and transportation of pesticides and toxic chemicals and to provide for the establishment of the Pesticides and Toxic Chemicals Control Board and for matters incidental thereto.

Commencement. [186/1987].

[1ST NOVEMBER 1987]

Short title.

1. This Act may be cited as the Pesticides and Toxic Chemicals Act.

Interpretation.

2. In this Act—

"advertisement" includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale, disposal or use of any controlled product;

"agriculture" means the production and storage of any produce which is grown for consumption or any other purpose and includes the use of land for grazing, forestry and woodland, fish culture, bee culture, market gardening, horticulture and nurseries and animal husbandry;

"analyst" means any person so designated under section 6;

"antiseptic" means any substance or mixture of substances sold or represented principally for its germicidal or anti-microbial use on the skin of man or animal;

"article" includes—

(a) any controlled product or any produce to which a pesticide is believed to have been applied, or anything that may have been contaminated with a controlled product;

(b) anything used for the manufacture, packaging, storage, application or use of a controlled product; and

(c) any labelling, packaging or advertising material used for, or relating to, a controlled product;

"Board" means the Pesticides and Toxic Chemicals Control Board established under section 3;

"carcinogen" means any controlled product that is known to cause or is suspected of causing cancer;

"controlled product" means any pesticide or toxic chemical;

"disinfectant" means any substance or mixture of substances sold or represented principally for its germicidal or anti-microbial action on inanimate objects;

"drug" includes any substance or mixture of substances manufactured, sold or represented for use in—

(a) the diagnosis, treatment mitigation or prevention of a disease, disorder, abnormal physical state, or the symptoms thereof, in man or animal; or

(b) restoring, correcting or modifying organic functions in man or animal;

"employer" means any person who employs a worker;

"extermination" means the use of a pesticide for the destruction or control of pests in any land or premises or in a vehicle, whether on land or any other place;

"food" has the same meaning as in the Food and Drugs Act; Ch. 30:01.

"formulating" means the act of preparing or compounding a pesticide in a form in which it is sold or distributed to persons using the pesticide for an extermination;

"importer" in relation to any imported article, includes any person who, whether as owner, consignee, agent or broker is in possession of the article or in any way entitled to the custody or control of it;

"inspector" means any person so designated under section 6;

"label" means any legend, word or mark, symbol or design applied or attached to, included in, belonging to, or accompanying any controlled product or a package thereof;

"manufacture" includes the synthesising, formulating and packaging of any controlled product;

"manufacturer" means a person who manufactures a controlled product for his own use or for sale;

"medical examiner" means any person so designated under section 6;

"Minister" means the member of the Cabinet for the time being charged with the administration of the subject of Health;

"package" includes anything in which a controlled product is wholly or partly contained, placed or packed;

"pest" means any insect, bird, rodent, fish, mollusc, nematode, fungus, weed, alga, micro-organism or virus, and any other kind of plant or animal life that is injurious, troublesome, or undesirable to any crop, stored produce, food, feed, wood, clothes, textiles or other fabrics, and any other inanimate objects, or which are objectionable from the point of view of public health or hygiene, and includes any ectoparasites of man, and ectoparasites and endoparasites of animals, except that by Regulations any pest may be specifically exempted or excluded;

"pesticide" means any substance which by itself, or in combination with other substances, is proposed, represented, or used for destroying or controlling pests but does not include any antiseptic, disinfectant, drug or preservative;

"pest control operator" means any person who, by himself or his employees, assistants, workers or agents applies pesticides or carries out an extermination for a remuneration;

GN No. 130 of 1964.

"preservative" has the same meaning as in the Food and Drugs Regulations, 1965;

"produce" means any crop grown for consumption or other use after severance from the soil, and includes anything ordinarily used, or that may be used in the composition of food for man or feed for domestic and farm animals, but does not include growing crops;

"Registrar" means any person designated to be Registrar of Pesticides and Toxic Chemicals under section 5;

"Regulations" means Regulations made by the Minister under section 12;

"sell" includes offer for sale, expose for sale, have in possession for sale, and distribute;

"toxic chemical" means any disinfectant, and any other substance known to be poisonous, corrosive, irritating, sensitising or harmful to man or animal that is used in agriculture, the arts, commerce or industry, or for any domestic or other purpose but does not include an antiseptic, drug, pesticide or preservative;

"vehicle" includes any vessel, aircraft or container;

"vessel" means anything constructed or used for the carriage on, through or under water of persons or property and includes aircushioned and amphibious vehicles, hydrofoil craft and hovercraft;

"worker" means a person employed under a contract of service or apprenticeship, whether such contract is expressed or implied, or oral or in writing, in any work involving the using or handling of or exposure to any controlled product.

Establishment of Board. [11 of 1986].

3. (1) There is hereby established for the purposes of this Act a Board to be known as the Pesticides and Toxic Chemicals Control Board.

(2) The Board shall consist of the following members:

(a) the Chief Medical Officer;

(b) the Chief Technical Officer, Ministry of Agriculture;

(c) the Chief Chemist and Director of Food and Drugs;

(d) the Director of the Bureau of Standards;

(e) the Industrial Inspection Supervisor;

(f) not more than five other persons whom the Minister may from time to time appoint as members, of whom—

(i) one shall be a representative of an organisation of workers;

(ii) one shall be a representative of an organisation of employers;

(iii) one shall be a person with specialised knowledge of occupational medicine or industrial hygiene; and

(iv) one shall be a person with specialised knowledge of a branch of agriculture involving the use or effects of pesticides.

(3) In respect of each member of the Board referred to in subsection (2) *(a)* to *(e)*, the Minister may appoint an officer from the respective Ministry or the Bureau of Standards, as the case may be, as an alternate member, who may act instead of the respective member at any meeting of the Board.

(4) The appointment under subsection (2)*(f)* or subsection (3) of any person as a member or alternate member of the Board, as the case may be, shall be for such period not exceeding three years as the Minister shall specify at the time of the appointment, but any such member or alternate member shall be eligible for reappointment.

(5) The Chief Medical Officer and the Chief Technical Officer, Ministry of Agriculture, shall be the Chairman and Deputy Chairman respectively, of the Board.

(6) The Chairman, or in his absence, the Deputy Chairman shall preside at meetings of the Board and where both the Chairman and Deputy Chairman are for any reason unable to preside over a meeting, the members present may appoint a member to preside over that meeting.

(7) The Chairman, or in his absence, the Deputy Chairman or where both the Chairman and the Deputy Chairman are absent, the member appointed under subsection (6) to preside over a meeting, and four other members shall form a quorum.

(8) The decisions of the Board shall be by a majority of votes of members present and in addition to an original vote, in any case in which the voting is equal, the Chairman or Deputy Chairman or the person appointed under subsection (6) to preside over a meeting, as the case may be, shall have a casting vote.

(9) The President may in his discretion direct that such remuneration as he may determine shall be paid to members of the Board.

(10) A member of the Board appointed under subsection (2)*(f)*, may resign his office at any time by giving notice to the Minister through the Chairman.

(11) The Board may regulate its own procedures.

Functions of the Board. [11 of 1986].

4. (1) The functions of the Board shall be—

(a) to determine all applications for registration, licences, research permits, and general research permits, within a reasonable time after the applications are received;

(b) to grant, or cancel registration, licences, or permits in circumstances where the Board deems it fit to do so;

(c) to advise the Minister on matters relevant to the making of regulations under this Act;

(d) to advise on and monitor the implentation of those regulations; and

(e) to furnish such returns as the Minister may from time to time require.

(2) A member of the Board who is a public officer shall have and may exercise in like manner all the powers conferred upon an inspector by this Act.

(3) In the performance of its functions under this Act, the Board shall be subject to such general or special directions as the Minister may give from time to time.

Appeals.

(4) There shall be an appeals tribunal (hereinafter referred to as "The Tribunal") the function of which shall be to hear and determine appeals from the decision of the Board.

(5) The Tribunal shall comprise—

(a) the Permanent Secretary of the Ministry responsible for the administration of matters relating to health;

(b) the Permanent Secretary of the Ministry responsible for the administration of matters relating to agriculture; and

(c) a person with specialised knowledge in pesticides and toxic chemicals or in occupational medicine or industrial hygiene, appointed by the Minister.

Prohibitions. [11 of 1986].

