

Pesticides Control

Cap. 395.

PESTICIDES CONTROL REGULATIONS, 19741975/3.
1986/145.

Authority: These regulations were made on 30th December, 1974 by the Minister under section 6 of the *Pesticides Control Act*.

Commencement: 1st March, 1975.

1. These Regulations may be cited as the *Pesticides Control Regulations, 1974*.

2. For the purposes of these regulations

"active ingredient" means any substance in a pesticide that is intended to have a toxic effect on a pest;

"common name" means

(a) the name assigned by

(i) the International Organisation for Standardisation, or

(ii) the British Standards Institution; or

(b) where there is no name assigned under paragraph (a), the chemical name of the active ingredient;

"percentage" means percentage by weight of ingredient per hundred parts by weight of pesticide, unless otherwise prescribed.

3. (1) No person may manufacture, import, store, use, distribute, sell or expose or offer for sale any pesticide other than a pesticide approved by the Board for use in Barbados.

(2) A person who desires to have a pesticide approved under paragraph (1) shall submit, in such form as the Board determines, an application addressed to the Secretary of the Board.

(3) Subject to paragraph (5), an application under this regulation shall state

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- (a) the name and address of the applicant and of the manufacturer;
 - (b) the trade name or proposed trade name of the pesticide;
 - (c) the common names of all the active ingredients and their percentage content and the percentages and the types of the remaining ingredients of the pesticide;
 - (d) whether the pesticide is an emulsifiable concentrate, a wettable powder, dust, granule, or has any other physical form;
 - (e) the pests that may be controlled through the use of the pesticide and
 - (i) the method and number of applications, and
 - (ii) the application rates and the time which should elapse between applications,for the effective control of pest;
 - (f) the first-aid measures to be taken pending medical advice in a case of suspected poisoning by the pesticide, and the treatment that should be administered by a medical practitioner;
 - (g) the toxic effects likely to be caused in persons using or handling that pesticide, with special reference to toxic effects likely to be caused by ingestion, by inhalation, and by absorption through the skin;
 - (h) evidence of the fact that use of the pesticide on crops, on produce or on animals in accordance with the instructions given under paragraph (e) would not in any way render food unfit for consumption because of the residues of the pesticide present therein;
 - (i) the toxic effects the use of that pesticide may have on birds, fish, bees and on other wild life and domestic animals;
 - (j) the effectiveness of that pesticide in controlling pests having regard to climatic conditions in Barbados;
 - (k) the methods recommended for analysis of that pesticide;
 - (l) the method recommended for analysis in order to ascertain the level of that pesticide and of its residues in crops, animals, produce and animal products; and

- (m) such other information as the Board requires.
- by (4) An application under this regulation shall be accompanied
- (a) a copy of all labels or of all proposed labels used or intended to be used on the container in which the pesticide is to be packed;
 - (b) a copy of any instruction or of any proposed instructions accompanying or intended to accompany each package of the pesticide;
 - (c) a statement setting out any information, additional to that given on the label and additional to that contained in the instructions accompanying the package relating to the safety precautions and the type of clothes, facilities and equipment recommended to prevent hazards to persons using or handling the pesticide; and
 - (d) a statement as to whether that pesticide is
 - (i) approved by any Member State of the Caribbean Community for use in such state and the conditions, if any, attached to its sale, distribution or use in that state; or
 - (ii) being sold for use in its country of origin and whether there are any conditions attached to such use.

(5) Where a pesticide in respect of which an application is made under these regulations has been previously approved as fit for use in a Member State of the Caribbean Community, the Board may dispense with the requirement for all or any of the particulars specified in paragraphs (3) and (4).

4. (1) Notwithstanding these regulations, the Board may in writing authorise a research institute or other organisation engaged in research to import and use limited quantities of a pesticide, whether such pesticide is approved under these regulations or not.

(2) Where permission is granted to import and use a pesticide under paragraph (1)

- (a) such pesticide shall not be sold or distributed, and shall be used only

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- (i) by the employees of the institute or of the organisation and for the purpose for which it is imported, and
 - (ii) on the premises on which the research work is being done;
- (b) no crop, animal or product of any animal to which such pesticide is applied may be used as food for human beings or as feed for animals, as the case may be; and
- (c) a permanent record shall be kept showing
- (i) each date on which a pesticide is used;
 - (ii) the quantity of pesticide used; and
 - (iii) the crop or animal to which the pesticide is applied.

