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ST CHRISTOPHER AND NEVIS

CHAPTER 9.18

PESTICIDES AND TOXIC CHEMICALS CONTROL ACT

and Subsidiary Legislation

Revised Edition
showing the law as at 31 December 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Cap. 1.03

This edition contains a consolidation of the following laws:

Pesticides and Toxic Chemicals Control Act

Act 18 of 1999 in force 24th December, 1999

Amended by Act 22 of 2006

Regulations

Pesticides (Labelling and Storage of Containers) Regulations – Section 55 – SRO 18 of 1975

Revision Date: 31 Dec 2009

CHAPTER 9.18

PESTICIDES AND TOXIC CHEMICALS CONTROL ACT

ARRANGEMENT OF SECTIONS

Revision Date: 31 Dec 2009

CHAPTER 9.18

PESTICIDES AND TOXIC CHEMICALS CONTROL ACT

AN ACT to provide for the regulation and control of the importation, storage, manufacture, sale, transportation, disposal, and use of pesticides and toxic chemicals; to provide for the establishment of a Pesticides and Toxic Chemicals Control Board; and to provide for related or incidental matters.

PART I – PRELIMINARY

1. **Short title.**

This Act may be cited as the Pesticides and Toxic Control Act.

2. **Interpretation.**

In this Act, unless the context otherwise requires,

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

"agriculture" includes

(a) the production and storage of any produce which is grown for any purpose,

(b) the use of land for field crops, grazing, forestry and woodland, fish culture, bee culture, market gardening, horticulture and nurseries, or animal husbandry;

"analyst" means a person appointed under paragraph (b) of subsection (1) of section 10 of this Act;

"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 anything that may have been contaminated by the controlled product,

(b) any produce to which a pesticide is believed to have been applied,

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

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

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

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

"chemical weapon" has the meaning assigned to it by the Chemical Weapons Prohibition and Control) Act, Cap. 1919;

"controlled product" has the meaning assigned to it by subsection (4) of section 15 of this Act;

"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

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

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

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

"food" includes any article manufactured, sold or represented as food or drink for man, chewing gum, and any ingredient that may be mixed with food for any purpose;

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

"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 a person appointed under paragraph (a) of subsection (1) of section 10 of this Act to be an inspector of the purposes of this Act;

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

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

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

"medical examiner" means a person designated as such pursuant to the provisions of paragraph (c) of subsection (1) of section 10 of this Act;

"Minister" means the Minister responsible for agriculture.

PART II – ESTABLISHMENT OF THE BOARD, ITS POWERS AND FUNCTIONS

3. Establishment of the Board.

(1) There is established a Board to be known as the Pesticides and Toxic Chemicals Control Board, which shall consist of not more than twelve members appointed by the Minister upon such terms and conditions as he or she may determine in their instruments of appointment.

(2) Persons to be appointed as members of the Board under this section shall be appointed from such interest groups as the Minister may deem fit, which interest groups shall include the following, that is to say,

(a) medical and health services;

(b) government chemist;

(c) agricultural services;

(d) environment;

(e) trade and custom services;

(f) non-governmental organisations.

(3) The Minister shall appoint one of the members to be the Chairperson of the Board and another to be the Secretary to the Board, respectively.

(4) The Minister may appoint a person to act temporarily in the place of a member of the Board who is absent or is unable to carry out the functions of his or her office.

4. Tenure of members of the Board.

(1) Subject to the provisions of subsections (2) and (3) of this section, a member of the Board shall, unless he or she vacates office earlier, hold office for a period of three years, except that such a member shall be eligible for re-appointment.

(2) A member who is appointed to fill a vacancy that is created by the death, resignation, or removal from office for a justifiable cause shall hold office only for the unexpired period of the former member, except that such member may be eligible for re-appointment.

(3) A member whose period of appointment expires in accordance with the provisions of subsection (1) of this section shall continue to hold office until his or her successor is appointed.

5. Functions of the Board.

The Board shall carry out the following functions, that is to say,

(a) determine any application submitted to it for

(i) registration,

(ii) licences,

(iii) research permits;

(b) grant or cancel any registration, licence, or permit in accordance with the provisions of this Act;

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

(d) monitor the implementation of the regulations made under this Act;

(e) furnish such information, reports, and returns as the Minister may, from time to time, require.

6. **Meetings etc. of the Board.**

The provisions of the First Schedule to this Act shall have effect in relation to the meetings and other matters of the Board as specified in that Schedule.

7. **Resignations from the Board.**

(1) The Chairperson may, at any time, in writing, resign his or her office and the resignation shall be addressed to the Minister.

(2) A member of the Board, other than the Chairperson, may, at any time, in writing, resign from office and the resignation shall be addressed to the Chairperson.

8. **Termination of appointment of members.**

(1) The Minister may, after consultation with Cabinet, terminate the appointment of a member of the Board who

(a) becomes of unsound mind;

(b) becomes incapable of carrying out his or her duties;

(c) becomes bankrupt or compounds with or suspends payment to his or her creditors;

(d) is sentenced to a term of imprisonment which is over six months;

(e) is convicted of an offence involving dishonesty;

(f) is found guilty of misconduct in relation to his or her duties;

(g) is absent, without the permission of the Minister or the Board, from three consecutive meetings of the Board; or

(h) fails to carry out any duties or functions conferred or imposed on him or her under this Act.

9. **Disclosure of interest.**

(1) A member of the Board whose interest is likely to be affected, directly or indirectly, by the decision of the Board on any matter or is likely to evoke an allegation of

bias, shall disclose the nature of his or her interest at the first meeting of the Board at which he or she is present after the relevant facts have come to his or her knowledge.

(2) A disclosure made under subsection (1) of this section shall be recorded in the minutes of the Board and after the disclosure the member making the disclosure shall, unless the Board otherwise directs, leave the meeting.

(3) Where a member referred to in subsection (2) of this section is allowed by the Board to stay in the meeting, the member shall not take part in the deliberations on the matter by the Board nor shall the member vote on the matter.

PART III – STAFF OF THE BOARD, THEIR FUNCTIONS AND POWERS

10. Appointment of analysts, medical examiners etc.

(1) For the purpose of enabling the Board to carry out its functions under this Act, the Minister may, with the approval of Cabinet, appoint such persons from outside the public service regulations, who are suitably qualified to be

(a) inspectors;

(b) analysts; and

(c) medical examiners.

(2) There shall also, in the same manner referred to in subsection (1) of this section, be appointed such number of other officers as may be necessary for the purposes of this Act.

(3) The officers appointed under this section shall, while discharging their duties under this Act be answerable to the Board.

11. Registrar of pesticides and toxic chemicals.

(1) The Minister shall designate an officer in the Ministry responsible for Agriculture to be the Registrar of pesticides and toxic chemicals, and shall, after being designated, be assigned to the Board.