4A. (1) Subject to subsection (3) no person shall—

(a) manufacture, import, sell, use, store in marketable quantities or transport a controlled product unless the product is registered as prescribed;

(b) import a controlled product, unless the person is the holder of an import licence obtained in the manner prescribed;

(c) store a controlled product in marketable quantities, unless the premises in which the controlled product is stored, is registered as prescribed;

(d) manufacture, import, use, store in marketable quantities dispose of or transport a controlled product unless the person does so in the prescribed manner;

(e) carry on the business of a pest control operator without a licence obtained under this Act.

(2) A person is deemed to store a controlled product in marketable quantities when there are on premises occupied by him larger quantities of a controlled product than would reasonably be necessary for his domestic use.

(3) The provisions of subsections (1) and (2) above take effect either—

(a) one hundred and twenty days after the coming into force of this Act;

(b) where an application for registration or for a licence is made within one hundred and twenty days after the coming into force of this Act on the determination of the application by the Board.

Registrar of Pesticides and Toxic Chemicals. [11 of 1986].

5. (1) The Minister shall designate an officer in the Chemistry/Food and Drugs Division to be the Registrar of Pesticides and Toxic Chemicals.

(2) The Registrar shall be the Secretary of the Board.

(3) The Registrar shall—

(a) keep and maintain a Register of Licences, a Register of Pesticides and a Register of Toxic Chemicals;

(b) enter in the registers such information as may be prescribed by Regulations;

(c) give to the inspectors such information as may be necessary for carrying out the purposes of this Act; and

(d) perform such other duties as may be imposed upon him by this Act, or in so far as subsection (2) of this section applies, by the Board.

Designation of public officers as analysts, inspectors and medical examiners and appointment of other officers.

6. (1) The Minister may designate public officers to be—

(a) analysts and inspectors according to their qualification;

(b) medical examiners who shall be members of the Medical Board,

for the purposes of this Act, and shall furnish every such analyst, inspector and medical examiner with a certificate of his designation as such.

(2) There may be appointed in the manner authorised by law such number of other officers as may be necessary for the purposes of this Act.

(3) The officers appointed under subsection (2) shall be public officers.

Securing services of consultant.

7. The Minister may whenever he considers it necessary cause to be secured the services of a consultant who shall be a person possessing specialised knowledge as to the use and effects of controlled products or any class thereof for the purpose of advising the Minister or the Board in relation to any matter arising under this Act or the Regulations.

Powers and duties of inspectors. [11 of 1986].

8. (1) Subject to subsections (2) and (3), an inspector may for the purpose of exercising any of his powers under this Act or the Regulations enter at any reasonable time—

(a) any vehicle—

(i) in which an extermination is about to be, is being or has been carried out;

(ii) in which a controlled product is about to be, is being or has been transported; or

(iii) in which he has reasonable cause to believe a breach of this Act or the Regulations is about to be, is being or has been committed.

(b) any land or premises—

(i) on which a controlled product is being or has been, or is about to be used, manufactured, sold, packaged or stored;

(ii) which is being, or has been, or is about to be used for a purpose connected with the use, manufacture, sale, packaging, or storage of a controlled product;

(iii) on which things required by the Regulations to be provided or done have been provided or done; or

(iv) which he has reasonable cause to believe to be land or premises falling within subparagraph (i), (ii), or (iii).

(2) *(a)* Where an inspector has reasonable grounds to believe that an offence has been, is being, or is likely to be committed under this Act, he may before entering any vehicle, land or premises for the purpose of searching and confiscating any article therein, obtain a warrant issued by a Magistrate.

(b) Where premises or any part thereof, are used as a dwelling house the inspector shall obtain a warrant before entering those premises or as the case may be that part of the premises used as a dwelling house.

(c) Before an inspector enters any place or vehicle in circumstances where he has not obtained a warrant, he shall produce to the occupier or person in charge of the place or vehicle,

his certificate of designation, or some other duly authenticated document showing that he is an inspector.

(3) Where any item has been seized and detained for the purpose of an examination, and it is found that no offence has been committed under this Act, in relation to these goods, the goods shall be returned to the owner within a reasonable time thereafter.

(4) An inspector shall have power to do all or any of the following things for the purpose of the execution of this Act or the Regulations, that is to say:

(a) if he considers it necessary, take with him when entering any vehicle, land or premises mentioned in subsection (1), a police officer, a medical practitioner, a public health inspector and any person who possesses expert knowledge of the use or effects of controlled products or any class thereof;

(b) to require the production of, or to seize, inspect and examine, and to copy registers, records, or other documents kept for the purpose of, or require to be kept by the Regulations;

(c) to make such examinations, inspections, investigations and inquiries as may be necessary to ascertain whether this Act and the Regulations are being complied with;

(d) to require any person whom he finds in such vehicle or on such land or premises as are mentioned in subsection (1) to give such information as it is in his power to give as to who is the occupier thereof or the employer of workers employed to work thereon;

(e) to examine, either alone or in the presence of any other person as the inspector thinks fit, with respect to the observance of the provisions of this Act or the Regulations, any person whom he finds in such vehicle or on such land or premises as are mentioned in subsection (1), or whom he has reasonable cause to believe to be,

or to have been within the preceding two months, employed thereon, and to require any such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; so, however, that no person shall be required under this provision to answer any question or to give evidence tending to incriminate himself;

(f) to open and examine any package that on reasonable grounds he believes to contain any controlled product;

(g) to seize and detain for such time as may be necessary any article by means of which, or in relation to which he reasonably believes any provision of this Act or the Regulations has been contravened;

(h) to take, without payment, samples of any article where such article is being sold, used or transported or is in storage, and submit them to an analyst for analysis or examination; and

(i) to take, without payment, but with the approval of the Comptroller of Customs and Excise, samples of any article when imported into Trinidad and Tobago but not delivered to the importer out of the charge of Customs, and submit them to an analyst for analysis or examination.

Analysis.

9. (1) Where an inspector submits to an analyst any sample obtained in accordance with section 8(4)*(h)* and *(i)* the analyst shall make an analysis or examination and issue to the inspector a certificate or report setting forth the results of his analysis or examination.

(2) In this section and in section 18(1), a reference to an inspector shall be construed so as to include a reference to a member of the Board referred to in section 4(2) and to a medical examiner.

Powers of medical examiner.

10. (1) A medical examiner shall have and may exercise in like manner all the powers conferred upon an inspector by this Act.

(2) A medical examiner may, with the oral or written consent of any person who he reasonably believes has been harmed by any controlled product or is exposed to any risk or harm by any controlled product, carry out a medical examination of that person and take samples of blood, urine, or any biological material from that person.

(3) A medical examiner may request any medical practitioner to assist him in dealing with poisoning suspected to have been caused by a controlled product.

Detention and forfeiture of articles seized.

11. (1) Any article seized by an inspector under this Act may, at the option of the inspector be kept or stored in the building or place where it is seized or be removed to any proper place.

(2) Where an article is seized under this Act, the inspector shall give to the owner or the person in whose possession the article was at the time of the seizure, written notice of the grounds upon which the article was seized and, where appropriate, specify in such notice what might reasonably be done to comply with the provisions of this Act and the Regulations.

(3) Subject to subsection (4)—

(a) an inspector shall release any article seized by him under this Act when all the provisions of this Act and the Regulations with respect thereto have been complied with;

(b) where an inspector seizes an article under this Act and the owner thereof or the person in whose possession the article was at the time of the seizure consents in writing to the destruction thereof the article shall thereupon be forfeited to the State and may be destroyed or otherwise disposed of as the Minister may direct on the advice of the Board or as prescribed by the Regulations.

(4) Where proceedings have been instituted in respect of a contravention of this Act or the Regulations the article seized shall not be released or destroyed before the proceedings are finally concluded.

Regulations. [6 of 1993].

12. (1) The Minister may make Regulations for carrying into effect the provisions of this Act and, in particular, may make Regulations—

(a) prohibiting the manufacture, importation, sale, advertisement and use of any controlled product or any class of controlled products;

(b) for controlling the manufacture, importation, method of packaging, labelling, transportation, advertisement, sale, and use of any controlled product or any class of controlled products;

(c) for controlling the use of pesticides in agriculture generally, or in particular crops or pests, and for controlling the use of toxic chemicals in agriculture, the arts, commerce, industry, or for any domestic or other purposes;

(d) for controlling the use of pesticides on produce during its storage or transportation;

(e) for controlling the conditions under which controlled products are stored;

(f) for protecting workers against the risk of poisoning by controlled products when working in connection with the use of controlled products or when working on land or in any premises on or in which controlled products have been, or are being used, stored or manufactured;

(g) for protecting the interest of owners, occupiers, or users of land or premises adjacent to land or premises on or in which controlled products are used, stored, or manufactured;

(h) prescribing the maximum permissible levels of any controlled product in any particular kind of produce at the time of marketing or sale, which in the case of food, shall not be inconsistent with any provision of the Food and Drugs Act or any Regulations made thereunder;

Ch. 30:01.