(3) Where an individual or organisation not authorised under paragraph (1) desires to engage in experimental work using a pesticide not approved under these regulations, the Board may, notwithstanding this regulation, issue to such individual or organisation in respect of the pesticide sought to be used a permit to import and use such pesticide, and a permit to issue shall state

- (a) the period for which it is valid;
- (b) the quantity of pesticide which may be imported; and
- (c) the conditions regarding the use of such pesticide.

5. (1) The Board may, after considering an application made under regulation 3, including the taking of expert advice where necessary, approve a pesticide for use in Barbados.

(2) Approval of a pesticide shall be for 3 years or such shorter period as the Board determines, at the end of which period the Board shall review the question of further approval.

6. The Board may

- (a) refuse to approve a pesticide if
 - (i) the person applying has not supplied all of the information required by the Board under regulation 3,
 - (ii) the pesticide, when used in accordance with the instructions submitted with the application, is not considered by the Board to be safe or effective in controlling pests, or

(iii) use of the pesticide in Barbados may constitute a risk to the public health, domestic animals or wild life;

(b) at any time withdraw its approval of a pesticide if it considers it expedient to do so in the interests of the public health, the safety of domestic animals or the preservation of wild life.

7. (1) No person may manufacture or import any pesticide approved by the Board unless he first obtains from the Board a licence so to do.

(2) An application for such a licence shall be in such a form as the Board determines, and shall be accompanied by a fee of \$25.

(3) A licence issued under this regulation shall state

(a) the number of the licence;

(b) the trade name of the pesticide;

(c) the common names of all the active ingredients of the pesticide and the percentage of each such ingredient present therein;

(d) the type of formulation;

(e) the name and address of the person to whom the licence is issued; and

(f) any conditions regarding the manufacture, importation, storage, use, distribution, sale, exposure or offering for sale of the pesticide as the Board determines.

(4) A licence shall be valid for such period not exceeding 3 years as may be specified therein and may be renewed for a further period not exceeding 3 years as may be specified therein, on payment to the Secretary of a fee of \$25, and a breach of any condition attached to the licence shall be deemed to be a breach of these regulations.

(5) A licence issued under this regulation shall remain the property of the Crown and its validity shall not be affected by

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- (a) any change in the trade name of the pesticide to which the licence relates, or
 - (b) any change in the name or address of the person to whom the licence is issued,
- if such change is communicated to the Board before the expiration of 1 month after it occurs.

8. (1) The Board may refuse to issue, or may at any time cancel or amend, a licence, or refuse renewal thereof, if

- (i) an untrue statement was made when the application for approval of the pesticide was submitted;
- (ii) the person to whom the licence was issued has committed a breach of the conditions specified in that licence or in another licence issued to him in respect of a pesticide; or
- (iii) approval of the pesticide to which the licence relates is withdrawn.

9. The Secretary shall within 14 days of a decision of the Board to

- (a) approve or refuse approval of a pesticide;
- (b) withdraw its approval of a pesticide; or
- (c) refuse to issue, cancel, amend or refuse renewal of a licence,

give notice of that decision to the person affected thereby.

10. (1) Where the Board

- (a) refuses to approve a pesticide;
- (b) withdraws its approval of a pesticide;
- (c) refuses to issue or to renew a licence; or
- (d) cancels or amends a licence,

a person affected by the decision may within 30 days of receiving notice under regulation 9 of the Board's decision, apply by letter addressed to the Secretary to have the decision reconsidered by the Board.

(2) The Board shall, on receiving a letter under this regulation, fix a date for reconsidering its decision, and give the applicant an

opportunity to be heard and to be represented by counsel if he so desires.

- (3) The Board may, after reconsidering the application
 - (a) revoke its former decision and substitute another decision therefor; or
 - (b) confirm its former decision.
- (4) A decision under paragraph (3) shall be final.

11. Each package of a pesticide sold or distributed shall be accompanied by a copy of the conditions regarding its use and storage as laid down by the Board under paragraph (3) (f) of regulation 7.