(2) The Registrar shall be responsible for

(a) co-ordinating the staff of the Board;

(b) keeping and maintaining

(i) a Register of Licensees,

(ii) a Register of Toxic Chemicals, and

(iii) a Register of Pest Control Operators;

(c) entering in the registers such information as may be prescribed;

(d) performing such other duties as may be imposed on him or her by this Act or as may be assigned to him or her by the Board.

12. **Engagement of Consultants.**

(1) The Minister may, whenever he or she considers it necessary or on the recommendation of the Board, cause to be secured the services of a consultant.

(2) No person shall be engaged as a consultant unless that person possesses specialised knowledge as to the use and effects of controlled products or any class of the controlled products.

(3) A consultant referred to in this section shall only be engaged for the purpose of advising the Minister or the Board on any matter arising under this Act or the regulations made under this Act.

13. **Duties and powers of inspectors and medical examiners.**

(1) An inspector and a medical examiner appointed under subsection (1) of section 10 of this Act shall perform the following functions, that is to say,

(a) to inspect any vehicle, land or premises in accordance with the provisions of this Act; and

(b) to make such examination, inspection, investigation, and inquiries as may be necessary to ascertain whether the provisions of this Act and the regulations made under this Act are being complied with.

(2) Inspectors or medical examiners may, for the purpose of discharging their duties under this Act,

(a) enter, at any reasonable time, any vehicle in which

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

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

(iii) he or she has reasonable cause to believe that a breach of this Act or the regulations is about to be, is being or has been committed;

(b) enter, at any reasonable time, any land or premises on which

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

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

(iii) on which things are required to be provided or done;

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

(d) require any person whom he or she finds in a vehicle, on land or premises, as the case may be, to give such information as it is in his or her power to give as to who is the occupier thereof or the employer of workers employed to work thereon;

(e) 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 or she finds in such vehicle or on such land or premises as mentioned in subsection (1) of this section, or whom he or she 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 examined and to sign a declaration of the truth of the matters respecting which he or she is examined; so, however, that no person shall be required under this provision to answer any question or to give evidence tending to incriminate himself or herself;

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

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

(h) if they reasonably believe that any provisions of this Act or the regulations made under this Act has been contravened

(i) take, without payment, samples of any article being sold, used, or transported, or stored, and submit them to the analyst for analysis or examination,

(ii) take, without payment, but with approval of the Comptroller of Customs samples of any article imported into the country but not delivered to the importer, out of the charge of customs, and submit them to an analyst appointed under this Act for analysis or examination.

(3) Subject to subsection (4) of this section, an inspector and a medical examiner shall, for the purpose of exercising the powers conferred upon them by subsection (2) of this section, first obtain a search warrant issued by the Magistrate.

(4) Where circumstances are such that a controlled product may be removed from the vehicle, land or premises before the inspector obtains the search warrant, the inspector may enter the vehicle, land or premises without the warrant, in which case he or she shall produce his or her identification card to the owner, occupier, or person in charge of the vehicle, land or premises, as the case may be.

(5) The inspector or medical examiner may, if he or she deems it necessary, carry with him or her a member of the police force, a public health inspector, or any person who possesses expert knowledge in the use or effects of any controlled product for the purposes of discharging his or her functions under this Act.

14. **Functions of analyst.**

An analyst shall be responsible for analysing or examining any sample submitted to him or her for analysis or examination in accordance with the provisions of this Act or regulations made under this Act.

PART IV – CONTROL OF PESTICIDES AND TOXIC CHEMICALS

Controlled Products

15. **Restriction on manufacture, etc. of controlled product.**

(1) No person shall, subject to the provisions of subsection (3) of this section,

(a) manufacture, import, sell, store in marketable quantities, or transport a controlled product, unless that controlled product is registered in accordance with the provisions of this Act or the regulations made under this Act;

(b) import a controlled product into the country without a licence issued in that respect in accordance with the provisions of this Act or the regulations made under this Act;

(c) store a controlled product in marketable quantities, unless the premises in which the controlled product is stored are licensed in accordance with the provisions of this Act or the regulations made under this Act;

(d) manufacture, import, sell, store in marketable quantities, dispose of, or transport a controlled product, unless the person does so in accordance with the provisions of this Act or the regulations made under this Act.

(2) For the purposes of this section, and subject to the provisions of subsection (4)(b), a person shall be deemed to store a controlled product in marketable quantities if the quantities found on his or her premises are larger than is reasonably necessary for his or her domestic or farm use.

(3) The provisions of subsections (1) and (2) shall come into force either

(a) four months after the coming into force of this Act; or

(b) where an application for registration or a licence is made within four months after the coming into force of this Act, on the determination of that application.

(4) For purposes of this Act,

(a) "controlled product" includes a pesticide, toxic chemical, or any substance or product specified in the Second Schedule to this Act; and

(b) chemical weapons that may be classified as controlled products shall not be dealt with under this Act until the protocol for handling chemical weapons under the Chemical Weapons (Prohibition and Control) Act, Cap. 19.19 has been complied with.

[Amended by Act 22/2007]

(5) The Minister may, on the recommendation of the Board, by Order, amend the Second Schedule to this Act.

Extermination

16. **Restriction on extermination.**

(1) No person shall engage in, perform, or offer to perform an extermination for a reward unless that person is registered as a pest control operator, and has a licence to operate as a pest control operator issued by the Board.

(2) A person who serves as an employee of a pest control operator for the purpose of carrying out an extermination shall comply with the regulations relating to employees of pest control operators.

Prohibited substances

17. **Prohibited substances etc.**

(1) Any substance or product specified in the Third Schedule to this Act is hereby declared a prohibited substance or product.

(2) No person shall import into St. Kitts and Nevis any substance or product that is declared a prohibited substance or product under the provisions of this section.

(3) The Minister may, on the recommendation of the Board, by Order, amend the Third Schedule to this Act, and such Order may provide for the withdrawal from sale or use, and disposal of any substance or product added to the Third Schedule to this Act.

PART V – REGISTRATION AND LICENSING OF CONTROLLED PRODUCTS

Registration of a Controlled Product

18. **Application for registration of controlled product.**

(1) A person who wishes to register a controlled product as required by this Act shall apply to the Board to have the controlled product registered by the Registrar, and the application shall be in such form and shall contain such particulars as may be prescribed by regulations made under this Act.

(2) The Board shall, upon receipt of the application, cause to be published in at least one newspaper of general circulation a notice containing the common name, active ingredients and intended use of the controlled product for the purpose of inviting public comments on the application.

19. **Objection to registration.**

(1) A person may object to the registration of a controlled product on any ground that may be prescribed by regulations made under this Act.