(i) respecting the quantities of controlled products which may be imported or manufactured, the types of packages in which controlled products

may be imported, transported or sold, and as to the disposal of such packages after use, and as to the disposal of unwanted stocks of controlled products and of waste materials containing controlled products;

(j) requiring the keeping of records by specified persons, the inspection of records, and the furnishing of returns by specified persons of the sales, stocks, and use or disposal of controlled products and other relevant information;

(k) imposing restrictions on specified persons or conditions as to the purpose for which, the circumstances in which, or the methods by means of which any controlled product or any class of controlled products may be used, including restrictions or conditions involving a prohibition of the use thereof in particular circumstances;

(l) prescribing the procedure for granting licences to operate as pest control operators and imposing restrictions and obligations on pest control operators and their employees;

(m) imposing obligations on employers of workers employed to work as described in paragraph *(f)*, and on such workers themselves and on other persons using or causing to be used any controlled product;

(n) requiring the provision by employers, manufacturers, or workers, and the keeping in good order, and the production when required by an inspector, of protective clothing and equipment, of facilities for washing and cleaning, and of other things needed for protecting persons, clothing, equipment and appliances from contamination by controlled products, or for removing sources of contamination therefrom;

(o) requiring the observance of precautions against poisoning by controlled products, including the use of things provided in accordance with the

regulations, and the abstention from eating and drinking, and the use of tobacco in circumstances involving the risk of poisoning;

(p) for securing intervals between or limitations of periods of exposure of workers to controlled products to minimise risks of poisoning;

(q) requiring the observance of special precautions in the case of persons who by reason of their state of health, age, or other circumstances are subject to particular risks of poisoning by controlled products, or imposing in the case of persons so subject prohibitions whether temporary or permanent, or restrictions on employment for working as described in paragraph *(f)*;

(r) prescribing measures for investigating or detecting cases in which poisoning by controlled products has occurred or may reasonably be thought to have occurred, including the collection of samples, the making of analyses, and the carrying out of medical examinations, and of blood tests;

(s) requiring the provision and keeping in good order and use of facilities for preventative and first aid treatment for poisoning by controlled products;

(t) requiring the provision of, and submission to instruction and training in the use of things provided in pursuance of the Regulations and in the observance of precautions;

(u) prescribing standards not inconsistent with any compulsory standard declared under the Standards Act for the composition, or any other property or method of analysis or test of controlled products, and setting limits as to the amount of controlled products that may be present in the air of premises where controlled products are used, manufactured, or stored, or in water or in waste material coming from such premises;

Ch. 82:03.

(v) prescribing the manner and content of any advertisement of a controlled product;

(w) prescribing the procedure for seeking registration of any controlled product, and the granting of licences by the Board for the importation or manufacture of any controlled product;

(x) regarding the powers and duties of analysts, inspectors and medical examiners and the sampling, seizure, detention and confiscation of articles and the disposal of articles that have been seized or confiscated;

(y) requiring the keeping by employers of records of the exposure of workers to controlled products and the keeping of records of medical examinations of workers handling or exposed to controlled products and providing for the availability of such records to workers whether or not still employed by the employer;

(z) requiring employers and medical practitioners to report to the Board cases of death, poisoning, injury, incapacity or illness caused by any controlled product;

(aa) requiring employers to warn workers orally and by printed notices of the hazards involved in handling controlled products and of the precautions to be taken;

(bb) prescribing forms for the purposes of this Act and the Regulations;

(cc) prescribing the fees to be paid on application for the grant or renewal of a licence or for the registration of a controlled product and for analytical or such other services in relation to pesticides and toxic chemicals;

(dd) prescribing anything authorised or required to be prescribed under this Act.

(2) Regulations made under this section may—

(a) where they relate to the control of the manufacturing, importation, packaging, labelling, transportation, advertisement, sale and use of any controlled product or any class of controlled

product, provide for the establishment of licensing procedure;

(b) make different provisions to meet different circumstances, and in particular differences in composition, method of manufacture or use of controlled products dealt with and their poisonous effects under different conditions and on different classes of persons; and

(c) provide for the exemption of persons or institutions concerned with scientific education or research in the field of pesticides and toxic chemicals, from the operation of all or any of the regulation where the controlled product is required for the purpose of education or research.

(3) Regulations made under this section shall be subject to negative resolution of Parliament.

(4) Except as provided in section 13, a person who contravenes the provisions of the regulations is guilty of an offence and is liable on summary conviction to a fine of two hundred and fifty dollars and, if the offence in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable in respect thereof to a fine of twenty-five dollars for each day on which the offence is so continued.

Offences and penalties. [11 of 1986].

13. (1) A person is guilty of an offence who—

(a) contravenes the provisions of this Act;

(b) breaches any conditions subject to which a controlled product is registered or a licence was granted to him under the Regulations;

(c) assaults, resists, intimidates or obstructs an inspector in the execution of his duties under this Act or the Regulations;

(d) by any gratuity, bribe, promise or other inducement prevents or attempts to prevent an inspector from carrying out his duties under this Act or the Regulations;

(e) fails to comply with any requirement imposed by an inspector under section 8;

(f) conceals or prevents any person from appearing before or being examined by an inspector under section 8;

(g) knowingly or recklessly makes any false or misleading statement either orally or in writing to any inspector engaged in exercising his powers under this Act or the Regulations;

(h) fails to keep any record which he is required to keep by the Regulations;

(i) wilfully makes a false entry in a register, record, return, or other document kept or furnished in pursuance of the Regulations, or wilfully makes use of such false entry; or

(j) removes, alters or interferes in any way with any article seized under this Act without the authority of the inspector.

(2) In subsection (1), a reference to an inspector shall be construed so as to include a reference to a member of the Board referred to in section 4(2) and to a medical examiner.

(3) A person guilty of an offence under this section is liable—

(a) on summary conviction for a first offence to a fine of five hundred dollars or to imprisonment for six months or to both such fine and imprisonment, and for a subsequent offence to a fine of one thousand dollars or to imprisonment for twelve months or to both such fine and imprisonment;

(b) on conviction upon indictment to a fine of five thousand dollars or to imprisonment for three years, or to both such fine and imprisonment.

(4) A person convicted of an offence under this section may, in addition to any other penalty imposed, be disqualified for such period as the Court or Magistrate thinks fit, from obtaining a licence in respect of any activity relating to controlled products.

(5) No proceedings by way of indictment for an offence against this Act shall be commenced without the written consent of the Director of Public Prosecutions.

Offence by corporation.

14. Where an offence against this Act is committed by a body corporate, any person who at the time of the commission of the offence was a director, manager, secretary or other officer thereof, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the contravention took place without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Jurisdiction. [11 of 1986].

15. (1) A prosecution under this Act may be instituted, heard, tried, or determined in the Court in the district in which the offence was committed or in any place where the accused was apprehended.

(2) Where a person is found guilty of an offence against this Act the Court or Magistrate may, before proceeding to conviction, adjourn the proceedings to afford that person an opportunity to modify any article by means of or in relation to which the offence was committed, within such time as the Court or Magistrate may specify, to bring it into conformity with this Act and the Regulations.

(3) Where a person is convicted of an offence against this Act the Court or Magistrate may order that any article by means of or in relation to which the offence was committed or any article of a similar nature belonging to or in the possession of the defendant or found with such article, which the Court or Magistrate reasonably believes to be in contravention of this Act or the Regulations, be forfeited and upon such order being made, such article shall be forfeited to the State and may be destroyed or otherwise disposed of as the Minister may direct on the advice of the Board or as prescribed by Regulations.

Inspector may prosecute.

16. An inspector may prosecute and conduct before a Court of summary jurisdiction any information, complaint or other proceeding for an offence against this Act.

Time limit on prosecution.

17. A prosecution for a contravention of this Act or the Regulations may be instituted at any time within twelve months from the time when the subject matter of the prosecution arose.

Evidence and sufficiency of proof.

18. (1) Subject to this section—

(a) a certificate of an analyst stating that he has analysed or examined an article or a sample submitted to him by an inspector and stating the results thereof; and/or

(b) a certificate or report of a medical examiner,

shall be admissible evidence in a prosecution for a contravention of this Act or the Regulations and shall be *prima facie* of the statements contained in the certificate.

(2) No certificate shall be received in evidence under subsection (1) unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced fourteen days' notice of such intention and a copy of the certificate.

(3) The party against whom a certificate of an analyst is produced under subsection (1), may, with leave of the Court or Magistrate, require the attendance of the analyst for the purpose of cross-examination.

(4) The Court or Magistrate may, where a request is made by a party to the proceedings, cause the part of any sample retained as prescribed by the Regulations for future comparison to be analysed or examined by an analyst, other than the analyst whose certificate is then before the Court or Magistrate.

Financial provisions.

19. (1) The expenses incurred in carrying this Act, into operation shall be paid out of funds provided by Parliament for the purpose.

(2) Any sums received under or by virtue of this Act by the Comptroller of Accounts shall be paid into the general revenue and shall form part of the Consolidated Fund.

Application to the State.

20. This Act binds the State.

SUBSIDIARY LEGISLATION

PESTICIDES (REGISTRATION AND IMPORT LICENSING) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

[Subsidiary]

225/1987.
[6 of 1993].

PESTICIDES (REGISTRATION AND IMPORT LICENSING) REGULATIONS

made under section 12

Citation.

1. These Regulations may be cited as the Pesticides (Registration and Import Licensing) Regulations.

Definitions.

2. In these Regulations—

"accompanying instructions" means any document containing instructions for use, disposal or storage, that is supplied with a package of a pesticide;

"Act" means the Pesticides and Toxic Chemicals Act;

"active ingredient" means any substance in a pesticide claimed to act on a pest;

"appeal" means an appeal to the Minister pursuant to regulation 23;

"Board" means the Pesticides and Toxic Chemicals Control Board established under section 3 of the Act;

"common name" in relation to an active ingredient means the name assigned to such an ingredient by the International Organisation for Standardisation (ISO) or the British Standards Institution (BSI) or assigned by the Board, or, if no name has been so assigned, the chemical name of the active ingredient;

"established pesticide" means a pesticide that was imported, manufactured, sold or used in Trinidad and Tobago before the coming into force of the Act;

"general research permit" means a permit issued by the Board under regulation 14;

"pest" has the meaning assigned to it under the Act, but does not include endoparasites of animals;

"physical form" in relation to a pesticide means the form of the pesticide such as emulsifiable concentrate, wettable powder, granule or any other form;

"research permit" means a permit issued by the Board under regulation 13.

APPLICATION FOR REGISTRATION OF A PESTICIDE

Application for registration of a pesticide.

3. An application for the registration of a pesticide shall be addressed to the Board and submitted in duplicate to the Registrar by the manufacturer or his agent.

Form of application. [6 of 1993].

4. (1) The following particulars shall be submitted with an application:

(a) the existing or proposed trade name of the pesticide;

(b) the common names and chemical names of the active ingredients present in the pesticide and the percentage of each;

(c) the chemical name, type and percentage of any other ingredients present in the pesticide;

(d) the names and addresses of the manufacturer, the agent and the importer;

(e) information on the stability in storage of the pesticide;

(f) the recommended conditions of storage and form of package;

(g) information on the oral, dermal and inhalation toxicity of the pesticide and any active ingredient present therein;

(h) information on hazards to persons using or handling the pesticide, and precautions, equipment, protective clothing and facilities recommended to prevent the exposure of those persons to those hazards and information on measures to guard against flammable pesticides;

(i) information on the proposed uses of the pesticide, the pests that may be controlled by it, and the recommended method of use, for example, the number of times, the period over which, the quantity in which the pesticide may be applied;

(j) information on the efficacy of the pesticide, when it is used as recommended, in climatic conditions similar to that of Trinidad and Tobago;

(k) a statement indicating the physical form of the pesticide and information relative to each physical form;

(l) full details of first aid and medical treatment which may be effectively used in cases of suspected poisoning by the pesticide;

(m) a copy or a draft of the labels and any accompanying instructions which are to be used in connection with the pesticide;

(n) recommended methods of analysis for the pesticide and for any residues thereof in or on crops or animals, or both, and data regarding the persistence of such residues;

(o) evidence to show that residues of the pesticide, when used on food crops or animals, or on crops which may be used as food for animals in accordance with the information given under paragraph *(i)*, would not exceed the levels recognised as safe by International Organisations if the crop or animal is used as food;

(p) information on hazards which the pesticide may pose to domestic animals, bees, fishes, birds and other wildlife and adverse effects on soil, air and water;

(q) such samples of the pesticide, its active ingredients, packages and recommended reagents for analysis as may be specified by the Board from time to time;

(r) information on methods of safe disposal of waste pesticide and any containers in which the pesticide was stored;

(s) information on the decontamination of spillages;

(t) a certified copy of the certificate of registration or any similar document issued in the country of origin of the pesticide by a competent authority acceptable to the Board, and certified copies of the labels and accompanying instructions used in that country together with certified English translations thereof, where necessary, and if the pesticide is not sold in that country, the reason for it not being sold there shall be stated; and

(u) such other particulars as the Board may require.

(2) An application fee of seven hundred and fifty dollars for the registration of a pesticide shall be paid to the Comptroller of Accounts or to any Revenue Office and the receipt shall be submitted with the application.

(3) Every application shall be treated as confidential by the Board and shall be considered by the Board within one hundred and twenty (120) days of its receipt by the Registrar.

(4) Where an applicant supplies a certified copy of a certificate of registration or any similar document issued by a competent authority in a Commonwealth Caribbean country, the Board may if the application is accompanied by a copy of the conditions imposed on the sale or use of the pesticide in that country dispense with any or all the particulars required to be submitted under subregulation (1).

(5) Where an application is not accompanied by all the particulars required to be submitted by this regulation, the Board may give the applicant such time as it considers necessary to satisfy the requirements of this regulation.

PUBLICATION OF NOTICE OF APPLICATION

Board to give notice of application for registration of a pesticide.

5. On receipt of an application for the registration of a pesticide a notice thereof containing the common name, active ingredients and intended use of the pesticide shall be published by the Board in at least one daily newspaper circulating in Trinidad and Tobago for the purpose of inviting public comments on the application.

RIGHTS OF GROUNDS OF OBJECTION TO REGISTRATION

Right of objection to registration.

6. (1) Any person in Trinidad and Tobago may object to the registration of a pesticide on any ground mentioned in regulation 8*(*1*)(d)*, *(e)* or *(f)*.

(2) All objections to the registration of a pesticide, shall be lodged in writing with the Registrar within twenty-one (21) days of the publication of the notice referred to in regulation 5 and shall be considered by the Board when dealing with the application for registration of the pesticide.

REGISTRATION OF A PESTICIDE

Registration.

7. (1) The Board shall, before granting approval for the registration of a pesticide, consider all objections and information made available to it and, where the Board is satisfied that the use of the pesticide is justified, approval shall be granted.

(2) Where the Board grants approval for the registration of a pesticide, the Registrar shall assign a registration number for use in connection with the pesticide and shall cause the pesticide to be registered in the Register of Pesticides.

(3) Where a pesticide is registered under subregulation (2) the Registrar shall issue to the applicant a certificate of registration of the pesticide.

(4) The registration of a pesticide shall be subject to such conditions as the Board considers necessary for the protection of human, animal and plant life and any other conditions the Board may consider appropriate.

(5) Where a formulation containing paraquat as an active ingredient is the subject of an application for registration, the Board shall not approve of registration unless there is evidence that the formulation has been stenched.

(6) The certificate shall be in such a form as the Board may from time to time approve.

(7) A duly authenticated certificate of the Board is conclusive evidence of registration of a pesticide.

REFUSAL TO GRANT APPROVAL FOR REGISTRATION

Refusal to grant registration.

8. (1) The Board may refuse to grant approval for the registration of a pesticide where in its opinion—

(a) the application is not accompanied by all the particulars or samples required to be submitted under regulation 4;

(b) the application contains information that is misleading, false, deceptive or likely to deceive or create an erroneous impression on the Board;

(c) the person applying for the registration has failed to comply with the conditions subject to which any pesticide is registered;

(d) the pesticide is not shown to be safe or efficacious when used as recommended;

(e) the use of the pesticide is likely to constitute a hazard to public health, domestic animals, bees, fishes, birds or other wildlife or produce adverse effects to soil, air and water; or

(f) the pesticide, or any residue thereof, is so persistent that it may result in a long-lasting pollution of the water or land on which it is used.