(2) Any objection to the registration of a controlled product shall be lodged with the Registrar within twenty one days of the publication of the notice referred to in subsection (2) of section 18 of this Act.

20. **Consideration of application.**

(1) The Board shall, before approving an application for registration of a controlled product, consider all objections and information made available to it. and the Board may, where it is satisfied that the use of the controlled product is justified, approve the application.

(2) Where the subject of an application for registration is a formulation containing paraquat as an active ingredient the Board shall, before approving the application, consider evidence made available to it and be satisfied that the formulation has been stenched.

21. **Refusal to approve application.**

(1) The Board may refuse to approve an application for registration of a controlled product on any of the following grounds, that is to say,

(a) if the application is not accompanied by all the particulars or samples required to be submitted along with the application;

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

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

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

(e) if the use of the controlled product is likely

(i) to constitute a hazard to public health, domestic animals, bees, fishes, birds, or other wildlife, or

(ii) to produce adverse effects to soil, air and water; or

(f) if the controlled product, or any residue of the controlled product, is so persistent that it may result in a long lasting pollution of the water or land on which it may be used.

(2) Where the Board refuses to approve an application in accordance with the provisions of subsection (1) of this section, it shall, as soon as practicable, notify the applicant of its decision and the reasons for the decision.

22. **Registration of controlled product.**

(1) Where the Board approves registration of a controlled product the Registrar shall assign a registration number for use in connection with the controlled product and shall cause the controlled product to be registered in the Register of Controlled Products.

(2) Upon registration of the controlled product the applicant shall be issued an appropriate certificate of registration, and the certificate shall contain such contents as may be prescribed by the regulations made under this Act.

(3) The registration of a controlled product 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, and the Board may, in accordance with the provisions of the regulations made in that behalf, from time to time, amend such conditions.

(4) A certificate of the Board issued under the provisions of this section if duly authenticated shall be conclusive evidence of registration of a controlled product unless the contrary is proved.

23. **Validity of registration.**

The registration of a controlled product shall remain valid notwithstanding any change in any or all of the following:

(a) the trade name of the controlled product;

(b) the names and addresses of the manufacturer or his or her agent, if the change is notified to the registrar within one month from the date the change takes place;

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

24. **Custody of controlled product whose registration is rejected etc.**

Where the Board refuses to approve an application for registration of a controlled product or where the Board cancels the registration of a controlled product, as the case may be, the applicant or the holder of the registration certificate shall collect all the packages of the controlled product and deposit the same in such place as the Board may direct, and the controlled product shall be kept there until the Board decides on the manner of its disposal.

25. **Cancellation of registration.**

(1) The Board may, at any time, cancel the registration certificate issued under the provisions of subsection (2) of section 22 of this Act on any of the following grounds, that is to say,

(a) upon a breach of a condition to which the registration certificate was granted;

(b) where the holder of the registration certificate contravenes any provision of this Act or the regulations made under this Act;

(c) where, after the issue of the registration certificate, it comes to the knowledge of the Board that information which was submitted in support of the application for registration of the controlled product misled or created an erroneous impression on the Board by reason of being false or deceptive;

(d) for any other justifiable reason the Board may think proper to do so for the purpose of protecting public health, domestic animals, bees, fishes, birds or other wildlife, or the environment.

(2) Where the Board cancels a registration certificate in accordance with the provisions of this section, the Board shall, by notice published in the Gazette and at least

one newspaper of general circulation, inform the public of the cancellation of the certificate, and the registration of the controlled product.

Licensing of a Controlled Product

26. **Application for importation of a controlled product.**

(1) A person who wishes to apply for a licence for the importation of a controlled product as required by this Act shall apply to the Board, and the application shall be in such form and shall contain such particulars as may be prescribed.

(2) The application referred to in subsection (1) of this section shall be accompanied by a fee of fifty dollars in respect of the grant or renewal of licence, which fee shall be paid to the Accountant-General.

(3) A licence granted under this Part may be renewed in accordance with the prescribed procedure.

27. **Consideration of application.**

The Board shall, before approving an application for importation of a controlled product, consider all objections and information made available to it, and the Board may, where it is satisfied that the use of the controlled product is justified, approve the application.

28. **Grant of licence to import a controlled product.**

(1) Where the Board is satisfied that a licence should be granted or renewed for the importation of a controlled product, the Board may grant or renew the licence subject to the provisions of subsection (3) of this section.

(2) A licence issued under this section shall be signed by the Registrar or the Chairperson and shall contain the following information, that is to say,

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

(b) the registration number of the controlled product;

(c) the conditions attached to the licence that is granted; and

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

(3) The licence granted or renewed under this section, for the importation of a controlled product, shall be subject to the conditions set out in the Fourth Schedule to this Act and such other conditions as the Board may consider necessary for the protection of human, animal, and plant life and any other conditions the Board may consider appropriate, and the Board may, in accordance with the provisions of the regulations made in that behalf, from time to time, amend such conditions.

(4) Where the Board grants a licence in accordance with the provisions of this section. the Registrar shall enter the particulars of the licence in the Register of Licences.

(5) A licence granted under the provisions of this section if duly authenticated shall be conclusive evidence of a licence granted under this Act for the importation of a controlled product unless the contrary is proved.

29. **Validity of licence.**

(1) Subject to the provisions of subsection (2) of this section, a licence granted for the importation of a controlled product shall be valid for a period of three years or for a lesser period as the Board may determine, except it may be renewed from time to time as the Board considers necessary.

(2) A licence granted for the importation of a controlled product shall remain valid notwithstanding any change in any or all of the following:

(a) the trade name of the controlled product;

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

if the change is notified to the Registrar within one month from the date the change takes place.

30. **Refusal to grant licence.**

Where the Board refuses to grant or renew an application for the importation of a controlled product it shall, as soon as practicable, inform the applicant of its decision and the reasons for the decision.

31. **Cancellation of licence.**

(1) The Board may, at any time, cancel a licence issued under the provisions of subsection (1) of section 28 of this Act on any of the following grounds, that is to say,

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

(b) where the licensee contravenes any provision of this Act or the regulations made under this Act;

(c) where, after the issue of the licence, it comes to the knowledge of the Board that information which was submitted in support of the application for the grant of a licence to import a controlled product misled or created an erroneous impression on the Board by reason of being false or deceptive;

(d) upon failure of the licensee to keep an up-to-date import record of a controlled product as required by this Act or the regulations made under this Act; or

(e) for any other justifiable reason the Board may think proper to do so by reason of protecting public health, domestic animals, bees, fishes, birds or other wildlife, or the environment.

(2) Where the Board cancels a licence in accordance with the provisions of this section, the Board shall, by notice published in the *Gazette* and at least one newspaper of general circulation, inform the public of the cancellation of the certificate, and the registration of the controlled product.

PART VI – LICENSING OF PREMISES TO BE USED FOR THE SALE, ETC. OF CONTROLLED PRODUCTS

32. **Restriction on use of premises.**

No person shall use any premises for the manufacturing, packaging, selling, or storing in any controlled product unless those premises are licensed for that purpose by the Board.

33. **Application for licensing of premises.**

(1) A person who wishes to use any premises for the sale, storage, manufacture, or packaging of any controlled product shall apply, in the prescribed form, to the Board to have the premises licensed by the Registrar in accordance with the provisions of this Act or regulations made under this Act.

(2) An application referred to in subsection (1) of this section shall be accompanied by a fee of one hundred dollars, which fee shall be payable to the Accountant-General.

34. **Inspection of premises.**

Where an application is made to the Board as required by section 33 of this Act, the Registrar shall arrange for an inspection of the premises by an inspector, analyst, a medical examiner, or a member of the Board, as the case may be, who shall prepare a report and submit it to the Board as early as possible.

35. **Consideration of application.**

(1) Subject to the provisions of subsection (2) of this section, the Board shall, upon receipt of the report submitted to it pursuant to the provisions of section 34 of this Act, consider the application, and in so doing shall take into account the construction of the premises, facilities available in the premises and the staff that is used or is to be used in the premises.

(2) The Board shall not approve an application referred to in section 33 of this Act unless the premises in respect of which the application is made comply with the provisions of the Fifth Schedule to this Act.

(3) The Minister may, on the recommendation of the Board, by Order, amend the Fifth Schedule to this Act.

36. **Grant of licence.**

(1) Where, upon consideration of the application referred to in section 35 of this Act, the Board is satisfied that the requirements of this Act and any regulations made under this Act are complied with the Board may grant a licence to the applicant on such terms and conditions as the Board may deem fit, and the licence shall be in the prescribed form.

(2) Where the Board is of the opinion that the premises, facilities or staffing of the applicant need to be altered or modified in order to comply with the provisions of this Act or regulations made under this Act, the Board shall, by notice in writing, require the applicant to make the necessary alterations or modifications before a licence is granted.

37. Cancellation etc. of licence.

(1) The Board may, where a licensee to whom a licence has been granted under this Part is convicted of any offence under this Act or the regulations made under this Act, or contravenes any condition attached to the licence, vary or cancel the licence granted to that person.

(2) Notice of variation or cancellation shall be sent to the licensee or person in charge of the premises to which the licence relate, and the variation or cancellation shall have effect upon receipt of the notice.

38. **Publication of list of premises.**

The Registrar shall publish in the *Official Gazette*, from time to time, a list of premises that are licensed for the sale, storage, packaging or manufacturing of controlled products in different classes, and shall do likewise in the case of any premises in respect of which any licence is varied or cancelled.

PART VII – RESEARCH PERMITS IN RESPECT OF CONTROLLED PRODUCTS

39. **Research Permits.**

(1) No person shall, for research purposes, manufacture, import, use, store, or transport a registered or unregistered controlled product without a research permit issued in that respect by the Board.

(2) No Government department or other institution or organisation shall, for research purposes, manufacture, import, use, store, or transport a registered or unregistered controlled product without a general research permit issued in that respect by the Board.

40. **Application for research permits.**

(1) A person, who wishes to manufacture, import, use, store, or transport a registered or unregistered controlled product, for research purposes, may apply to the Board for the research permit referred to in section 39(1) of this Act, and the application shall be in the prescribed form.

(2) A Government department, or other institution or organisation that wishes to manufacture, import, use, store, or transport a registered or unregistered controlled product, for research purposes, may apply to the Board for a general research permit referred to in section 39(2) of this Act, and the application shall be in the prescribed form.

41. **Consideration of application.**

The Board may, for purposes of considering an application referred to in section 40(1) of this Act, request for

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

(b) satisfactory evidence of the facilities available to the person;

(c) information regarding the uses to which the controlled product may be put;

(d) any other information the Board may consider necessary.

42. **Grant of research permits.**

(1) The Board may, if it is satisfied that a person, Government department, or other institution or organisation shall be capable of

(a) observing the conditions attached to the research permit or general permit, as the case may be; and

(b) controlling the use, storage and disposal of the controlled product;

grant a research permit to the person, or general research permit to the Government department, or other institution or organisation, as the case may be.

(2) A research permit and general research permit shall be granted upon such conditions as the Board may consider necessary for the protection of public health, domestic animals, bees, fishes, birds, other wild animals and the environment.

43. **Validity etc., of permits.**

(1) A research permit or general research permit if granted under section 42 of this Act shall be valid for such period as the Board may specify in the relevant permit.

(2) A research permit or general research permit if granted under section 42 of this Act may,

(a) from time to time, be renewed subject to such conditions as the Board may impose;

(b) at any time, be amended or cancelled by the Board.

44. **Refusal to grant permit and cancellation of permit.**

(1) The Board may refuse to grant a research permit or general research permit

(a) to a person, Government department, other institution or organisation for failure to comply with the conditions attached to the previous relevant permit;

(b) if, in its opinion, the use of the controlled product is likely to

(i) constitute a hazard to public health, domestic animals, bees, fishes, birds, and other wildlife, and

(ii) produce adverse effects to soil, air and water.

(2) The Board may, at any time, amend or cancel a research permit or general research 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.

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PART VIII – GENERAL PROVISIONS

45. **Detention of seized articles.**

(1) The inspector or medical examiner may, after seizing any article in accordance with the provisions of this Act, order that the article be kept or stored in the building or place where it is seized or be kept or stored in another place as he or she may deem fit.

(2) The inspector or medical examiner shall, after seizing any article in accordance with the provisions of this Act, give written notice to the owner of the article or to a person in whose possession the article was at the time of seizure, in which notice he or she shall state the grounds upon which the article was seized and, where appropriate, state what had to be done for the purpose of complying with the provisions of this Act and the regulations made under this Act.

46. **Disposal of seized article.**

(1) Subject to the provisions of subsection (3) of this section, an inspector or medical examiner, as the case may be, shall release any article seized by him or her when the relevant provisions of this Act and the regulations made under this Act have been complied with.

(2) Subject to the provisions of subsection (3) of this section, where the owner of an article or person in whose possession the article was at the time of the seizure consents, in writing, to the destruction of the article, the article shall be forfeited to the Crown, and shall be disposed of as the Minister may, on the advice of the Board, direct or as may be prescribed by regulations made under this Act.

(3) Where proceedings are instituted pursuant to the provisions of this Act any article that is seized under this article shall not be released or destroyed before the proceedings are concluded.