(2) Where the Board decides not to grant approval for the registration of a pesticide it shall as soon as practicable thereafter notify the applicant of its decision and the reasons therefor.

Pesticide to be kept in safe place.

9. (1) Where the Board refuses to grant approval for the registration of a pesticide or where it cancels the registration of a pesticide; the applicant or the person to whom the certificate of registration was issued, as the case may be, shall whether he has appealed or not against the decision of the Board, collect all packages of the pesticide whether on sale or in storage into such a place as the Board may direct, and shall keep it there until the Board decides the manner of its disposal.

(2) Where the Board cancels the registration of a pesticide the Board shall by Notice published in the *Gazette* and at least one daily newspaper, inform the public of the cancellation of registration.

CERTIFICATE OF REGISTRATION

Contents of certificate of registration.

10. A certificate of registration shall be signed by the Registrar or the Chairman of the Board and shall state—

(a) the trade name of the pesticide and the physical form in which it may be manufactured, imported, stored, sold or used;

(b) the common name of the active ingredients present in the pesticide and the percentage of each;

(c) the registration number;

(d) the conditions subject to which the registration is granted; and the hazard class of the formulation;

(e) any other information which the Board considers necessary.

Validity of registration.

11. The registration of a pesticide shall remain valid notwithstanding a change in any or all of the following:

(a) the trade name of the pesticide;

(b) the names and addresses of the manufacturer and his agent, if the change is notified to the Registrar within one month thereof; and

(c) a defect in the certificate other than a defect in the signature on the certificate.

AMENDMENT OF CONDITIONS OF REGISTRATION AND CANCELLATION OF REGISTRATION

Power of Board to amend conditions or cancel registration.

12. (1) Where the Board is satisfied that—

(a) the use of a pesticide is likely to endanger public health or to be dangerous to domestic animals, fishes, birds, bees, or wildlife or produce adverse effects to soil, air and water;

(b) information which was misleading, false, deceptive or likely to deceive or create an erroneous impression on the Board was submitted in support of an application for registration and on the basis of which the pesticide was registered; or

(c) the pesticide is significantly less efficacious than was made to appear in the application,

it may amend the conditions subject to which the pesticide was registered or cancel the registration and the certificate of registration.

(2) Where there has been a breach of any condition subject to which a pesticide was registered, the Board may cancel the registration and the certificate of registration.

(3) Where the Board amends the conditions subject to which a pesticide was registered or it cancels the registration of a pesticide, it shall as soon as practicable thereafter notify in writing the person to whom the certificate of registration was issued and the notice shall state the reasons for amending the conditions or cancelling the registration, as the case may be.

(4) Upon receipt of the notice referred to in subregulation (3) the person to whom the certificate of registration was issued, shall within thirty (30) days return the certificate to the Board for amendment or cancellation, as the case may be.

RESEARCH PERMIT AND GENERAL RESEARCH PERMIT

Research permit.

13. (1) The Board may grant a research permit to any competent person authorising him to manufacture, import, use, store and transport a registered pesticide in a manner not provided for in the certificate of registration, or an unregistered pesticide, solely for research purposes.

(2) An application for a research permit and general research permit shall be addressed to the Board and submitted through the Registrar.

(3) A research permit shall be subject to such conditions as the Board considers necessary for the protection of public health, domestic animals, bees, fishes, birds other wildlife and the environment and shall, subject to subregulation (4) be valid for such period as the Board shall specify therein.

(4) A research permit may—

(a) be renewed from time of time subject to any conditions the Board considers necessary to impose; and

(b) be amended or cancelled at any time.

(5) The Board may, before granting a research permit under subregulation (1) request—

(a) satisfactory evidence of the competence of the person proposing to do the research;

(b) satisfactory evidence of the research facilities available to him;

(c) a written report on the research when completed;

(d) information regarding the uses to which the pesticide may be put; and

(e) any other information it considers necessary.

General research permit.

14. (1) The Board may grant a general research permit to a government department, or to any other department, institution or organisation authorising it to manufacture, import, use, store or transport a registered pesticide in a manner not provided for in the certificate of registration, or an unregistered pesticide, solely for research purposes, if it is satisfied that the government department or that other department, institution or organisation is capable of—

(a) observing the conditions subject to which the general research permit may be issued; and

(b) controlling the use, storage and disposal of the pesticide.

(2) The provisions of subregulations (3) and (4) of regulation 13 apply to general research permit issued under subregulation (1).

Discretion of Board to refuse to issue permit.

15. The Board may—

(a) refuse to issue a research permit to any person or a general research permit to a government department, or any other department, institution or organisation on the grounds of non-compliance with any condition of a research permit or a general research permit, which was previously issued to that person, government department, or other department, institution or organisation;

(b) cancel or amend a research permit or a general permit if it is satisfied that any information given to the Board was misleading, false, deceptive or likely to create an erroneous impression on the Board;

(c) refuse to issue a research permit or general research permit, if, in its opinion the use of the pesticide is likely to constitute a hazard to public health, domestic animals, bees, fishes, birds and other wildlife, and to produce adverse effects to soil, air and water.

APPLICATION FOR LICENCE TO IMPORT A PESTICIDE

Application for licence or renewal of licence to import a pesticide. [6 of 1993].

16. (1) An application for the grant or renewal of a licence to import a pesticide shall be addressed to the Board and submitted in duplicate to the Registrar by the applicant.

(2) The application shall contain the following particulars:

(a) the name, place of business and the nature of business of the applicant;

(b) the name and address of the manufacturer;

(c) the trade name and registration number of the pesticide; and

(d) such other particulars as the Board may require.

(3) An application fee of one hundred and fifty dollars for the grant or renewal of the licence shall be paid to the Comptroller of Accounts or any other Revenue Office and the receipt shall be submitted with the application.

GRANT OF LICENCE TO IMPORT A PESTICIDE

Grant of licence or renewal of licence to import a pesticide.

17. (1) The Board may grant a licence to import a pesticide on such conditions as it considers necessary.

(2) A licence shall be signed by the Registrar or the Chairman of the Board and shall state—

(a) the trade name of the pesticide and the physical form in which it may be imported, stored, sold or used;

(b) the registration number of the pesticide;

(c) the conditions subject to which the licence is granted; and

(d) such other requirements and information as the Board considers necessary.

(3) A licence shall, subject to regulation 20, be valid for a period of three years or for such lesser period as the Board may decide, but may be renewed from time to time on such conditions as the Board considers necessary.

(4) Where the Board grants a licence the Registrar shall enter particulars of the licence in the Register of Licences.

Form of licence.

18. A licence to import a pesticide shall be in such form as the Board may from time to time approve.

Refusal to grant licence.

19. Where the Board decides not to grant or renew a licence to import a pesticide, it shall as soon as practicable thereafter, inform the applicant of its decision and the reasons therefor.

VALIDITY OF LICENCE TO IMPORT A PESTICIDE

Validity of licence.

20. A licence to import a pesticide shall remain valid notwithstanding a change in any or all of the following:

(a) the trade name of the pesticide; and

(b) the name and address of the importer or the manufacturer,

if the change is notified to the Registrar within one month thereof.

KEEPING OF RECORDS

Holder of licence to keep records.

21. The holder of a licence to import a pesticide shall keep records showing—

(a) the quantitiy of the pesticides he has imported and the registration number of the pesticide;

(b) the date of importation of the pesticide;

(c) the name and address of the manufacturer of the pesticide; and

(d) such other information as the Board may require.

CANCELLATION OF LICENCE TO IMPORT A PESTICIDE

Cancellation of licence.

22. (1) Subject to subregulation (2), the Board may cancel a licence to import a pesticide—

(a) upon breach of a condition subject to which the licence was granted;

(b) where the holder of the licence contravenes any provision of the Act or the Regulations;

(c) where the registration of the pesticides has been cancelled;

(d) where the Board is satisfied that information which was misleading, false or deceptive or likely to deceive or create an erroneous impression on the Board was submitted in support of the licence and on the basis of which the licence was granted or renewed;

(e) upon failure of importer to keep up-to-date import records in accordance with regulation 21;

(f) for any other reason where the Board thinks it proper to do so.