47. **Offences.**

(1) A person who

(a) contravenes any condition

(i) subjected to a registered controlled product, or

(ii) attached to a licence granted to him or her in respect of a controlled product;

(b) resists, obstructs, intimidates, or assaults an inspector or medical examiner in the execution of his or her duties under this Act;

(c) by any form of inducement, attempts to prevent or prevents an inspector or medical examiner from carrying out his or her duties under this Act;

(d) fails to comply with any requirement imposed by an inspector or medical examiner pursuant to the provisions of section 24 of this Act;

(e) conceals or prevents any person from appearing or being examined by an inspector or medical examiner;

(f) recklessly or knowingly makes a false or misleading statement, orally or in writing, to an inspector or medical examiner;

(g) fails to keep any record which he or she is required to keep by regulations made under this Act;

(h) wilfully makes a false entry in a register, record, return, or other document kept or furnished in pursuance of regulations made under this Act, or wilfully makes use of such false entry;

(i) removes, alters or interferes in any way with an article seized under the provisions of this Act without the authority of an inspector or medical examiner;

commits an offence.

(2) A person who commits any of the offences specified in subsection (1) of this section shall be liable,

(a) on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding one year or both;

(b) on conviction upon indictment, to a fine not exceeding twenty-five thousand dollars or to imprisonment for a period not exceeding three years or both.

(3) The Court may, in addition to the punishment imposed by subsection (2) of this section, disqualify a person convicted of an offence under this section from obtaining a licence in respect of any activity relating to controlled products.

(4) No proceedings by way of indictment for an offence committed under this Act shall be commenced without the written approval of the Director of Public Prosecutions.

48. **Offences by Corporations.**

Where an offence specified in section 39 of this Act is committed by a body corporate, a person who at the time of the commission of the offence was a director, manager, secretary, or other officer of the body corporate, shall be deemed to have committed the offence, unless they prove that the offence was committed without their consent or connivance and that they exercised such due diligence as they ought to have exercised having regard to the nature of their duties to prevent the commission of the offence.

49. **Inspector may prosecute.**

An inspector may prosecute any offence committed under this Act or the regulations made under this Act in any court of competent jurisdiction.

50. **Time-limit on prosecution.**

An offence committed under this Act or the regulations made under this Act shall be instituted within a period of twelve months from the date the prosecution becomes aware of the offence.

51. **Evidence, etc.**

(1) Notwithstanding any provision of any other enactment and subject to the provisions of this section, in any proceedings relating to an offence committed under this Act or the regulations made under this Act,

(a) a certificate issued by an analyst in which it is stated that he or she analysed or examined an article or a sample submitted to him or her by an inspector, and in which certificate he or she states the results of his or her analysis or examination;

(b) a certificate issued by a medical examiner or report written by a medical examiner pursuant to the provisions of this Act;

(c) a certificate issued by the Board pursuant to the provisions of this Act; and

(d) a licence granted by the Board under the provisions of this Act;

shall be admissible in evidence, and any statement in such certificate, report, or licence, as the case may be, shall be *prima facie* evidence of such statement.

(2) No certificate or report referred to in subsection (1) of this section shall be received in evidence unless the prosecution has, prior to the trial, given the accused person fourteen days notice of the intention of the prosecution to produce the certificate or report and a copy of the certificate or report, as the case may be.

(3) The Court may, upon request, cause the part of any sample retained, as prescribed by regulations for future comparison, to be analysed or examined by another analyst or medical examiner who did not issue the certificate or report which is before the Court, as the case may be.

52. **Modification of article.**

Where a person is found guilty of an offence under this Act or the regulations made under this Act in respect of any article, the Court may, before convicting the accused person, give the accused person an opportunity to modify the article and bring it in conformity with the provisions of this Act and the regulations within such a period as the court may specify.

53. **Forfeiture of article, etc.**

(1) Where a person is convicted of an offence under this Act or the regulations made under this Act in respect of any article, the Court may order that

(a) such article; or

(b) any similar article which belongs to or is in possession of the accused person, which article the Court reasonably believes to be kept in contravention of this Act or the regulations made under this Act;

be forfeited to the Crown.

(2) Upon the making of an order pursuant to the provisions of subsection (1) of this section, the article specified in the order shall be forfeited to the Crown and shall be destroyed or otherwise disposed of as the Minister may, on the advice of the Board, direct or in a manner prescribed by regulations made under this Act.

54. **Regulations.**

(1) The Minister may generally make regulations to give effect to the provisions of this Act, and without prejudice to the generality of the foregoing he or she may, in particular, make regulations

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

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

(c) for controlling the use of

(i) pesticides in agriculture generally or in particular crops or pests,

(ii) toxic chemicals in agriculture, the arts, commerce industry,

(iii) toxic chemicals which are used for domestic purposes or other purposes;

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

(e) prescribing the conditions under which controlled products shall be stored, and the procedure to be followed in licensing premises to be used for the sale, storage, manufacture, and packaging of any controlled product;

(f) prescribing the requirements for premises to be used for the sale, storage, manufacture, and packaging of any controlled product;

(g) to protect workers against the risk of poisoning by controlled products when working

(i) in connection with the use of controlled products.

(ii) on land or in premises on or in which controlled products have been used, are being used, stored or manufactured;

(h) to protect the interests of owners, occupiers, or users of land or premises adjacent to land or premises on or in which controlled products have been used, are being used, stored or manufactured;

(i) prescribing the maximum permissible levels of controlled products in any particular kind of produce at the time of marketing or sale;

(j) respecting the quantities of controlled products which may be imported or manufactured, and the types of packages in which controlled products may be transported or sold;

(k) respecting the disposal of

(i) packages in which controlled products are transported or sold,

(ii) unwanted stocks of controlled products and of waste materials containing controlled products;

(l) requiring

(i) the keeping of records by specified persons,

(ii) the inspection of records,

(iii) the furnishing of returns by specified persons relating to the sales, stocks, use of, and disposal of controlled products and any other relevant information;

(m) imposing restrictions or conditions on specified persons as to the purpose for which, the circumstances in which, or the methods by which controlled products may be used, and such restrictions or conditions may include prohibition of the use of controlled products in particular circumstances;

(n) prescribing

(i) the procedure to be followed in the granting of licences to persons who wish to operate as pest control operators,

(ii) restrictions on pest control operators and their employees.

(iii) obligations of pest control operators and their employees;

(o) requiring employers, manufacturers or workers to provide protective clothing and equipment, and such other protective things as may be needed for the protection of persons against risk from controlled products;

(p) requiring the observance of precautions against poisoning by controlled products;

(q) requiring the observance of special precautions, and imposing restrictions or prohibitions in cases of persons who, by reason of their state of health, age or other circumstances, are subject to particular risks of poisoning by controlled products;

(r) prescribing the method of investigating or detecting cases in which poisoning by controlled products has occurred or is reasonably thought to have occurred;

(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) prescribing standards for the composition of any other property or method of analysis or test of controlled products that may be present in the air of premises where controlled products are kept, 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 waste material coming from such premises;

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

(v) 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;

(w) 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;

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

(y) prescribing

(i) forms for the purposes of this Act, and the regulations made under this Act,

(ii) fees to be paid on application for the grant and renewal of licences.

(iii) fees to be paid for the registration of controlled products,

(iv) anything required to be prescribed under this Act; and

(z) governing the aerial application of controlled products.

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SCHEDULES

FIRST SCHEDULE

(Section 6)

Meetings and other matters of the Board

1. The Board shall meet at such times as may be necessary for the transaction of business, and the meetings shall be held at such places and times and days as the Board may determine.
2. Meetings of the Board shall be called by the Chairperson of the Board, and the Chairperson may, at any time, call a special meeting of the Board within fourteen days of receipt of a request for that purpose addressed to him or her in writing and signed by at least three members of the Board.
3. The Chairperson shall preside at all meetings of the Board, and in his or her absence the members present and forming a quorum shall elect from amongst their number a member of the Board to act as Chairperson for that meeting.
4. Decisions of the Board shall be by majority votes of members present and voting, and in case of equality of votes the Chairperson or acting Chairperson shall have a casting vote.
5. The quorum of the Board shall be half the number of members of the Board.
6. The Board may invite any person to attend any of its meetings where the Board considers it necessary to do so, but that person shall not vote on any matter before the Board.
7. (1) Minutes of each meeting of the Board shall be recorded and kept by the Secretary to the Board.

   (2) A certified copy of the minutes of each meeting of the Board shall be forwarded to the Minister within fourteen days after the meeting at which they were confirmed.

   (3) The Registrar shall be the Secretary to the Board.
8. Subject to this Schedule, the Board may regulate its own procedure, and may delegate to any member of the Board power to carry out on behalf of the Board such duties as the Board may determine.
9. All documents made by the Board, and all decisions of the Board shall be signified under the hand of the Chairperson, a member of the Board authorised to act on behalf of the Board, or the Secretary to the Board.
10. The Minister may grant leave to any member of the Board, and may appoint another person to act in place of the member granted leave.

SECOND SCHEDULE

(Section 15(4))

CLASS la (EXTREMELY HAZARDOUS) PESTICIDES

A-3.1

acrylonitrile
aldicarb
aluminium phosphide

carbonpohenothion (80% emulsifiable concentrate)
chlorfenvinphos
chloropicrin
coumachlor
coumarin
crimidine

demephion - O + demephion-S (‘demephion)
demeton - O + demeton (‘demeton) (50% emulsifiable concentrate)
dichlorvos
dicrotophos
difenacoium
dimefox
disulfoton

endrin (24% emulsifiable concentrate)
EBN*
ethion

fensulfothion
fonofos

isodrin
isobenzan

mecarbam
mercuric chloride
methyl bromide (bromemethane)
mevinphos (20% emulsifiable concentrate)

oxamyl

paraquat
parathion
parathion-methyl (80% emulsifiable concentrate)
phorate
phosphamidon

red squill

schradan (60% emulsifiable concentrate, 30% emulsifiable concentrate)
sodium fluoroacetate

TEPP (20% emulsifiable concentrate)
terbufos (15% granules)
thionazin (49% emulsifiable concentrate)

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CLASS 1b (HIGHLY HAZARDOUS) PESTICIDES

A-4.1

acrolein
aldrin (30% emulsifiable concentrate)
aldicarb (10% granules)
aminocrab (75% wettable powder)
azinphos-methyl (25% wettable powder, 20% emulsifiable concentrate)
azinphos-ethyl

bendiocarb
binapacryl (40% emulsifiable concentrate)

calcium arsenate
carbofuran
carbonphenothion (40% emulsifiable concentrate, 25% wettable powder)
carbophenothion methyl analogue
chlorfenvinphos (32% seed dressing, 24% emulsifiable concentrate)
chlorpyriphos (35% emulsifiable concentrate)
coumatetralyl
crotoxphos

demephion – O + damephion – S ('demephion') (30% emulsifiable concentrate)
demeton – O + demeton – S – methyl ('demeton') (50% wettable powder)
denetib – S – methyl (50% emulsifiable concentrate)
dialifor
dieldrin (20% emulsifiable concentrate)
DNOC
dinoseb acetate (50% emulsifiable concentrate)
dinobuton (50% wettable powder)
dioxathion (40% emulsifiable concentrate)
diphacinone
disulfonton (10% granules)

endosulfan (35% emulsifiable concentrate)
endothal-sodium (20% aqueous solution)
endothion (50% emulsifiable concentrate)
eidrin (50% wettable powder)
EPN* (25% emulsifiable concentrate, 25% wettable powder)
ethion (80% emulsifiable concentrate, 40% emulsifiable concentrate)
ethoprohos

fenamiphos (30%, 40% spray concentrate, 15% and 40% granules)
fensulfothion (25% wettable powder, 10% dust, 5% granules)
fonofos (10% granules)

isodrin (50% wettable powder, 25% emulsifiable concentrate)
isofenphos (emulsifiable concentrate, granules)

lead arsenate
leptophos (emulsifiable concentrate, wettable powder, granules, and dust)

mecarbam (40% emulsifiable concentrate, 68% wettable powder)
medinoterb acetate
methidathion (40% emulsifiable concentrate, 20% emulsifiable concentrate)
moncrotophos
methomyl

mevinphos (5% emulsifiable concentrate)
mexacarabate (22% emulsifiable concentrate)
meophothion

nicotine (90% emulsifiable concentrate)
noobromide

oxydemeton-methyl (50% emulsifiable concentrate)
omethoate (dimethoate-met) (80% emulsifiable concentrate)

paraquat compounds (28% to 26% solutions)
parathion (20% emulsifiable concentrate)
parathion-methyl (40% emulsifiable concentrate)
phenkapton
phenylmercury acetate
phorate (5% granules)
phsalone
phosphamidon (50% wettable powder, 20% emulsifiable concentrate)
phosfolan (25% emulsifiable concentrate)
protothoate (20%, 40% emulsifiable concentrate, 40% wettable powder)

thiometon (25% emulsifiable concentrate)
thiomazin (10% granules, 5% granules)
triamiphos (25% wettable powder)
trichloronat (20% emulsifiable concentrate)

zinc phosphide

A-5 CLASS II (MODERATELY HAZARDOUS) PESTICIDES

A-5-1

aldrin (50% wettable powder)
allidochlor (40% emulsifiable concentrate)
aminocarb (50% wettable powder)
amidithion (30% emulsifiable concentrate)
azinphos-methyl (5% dust)

bensulide (40% emulsifiable concentrate)
benquinox
binapacryl (25% wettable powder)
bromophos-ethyl (80% emulsifiable concentrate)
bromoxynil (20% emulsifiable concentrate)
BMPC (50% emulsifiable concentrate)
bufencarb (10% granules)

carbaryl
carbophenothion (2% dust)
carbophenthion dimethyl analogue (40% emulsifiable concentrate)
cartap
chlordane (50% emulsifiable concentrate)
chordecone (50% wettable powder)
chlorfenvinphos (5% dust)
chlormequat chloride (40% aqueous solution)
chlorobenzilate (50% emulsifiable concentrate)
chlorpyriphos (50% wettable powder)
C8H903PS* (10% granules, 25% emulsifiable concentrate, 25% wettable powder)
crufomate (25% emulsifiable concentrate)