(2) Where the Board cancels a licence, it shall as soon as practicable thereafter notify in writing the person to whom the licence was granted and such notice shall state the reason for the cancellation.

Appeals.

23. (1) Any person who is aggrieved by a decision of the Board may at any time within sixty (60) days of the decision, by notice in writing appeal to the Minister against such decision.

(2) A notice under subregulation (1) shall state the grounds on which the appeal is based and shall be filed with the Registrar.

(3) Within twenty-one (21) days of the receipt of the notice the Board shall send to the Minister the notice of appeal, the reasons for its decision and any other documents that the Minister may require.

Minister to consult.

24. (1) In reviewing a decision of the Board the Minister may consult with any person he considers competent for the purpose.

(2) The Board shall regulate the procedure on appeal.

Mode of disposing of appeal.

25. (1) The Minister may dispose of an appeal either by confirming or reversing the decision of the Board and by giving such directions as may be necessary for giving effect to his decision.

(2) The decision of the Minister shall be final and shall not be questioned in any Court of law, except that, on a point of law, a further appeal may lie therefrom to a Judge in Chambers within twenty-eight (28) days of the decision of the Minister.

(3) Where the Board refuses to grant approval for the registration of a pesticide or to grant a licence or the Minister confirms such a decision of the Board the appellant is not precluded from making a new application in respect of the same pesticide, except that the Board may refuse to consider any such application within two years of the date of its decision or within two years of the date of confirmation by the Minister of such decision, whichever date is the later.

PUBLICATION

Publications by the Board.

26. (1) The Board shall publish from time to time in the *Gazette*—

(a) lists of all pesticides currently registered and the conditions subject to which they are registered;

(b) the names and addresses of persons to whom licences have been granted and of persons whose licences have been cancelled; and

(c) such other information as it considers necessary.

(2) The Board may publish for the use of hospitals, medical practitioners, veterinarians and others, any information contained in an application for registration of a pesticide, relating to first aid and medical treatment of poisioning caused by the pesticide, and the Board may provide for the information of inspectors or persons applying for the registration of pesticides or the grant of licences or permits, copies of any guidelines it may have prepared on the conditions to be included in certificates of registration or licences.

PESTICIDES (IMPORTATION) REGULATIONS

ARRANGEMENT OF REGULATIONS

PESTICIDES (IMPORTATION) REGULATIONS

226/1987.

made under section 12

Citation.

1. These Regulations may be cited as the Pesticides (Importation) Regulations.

Interpretation.

2. In these Regulations—

"dry bulk container" means a freight container for the carriage of solids in bulk without packaging;

"freight container" includes a tank container but does not include a vehicle;

"hazard class" means the class assigned to a pesticide formulation by the Trinidad and Tobago Bureau of Standards or by the Pesticides and Toxic Chemicals Control Board after consultation with the said Bureau;

"package" means an article in which a pesticide is placed for storage, transport, or sale by wholesale or retail and includes a bag, barrel, bottle, box, can, case, carton, crate, cylinder, drum, flagon, flask, jerrican, net, pail, sack, or tank and packaging has the corresponding meaning;

"placard" means a label bearing a warning mark that is not less than 250 millimetres long and 250 millimetres wide;

"shipping carton" means a package in which several retail packages containing pesticides are placed, and used for storage, transport, or display in retail trade;

"warning mark" means a mark or symbol placed on a dry bulk container, package or carton to indicate that the contents are hazardous or need special precautions in handling.

Freight containers.

3. (1) A person who imports pesticides into Trinidad and Tobago by a freight container shall do so only by means of a freight container that is designed, constructed, tested, and used in accordance with—

(a) International Standards;

(b) rules of the International Maritime Organisation;

(c) rules of the International Civil Aviation Organisation;

(d) regulations or standards of the country of origin; or

(e) relevant standards of the Trinidad and Tobago Bureau of Standards.

(2) The importer of a pesticide under this regulation shall as soon as he knows that the pesticide is ready for removal from the freight container give due notice to the Inspector, who shall as soon as possible thereafter examine the said container to determine whether it is contaminated.

(3) Where a freight container is found to be contaminated with a pesticide it shall be cleaned and decontaminated by the agent or importer to the satisfaction of the inspector who upon being satisfied that the container has been decontaminated shall issue to the importer or his agent a certificate of decontamination in the manner detailed in the Schedule.

Schedule.

(4) A person who does not comply with the requirements of subregulation (1) shall not be allowed to remove the pesticide from the container.

Documents necessary.

4. (1) Shipments of pesticides imported into or exported from Trinidad and Tobago shall be accompanied by documents printed in the English language clearly stating—

(a) the common name of the active ingredient of the pesticide;

(b) the percentage of the active ingredient;

(c) the hazard class of the pesticide formulation;

(d) any other hazard associated with the cargo; and

(e) remedial action to be taken in case of emergency.

(2) The documents referred to in subregulation (1) shall be delivered by the importer to the Port Authority or Airports Authority through which the cargo or shipment of pesticide passes at least forty-eight hours before its arrival or export, so that the relevant Authority may ensure that safe and appropriate methods of handling, transport and storage are being used.

Warning marks.

5. (1) Every freight container used for the transportation or storage of a pesticide shall be clearly marked with the warning marks in accordance with subregulation (2) and including marks indicating whether the pesticide is a toxic hazard.

(2) The warning marks used shall be in accordance with—

(a) recommendations on the Transport of Dangerous Goods published by the United Nations;

(b) rules of the International Maritime Organisation for shipments by sea;

(c) rules of the International Civil Aviation Organisation for shipments by air;

(d) Appendix B of the Trinidad and Tobago Standard TTS 21 10 500 Part 8; or

(e) regulations or standards in foreign countries recognised as equivalent to or more stringent than the above,

and shall comply with such other written laws relating to transportation of dangerous materials.

Construction of packages.

6. Packages which are used for the import, export, transport, storage or sale of pesticides shall be designed, constructed, tested and used in accordance with—

(a) recommendations on the Transport of Dangerous Goods published by the United Nations; or

(b) International Standards; or

(c) rules of the International Maritime Organisation; or

(d) rules of the International Civil Aviation Organisation; or

(e) Trinidad and Tobago Standards; or

(f) regulations or standards in foreign countries recognised as equivalent to or more stringent than the above.

Labelling and marking of packages.

7. (1) Packages other than shipping cartons and retail packages which contain a pesticide shall be labelled with—

(a) the common name in English of the active ingredient of the pesticide;

(b) the percentage of the active ingredient in the pesticide;

(c) the appropriate warning marks in accordance with regulation 5(2);

(d) a statement that the package should not be stored or transported in close proximity to food, feeds, or any substance intended for consumption by humans or animals.

(2) Shipping cartons and retail packages containing prepackaged pesticides for retail sale shall be labelled with—

(a) the common name in English of the active ingredient of the pesticide;

(b) the percentage of the active ingredient in the pesticide;

(c) the hazard class of the pesticide or of the pesticide formulation;

(d) the appropriate warning marks in accordance with regulation 5(2);

(e) a statement that the carton should not be stored or transported in close proximity to food, feeds or any substance intended for consumption by humans or animals; and

(f) instructions for proper storage.

SCHEDULE

[Regulation 3(4)].

FORM OF CERTIFICATE OF DECONTAMINATION OF FREIGHT CONTAINER

I certify that, after inspection on ..... (date) the freight container bearing the identification marks:

(owner code) .....

(serial number) .....

(country code) .....

(other marks) .....

which had been contaminated ..... has been decontaminated to my satisfaction.

(Signature)

Inspected under the Pesticides and Toxic Chemicals Act.

PESTICIDES (LICENSING OF PREMISES) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

PART III

PREMISES FOR SALE OF PESTICIDES IN CLASSES 1A, 1B

[Subsidiary]

227/1987.
[6 of 1993].

PESTICIDES (LICENSING OF PREMISES) REGULATIONS

made under section 12

Citation.

1. These Regulations may be cited as the Pesticides (Licensing of Premises) Regulations.

Interpretation.

2. In these Regulations—

"Act" means the Pesticides and Toxic Chemicals Act;

"Board" means the Pesticides and Toxic Chemicals Control Board established under section 3 of the Act;

"licence" means a licence issued by the Board under regulation 7;

"premises" includes any building, temporary building or any stationary vehicle or other places open to the public in which pesticides are offered for sale by retail or wholesale, or are packaged, stored or manufactured;

"Registrar" means a person designated to be the Registrar of Pesticides and Toxic Chemicals under the Act;

a reference to a class of pesticides is a reference to the classification of the pesticide.