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2-4-D

dazomet (85% dust)
2,4-D8 (40% emulsifiable concentrate)
DDT
di-allate (40% emulsifiable concentrate)
demeton-S-methyl (25% emulsifiable concentrate)
di-allate (40% emulsifiable concentrate)
demeton-S-methyl (25% emulsifiable concentrate)
diazinon (50% emulsifiable concentrate)
dibromochloropropane
dichloropropane – dichloropropane mixture
dichloropropane
dichlofluanid
dieldrin (50% wettable powder)
dimethoate
dimexano
dinoseb acetate (40% wettable powder)
dinoterb acetate (25% wettable powder)
dioxacrab (5% powder, 50% wettable powder, 40% liquid concentrate)
diquat compounds (20% solution)
disulfoton (5% granules)
drazoxolon (40% aqueous suspension)

edifenphos (30%, 40% and 50% emulsifiable concentrate. 1.5%, 2% and 2.5% dust)
EDB (ethylene dibromide)
endrin (5% granules, 2% dust A)
ethion (25% wettable powder)
ethoatemethyl (40% emulsifiable concentrate, 25% wettable powder)

fenitrothion (50% emulsifiable concentrate)
fentin compounds (60% wettable powder)
fenthion (50% emulsifiable concentrate, 40% wettable powder)
formothion (25% emulsifiable concentrate)
fenofos (5% granules)

HCH (BHC) (dusts, wettable powders, oil solutions)
heptachlor

ioxynil octanoate
isaphos (20% and 50% emulsifiable concentrate, 3%, 5%, 10% and 20% granules
isodrin (5% granules, 2% dust)

Lindane (99% gamma-HCH) (50% wettable powder, 20% emulsifiable concentrate

malathion (50% emulsifiable concentrate)
MCPA (50% emulsifiable concentrate)
mecarbam (25% dust)
mecoprop (50% solution)
medinoterb acetate (25% wettable powder)
methidathion (40% wettable powder)
methiocrab (75% wettable powder)
methomyl (10% granules)
mexacarbate (25% wettable powder)
morfamquat dichloride (20% solution)

parathion (5% dust)
PCP
pentachlorophenol (10% emulsifiable concentrate)
phenthoats
phosalone (35% emulsifiable concentrate, 30% wettable powder)
phosmet (50% wettable powder, 30%, 20% emulsifiable concentrate)
pirimicarb (50% wettable powder)
pirimphos-ethyl (25%, 50% emulsifiable concentrate, 10% granules)
profenfos (50%, 40% emulsifiable concentrate)
propoxur (50% wettable powder, 20% emulsifiable concentrate)

quinalphos (20%, 25% emulsifiable concentrate)

rotanone

sodium fluoride
sulfallate (40% emulsifiable concentrate)

2, 4, 5-T (80%, 50%, 40% emulsifiable concentrate)
terbumeton
thiazafluron (50%, 80% wettable powder)
thiometon
thiram (80% wettable powder)
tri-allate (40% emulsifiable concentrate)
toxaphene (60% emulsifiable concentrate. 40% wettable powder. 20% granules)
triazophos (40% emulsifiable concentrate, 30% wettable powder)
tricamba
trichlorfon (50% emulsifiable concentrate)
tridemorph (75% emulsifiable concentrate)

vamidothion (40% emulsifiable concentrate)

CLASS III (SLIGHTLY HAZARDOUS) PESTICIDES

A-6.1

acephate (75% soluble powder)
alachlor (40% emulsifiable concentrate, 15% granules)
aldrin (5% dust)
allethrin
ametryn
amitraz (20% emulsifiable concentrate, 50% wettable powder)
aminotriazole (amitrole)

barban (50% wettable powder)
binapacryl (4% dust)
bioallethrin (d-trans allethrin)
bromofenoxin (50% wettable powder)
bromophosethyl (25% wettable powder)

C5H12NS3 (Evisect)
chlordecone (10% dust)
cyanofenphos
cyanophos

DDT (50% wettable powder, 50% emulsifiable concentrate)
desmetryne
diazionon (40% wettable powder)

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dichlofluanid (50% wettable powder)
dicofol
dimethoate (20% wettable powder)
diphenamid
dithianon (75% wettable powder)
dodine (80% wettable powder)
DSMA

endosulfan (5% dust)
enthion (4% dust)

fenithrothion (40% wettable powder)

isoprocarb

malathion (50% wettable powder)
metaldehyde
metham-sodium
mirex
MAMA

nicotine (11% smokes)

paraquat compounds (5% granules)
parathion (1% dust)
propachlor (65% wettable powder)

ryania

teduthiuron (80% wettable powder)
trichlorfon (50% wettable powder)
trichloronat (5% granules)

UNCLASSIFIED PESTICIDES

B-2.1

Aluminium ammonium sulphate
aluminium sulphate
ammonium sulphamate
anilazine
anthraquinone
asulam
attazine
aziprotryne
azobenzene

benazolin
benfiuralin
benodan
benomyl
benzoprop
benzoximate
bifenox
bioresmethrin
biphenyl
bromacil
bromophos

bromopropylate
buturon
butylate

camphor
captafel
cPRn
carbetamide
carboxin
chloramben
chloranil
chlorbenside
chorbromuron
chlorbufam
chlorafenson
chloroneb
chlorpropham
chlorthalmethyl
chlorthaldimethyl
chlorathalonil
chlorotoluron
cloropropylate
chloroxuron
cufraneb

dalapon
damiozide
dicamba
dichlobenil
1.4-diclorbenzene dichlorophea
didoran (ditranil)
diflubenzuron
dimethirimol
dimethrin
dinitroamine
dioron
dodemorph
dodicin

ethephon
ethirimol

fenuron
ferbam
fluometuron
flurodifen
fluorenol
folpet

gibberellic acid
griseofulvin
glyphosate

hexachlorobenzene

iodofenphos
iron (2+) sulphate
isonoruron

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jodfenphos

lenacil
linuron

maleic hydrazide
maneozeb
maneo
mebenil
methabenzthiazuron
metiram
methiuron
methoprotryne
methoxychlor
metabuemuren
metholachlor
metribuzin
monalide

naphthalene
2-naphthoxyacetic acid
1-napthylacetic acid
neburon
nitrofen

oxine-copper
oxycarboxin
oxytetracycline

pentanochlor
phenmedipham
phenothrin
picloram
profluralin
prometon
prometryn
propazine
propham
propineb
pyrazon
pyridinitril

quinazamid
quassia
quintozene

resmethrin

salicylanilide
sesbumeson
siduron
simazine
streptomycin salts
sulphur

tecaazene
terbacil
terbuthylazine

terbutryn
tetrachlorvinphos
tetraditon
tetramethrin
tetrasul
thiabendazole
thiophanate
tiophanate-methyl
trifluralin

zineo

THIRD SCHEDULE

(Section 17(1))