PART I

LICENSING

Licensing of premises.

3. No person may—

(a) sell by wholesale or retail;

(b) store, package or manufacture a pesticide,

except in premises licensed by the Board for the sale, storage, packaging or manufacturing of pesticides.

Application for licence.
[6 of 1993].

4. (1) Subject to regulation 8, the owner or occupier of any premises who desires to sell, store, package or manufacture a pesticide or a class of pesticides on those premises shall before doing so apply to the Registrar for a licence in respect of those premises in the manner prescribed in Form A of the Schedule hereto.

Schedule.

(2) An application to which subregulation (1) relates shall be accompanied by a receipt for a fee of four hundred dollars and such fee shall be payable to the Comptroller of Accounts or any District Revenue Office.

Application period.

5. The owner or occupier of premises used for the sale, storage, packaging or manufacturing of pesticides before the commencement of these Regulations may apply within one hundred and twenty days to the Registrar for a licence in the manner prescribed.

Inspection of premises.

6. (1) Where an application for a licence has been made the Registrar shall arrange for an inspection of the premises by an Inspector, an analyst, a medical examiner, or a member of the Board who shall prepare a report to be submitted to the Board as early as possible.

(2) Upon consideraton of a report submitted under subregulation (1) if in the opinion of the Board, the premises, facilities or staffing need to be altered to comply with the requirements of these Regulations, the Registrar shall issue a notice to the owner or occupier specifying the alterations to be made, and shall withhold the issue of any licence until the alterations are satisfactorily completed.

Grant of licence.

7. Where the Board is satisfied that in relation to an application before it, requirements of these regulations have been complied with the Board shall approve the grant of the licence on such terms and conditions as it sees fit and the Registrar shall issue the licence in the form set out in Form B of the Schedule.

Licence in respect of classes of pesticides.

8. (1) Premises licensed for the sale, storage, manufacture or packaging of—

(a) pesticides in Classes 1A and 1B are deemed to be licensed for the sale of pesticides in Classes II and III and unclassified pesticides;

(b) pesticides in Class II are deemed to be licensed for the sale of pesticides in Class III and unclassified pesticides, but not for the sale of pesticides in Classes 1A and 1B;

(c) pesticides in Class III are deemed to be licensed for the sale of unclassified pesticides but not for the sale of pesticides generally;

(d) unclassified pesticides are not to be deemed licensed for the sale of pesticides in Class 1A, 1B, II or III.

(2) Notwithstanding subregulation (1) the Board may issue a licence for particular premises allowing the sale of specified classes of pesticides or specified pesticides on those premises.

Display of licence.

9. Where a licence has been issued relating to any premises, the owner or occupier selling pesticides shall display—

(a) on the outside of the premises a notice in the form and manner as prescribed in Form C of the First Schedule hereto;

(b) inside the premises the licence, in the form and manner prescribed in Form B of the First Schedule.

First Schedule.

Publication by Registrar.

10. The Registrar shall publish in the *Gazette* from time to time for public information—

(a) a list of premises licensed for the sale, storage, packaging or manufacturing of pesticides in different classes;

(b) a list of premises, the licenses of which have been cancelled or varied.

Cancellation or variation of licence.

11. Where the owner or occupier of premises licensed under this Act has been convicted of any offence against the Act or the Regulations, the Board may direct the Registrar to cancel or vary any licence issued in respect of those premises.

Notice of cancellation or variation of licence.

12. Notice of cancellation or variation of a licence shall be sent to the owner or occupier of the premises and such cancellation or variation shall have effect on his receipt of the notice.

Appeals from decision of Board.

13. (1) Where the Board refuses to grant a licence, an aggrieved applicant may appeal to the Appeals Tribunal within ten days of the receipt of the letter of refusal under section 4(4) of the Act.

(2) At the request of the Appeals Tribunal the Board should submit to it all documents relevant to the application under review.

(3) Where the Tribunal is of the view that new circumstances warrant a review of the application the Tribunal may nominate an Inspector, an analyst, or medical examiner to inspect the premises anew and to submit a report to the Tribunal and the Tribunal shall forthwith consider the report and give such directives to the Board as it sees fit.

PART II

REQUIREMENTS FOR PREMISES LICENSED FOR THE SALE, STORAGE, MANUFACTURE, PACKAGING OF PESTICIDES IN CLASSES 1A, 1B, II AND III

Licensed premises.

14. Premises licensed for the sale, manufacture or storage of pesticides shall be constructed in accordance with the requirements of regulations 15 to 19.

Construction of premises.

15. Premises shall be constructed as follows:

(a) the site shall not be such as to cause or allow entry to run-off and liquid effluent into adjoining or adjacent property;

(b) facilities for run-off from the premises, especially from the storage areas, shall be constructed so as to avoid contamination of public waterways, and such run-offs shall not enter septic tanks;

(c) areas and sections of the premises used for the storage or the exposure for sale of pesticides in

Class 1A, 1B, II or III shall be clearly defined and shall be separated from other areas and sections of the premises and shall be identifiable by permanent signs, together with the appropriate warning marks contained in the Second Schedule hereto, fixed above their entrances;

Second Schedule.

(d) buildings shall be of sound materials and shall be constructed in such a way as to minimise contamination of adjacent premises;

(e) floors shall be capable of being easily cleaned;

(f) the sales area shall be separated from areas used for mixing, formulatory or repackaging pesticides, so as to minimise the movement of pesticide, dust or vapours into the sales area where customers have access;

(g) natural or artificial lighting shall be adequate to ensure easy reading of labels, instructions and for identification of materials;

(h) electrical wiring shall comply with the National Wiring Code of Trinidad and Tobago;

(i) filament lamps shall be placed or guarded so as to prevent ignition of any flammable materials, and any guard or shade used for this purpose shall be suitable to withstand the heat from the lamp;

(j) switchgear, switches and power points (such as socket outlets) shall be approved for use in hazardous situations and shall not be placed where flammable dusts and vapours accumulate;

(k) an adequate supply of water shall be readily available on the premises at all times for the purpose of washing of the body and washing away spillages into sumps;

(l) eye fountains with a regular supply of clear water shall be available at all times.

Disposal of waste.

16. (1) Facilities for the disposal of empty packages and containers and spilled or waste pesticides and toxic chemicals shall be such as to avoid contamination of the environment.

(2) Covered dustbins and other receptacles for waste and spillages shall be made of materials able to resist corrosion by pesticide waste and shall be made sufficiently secure to discourage the removal of waste material by unauthorised persons and to prevent spillage of pesticides.

First Aid.

17. (1) First Aid facilities shall be readily available on the premises to assist in countering the adverse effects of pesticides in intimate contact with humans through cuts, wounds, eyes, nostrils and otherwise.

(2) Advice on antidotes and instructions will be provided to the owner or occupier by the Minister responsible for the subject of health.

Licence with limitation.

18. (1) General stores and shops, department stores, supermarkets and shops in shopping malls shall be licensed only for the retail sale of pesticides in Class III, or unclassified pesticides, which are prepackaged and labelled for retail sale.

(2) Pesticides to be sold in accordance with subregulation (1) shall be—

(a) in rigid packages which are properly sealed, (for example in bottles or aerosol cans); or

(b) in sealed flexible packages, including sealed foil-lined packs, sealed barrier-lined packs, and any other similar flexible packages authorised by the Board.

Storage area.

19. The storage areas and shelf areas for packages of pesticides to be sold as in regulation 18(1) shall be effectively and conspicuously separated from the storage areas and shelf areas used for all foods or animal feeds.

PART III

PREMISES FOR SALE OF PESTICIDES IN CLASSES 1A, 1B

Construction of premises.

20. Premises to be licensed for the sale of pesticides in Classes 1A and 1B shall be constructed in accordance with the following requirements:

(a) areas and sections of the premises used for the storage or the display for sale of pesticides in these classes shall be—

(i) protected from excessive damp, heat, ventilated for removing the fumes of volatile pesticides and dust and exhaust/ ventilation systems shall be provided;

(ii) provided with an adequate supply of water (at a pressure considered suitable by the Fire Service) which shall be easily available at all times for fighting fires and for washing away absorbed material used for absorbing waste and spillages from the storage area;

(iii) securely enclosed, and capable of being locked to prevent theft or unauthorised removal of pesticides;

(b) storage areas shall be separated from living areas, sleeping areas, cooking and eating areas and offices;

(c) facilities shall be available for maintaining records, for controlling stock movement and transfers and up-to-date records of receipts and sales shall be kept.