Prohibited Products

aldicarb (Temik)
azinphos-ethyl (Gusathion A)
azinphos-methyl (Gusathion M. Guthion)

demeton (Systox)
dicrotophos (Bidrin)
dimefox (Pestox XIV)
DNOC

EPNB

fensulforthion (Dassanit, Terracur P)
fluenetil (Lambrol)
fonofos (Dyfonate)

Gophacide

HCH Lindane

parathion-methyl
pentachloraphenal ACP
phorate (Thimet)

scjradam
sulfotep

TEPP
thionazin (Nemofos, Zinophos)

Zectran

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FOURTH SCHEDULE

(Section 28(3))

Pesticides and Toxic Chemicals (Conditions of importation of a Controlled Product)

1. **Interpretation.**

In this Schedule, unless the context otherwise requires,

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

"Freight container" includes a tank container, except a vehicle;

"hazards class" means the class assigned to controlled products formulation by the National Bureau of Standards or by the Board after consultation with the Bureau;

"package" means an article in which a controlled product is placed for storage, transport, 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 controlled products 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.

2. **Freight Containers.**

(1) A person who imports any controlled product into Saint Christopher and Nevis 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 Bureau of Standards.

(2) The importer of a controlled product under this regulation shall, as soon as he or she knows that the controlled product is ready for removal from the freight container, give due notice to the Inspector, who shall, as soon as possible, thereafter examine the container to determine whether it is contaminated or not.

(3) Where a freight container is found to be contaminated with a controlled product 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 or her agent a certificate of decontamination in the prescribed form.

(4) A person who does not comply with the requirements of sub-paragraph (1) of this paragraph shall not be allowed to remove the controlled product from the container.

3. **Accompanying Documents.**

(1) Any shipment of a controlled product into Saint Christopher and Nevis or any shipment of a controlled product being exported from Saint Christopher and Nevis shall be accompanied by documents printed in the English Language clearly, in which documents it shall be clearly stated

(a) the common name of the active ingredient of the controlled product;

(b) the percentage of the active ingredient;

(c) the hazard class of the controlled product 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 sub-regulation (1) shall be delivered by the importer to the Seaport and Airports Authority through which the cargo or shipment of controlled product passes at least forty-eight hours before its arrival or export so that the relevant Air and Sea Ports Authority may ensure that safe and appropriate methods of handling, transportation and storage are being used.

4. **Warning Marks.**

(1) A freight container used for the transportation or storage of a controlled product shall be clearly marked with the warning marks in accordance with the provisions of sub-paragraph (2) of this paragraph.

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

(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; or

(d) 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.

5. **Construction of Packages.**

Packages which are used for the import, export, transport, storage or sale of any controlled product shall be designed, constructed, tested and used in accordance with the

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

(b) International Standards;

(c) rules of the International Maritime Organisation;

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

(e) regulations or standards in foreign countries recognised as equivalent or more stringent than those referred to in sub-paragraphs (a), (b), (c) and (d) of this paragraph.

7. **Labelling and Marking.**

(1) Packages other than shipping cartons and retail packages which contain a controlled product shall be labelled with a label on which it is stated the following, that is to say,

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

(b) the percentage of the active ingredient in the controlled product;

(c) the appropriate warning marks as required by paragraph 5 (2);

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

(2) Shipping cartons and retail packages containing prepackaged controlled products for retail sale shall be labelled with a label on which it is stated the following, that is to say,

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

(b) the percentage of the active ingredient in the controlled product;

(c) the hazard class of the controlled product and the controlled product formulation;

(d) the appropriate warning marks as required by paragraph 5 (2);

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

(f) instructions for proper storage.

Revision Date: 31 Dec 2009

FIFTH SCHEDULE

(Section 35 (2))

PART I

Requirements for Premises Licensed for the Sale, Storage, Manufacture and Packaging of Controlled Products in Classes 1A, 1B, II and III

PART I – CONTROLLED PRODUCTS IN CLASSES 1A, 1B, II AND III

1. **Licensed Premises.**

Premises licensed for the sale, manufacture, storage or packaging of pesticides shall be constructed in accordance with the requirements specified in paragraphs 2, 3, 4, 5 and 6 of this Schedule.

2. **Construction of Premises.**

The premises referred to in paragraph 1 of this Schedule shall be constructed as follows, that is to say,

(a) the site shall not be such as to cause or allow 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-off shall not enter into septic tanks;

(c) areas and sections of the premises used for the storage or the exposure for sale of Class A, B, C or D products shall be clearly defined and shall be separated from other areas and sections of the premises and shall be identified by permanent signs, together with the appropriate prescribed warning mark contained;

(d) buildings shall be of sound materials and shall be constructed in such a way as to minimize 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, formulating or repackaging controlled products so as to minimize the movement of controlled products, dust or vapor into the sales area when 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 Building Code;

(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 shall be approved for use in hazardous situations and shall not be placed where flammable dusts and vapors 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.

3. **Disposal of Waste.**

(1) Facilities for the disposal of empty packages, containers and spilled or waste controlled products shall be such as to avoid contamination of the environment.

(2) Covered dust-bins and other receptacles for waste and spillages shall be made of materials able to resist corrosion by controlled products waste and shall be made sufficiently secure to discourage the removal of waste material by unauthorised persons and to prevent spillage of controlled products.

4. **First Aid.**

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

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

5. **Licence with Limitation.**

(1) General stores and shops, department stores, supermarkets and shops in shopping malls shall be licensed only for the retail sale of controlled products in Class III or unclassified controlled products which are pre-packaged and labelled for retail sale.

(2) The controlled products to be sold in accordance with sub-paragraph (1) of this paragraph shall be

(a) in rigid packages which are properly sealed; 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.

6. **Storage area.**

The storage areas and shelf areas for packages of controlled products to be sold as provided by paragraph 5 (1) of this Schedule shall be effectively and conspicuously separated from the storage areas and shelf areas used for all foods or animal feeds.