FIRST SCHEDULE

FORM A

(Regulation 4).

(To be submitted in duplicate)

APPLICATION FOR LICENCE OF PREMISES

Name of Applicant .....
(*Surname first, if a person*)

Address of Applicant .....

Address of Premises to be Licensed .....

.....

I/We ..... Being owner/ occupier)

.....

hereby apply to the Pesticides and Toxic Chemicals Board for a licence to use the above premises for the sale,* storage,* packaging* and manufacture* of pesticides in the following classes 1A*, 1B*, II*, and III*.

Do the Premises in respect of which the application is made conform to the requirements of Part II of the Pesticides Licensing of Premises Regulations? If not give particulars.

The number of persons employed by me/us is ..... and their names and qualifications are as set out below:

1. .....

2. .....

3. .....

4. .....

5. .....

6. .....

7. .....

8. .....

9. .....

10. .....

(*use overleaf if necessary*)

*Cross out which do/does not apply.

The receipt for the prescribed fee of ..... dollars is submitted with this application .....

Signed ....
Applicant *Date*

For use by the Board

A licence is hereby granted to .....

.....

to sell*, store*, package* or manufacture* pesticides in Classes 1A*, 1B*, II*, III*, for a period of .....

.....

Dated this ..... day of ..... 20.....

.....
Registrar, Pesticides and Toxic Chemicals (*Stamp*)

*Cross out which do/does not apply.

FORM B

(Regulations 7 and 9).

FORM OF LICENCE

PESTICIDES AND TOXIC CHEMICALS ACT — LICENCE FOR PREMISES

These premises, situate at .....

.....

and owned/leased by .....

.....

are licensed as from ..... 20.....

for a period of one year for the sale/storage/packaging/manufacturing of Pesticides in Class(es) 1A*, 1B*, II*, III* as prescribed in the Pesticides (Licensing of Premises) Regulations, 1987.

Licence No ....
Registrar, Pesticides and Toxic Chemicals

*Cross out which do/does not apply.

FORM C

(Regulation 9).

NOTICE TO BE DISPLAYED OUTSIDE PREMISES LICENSED FOR THE SALE OF PESTICIDES

1. The notice shall be on wood or metal, of a size not less than 900 metres in width and 150 mm in height, with words in black on a white background, maintained in a legible state.

2. The notice shall be displayed at a height between 2.5 and 3.5 mm above the floor level of the entrance of the premises, easily visible from the approach to the entrance.

3. The wording on the notice shall be as follows:

"PESTICIDES AND TOXIC CHEMICALS ACT, 1979"

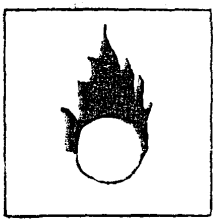
"These premises are licensed for the sale by retail of class ( ) pesticides/licence Number ....."

SECOND SCHEDULE

WARNING MARKS AND PHRASES

B-1

EXPLOSIVE

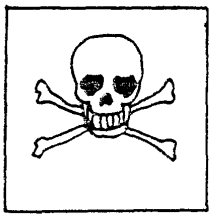


B-2

OXIDIZING

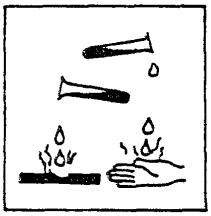
B-3

EASILY FLAMMABLE



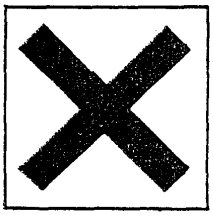
B-4

TOXIC



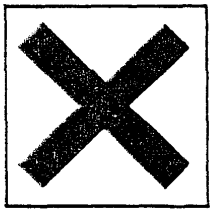
B-5

CORROSIVE



B-6

HARMFUL



B-7

IRRITANT

Warning Marks to be, preferably, Black on Orange background, or, alternatively, Red on White background.

Warning phrases to be in bold type.

Rhomboid surround optional.

(*Not drawn to scale*).

PESTICIDES AND TOXIC CHEMICALS (FEES FOR ANALYSES AND INSPECTION SERVICES) REGULATIONS

74/1993.

made under section 12(1) (cc)

Citation.

1. These Regulations may be cited as the Pesticides and Toxic Chemicals (Fees for Analyses and Inspection Services) Regulations.

Fees.

2. The fees detailed in the Second Column hereunder, are chargeable by the Board for services detailed in the First Column, that are performed at the request of members of the public:

PESTICIDE ANALYSES

	Fees
	$ ¢.
Organochlorine pesticides in water (extraction/GC/ECD) … … …	25 00
Organochlorine pesticides in water (extraction/florisil clean-up/GC/ECD) … … … … … …	50 00
Organophosphorus pesticides in water (extraction/GC/FPD) … …	25 00
Organophosphorus pesticides in water (extraction/column clean-up GC/FPD) … … … … … …	50 00
Organochlorine and organophosphorus pesticides in water (extraction/column clean-up/GC/ECD/FPD) … … …	40 00
Organochlorine and organophosphorus pesticides in water (extraction/column clean-up/GC/ECD/FPD) … … …	80 00
Paraquat in water (ion exchange/colorimetric) … … … …	20 00
Diuron in water (distillation/GC/ECD) … … … … …	50 00
Total Phosphorus in water (colorimetric) … … … …	25 00
Organochlorine pesticides in vegetables (extraction/clean-up/GC/ECD) …	70 00
Organophosphorus pesticides in vegetables (extraction/clean-up/GC/FPD) …	70 00
Organochlorine and organophosphorus pesticides in vegetables (extraction/clean-up/GC) … … … … … …	120 00
Paraquat in vegetables (ion exchange/colorimetric) … … …	25 00
Diuron in vegetables (distillation/GC/ECD) … … … …	50 00
Padan in vegetables (reduction/GC/FPD) … … … …	50 00
Pyrethroids in vegetables (extraction/clean-up/GC/ECD) … … …	70 00
Pesticide formulation analysis … … … … … …	50 00
Metals in water—iron, copper, lead, zinc—each metal (AAS) … …	50 00
TECHNICAL ADVICE (on analytical/technological/chemical matters) … …	50 00

TOXICOLOGICAL ANALYSES

	Fees
	$ ¢.
Choloinesterase in blood (buffer/pH determination)	20 00
Blood alcohol level (direct/GC/FID)	30 00
Kerosene identification (direct/GC/FID)	25 00
Kerosene identification/spot test (direct)	10 00
Disinfectant identification (direct/GC/FID)	25 00
Disinfectant identification (direct/spot test)	10 00
Carbon Monoxide in blood (UV)	25 00
Cyanide identification (colorimetric)	25 00
Therapeutic levels of Dilantin, Carbamazepine, Phenobarbitone (direct/HPLC)	50 00
General drug screen (extraction/UV)	25 00
Aspirin/Salicylate levels (trinders/UV)	50 00
Acetaminophen levels (ppt/UV)	30 00
Dilantin levels (extraction/UV)	50 00
Diazepam levels (extraction/UV)	30 00
Amitriptyline levels (CeSo4/UV)	40 00
Heavy metals (reinsh/screen)	20 00
Serum copper (ppt/AAS)	50 00
Serum zinc (ppt/AAS)	50 00
Serum iron (ppt/AAS)	50 00
Serum lithium (ppt/AAS)	50 00
Serum magnesium (ppt/AAS)	50 00
Lead in blood/1 ppm detected limit (extraction/AAS)	70 00
Mercury in urine (CVT/AAS)	70 00
Paraquat screen in urine/blood /st.contents (dithionite/colour)	10 00
Paraquat levels in urine /blood /st.contents (ion exchange resin/UV)	25 00
Organophosphate pesticide screen (spot test)	10 00
Organophosphate identification (TLC or GC/FPD)	20 00
General pesticide screen (TLC)	20 00
Rodenticide screen (extraction/UV)	25 00

Payment of Fees.

3. Fees charged under these Regulations are payable to the Comptroller of Accounts, or to any District Revenue Office, and the receipt for payment of such fees shall be submitted with the request for the services required.