

SUBSIDIARY LEGISLATION

**PESTICIDES CONTROL (REGISTRATION AND
LICENSING) REGULATIONS**

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SUBSIDIARY LEGISLATION

PESTICIDES CONTROL (REGISTRATION AND
LICENSING) REGULATIONS

56/1986.

made under section 7

[3rd December 1987]

Commencement.

PART I

PRELIMINARY

1. These Regulations may be cited as the –

Short title.

PESTICIDES CONTROL (REGISTRATION AND
LICENSING) REGULATIONS.

2. (1) For the purposes of these Regulations –

Interpretation.

“accompanying instructions” means any separate document containing
information, that is supplied with the pesticide container;“active ingredient” means any substance in a pesticide that is intended
to have toxic effect on pest;

“common name” means –

(a) the name assigned by -

(i) the International Organisation for Standardisa-
tion; or

(ii) the British Standards Institution; or

(b) where there is no name assigned under paragraph (a), the
chemical name of the active ingredient;“label” means any printed information or mark that is attached to,
included in, belonging to or accompanying a container;“percentage” means percentage by weight of ingredient per hundred
parts by weight of pesticide, unless otherwise prescribed.(2) Other terms used in these Regulations have the meanings
assigned to them in section 2 of the Act, except that “pest” shall not
include endoparasites of animals.

PART II

REGISTRATION OF PESTICIDES

Pesticides to be
registered as
approved
pesticides.

3. (1) No person shall manufacture, import, advertise, use, sell, expose or offer for sale any pesticide other than a pesticide that has been registered as an approved pesticide by the Board and published as such in the *Gazette*.

Form 1.
Schedule.

(2) A person who desires to have a pesticide registered under subregulation (1), shall submit an application in the form set out as Form 1 in the Schedule, addressed to the Secretary of the Board requesting such registration.

(3) Subject to subregulation (5), when a manufacturer, importer or vendor applies to the Board under this regulation for registration of a pesticide as an approved pesticide, he shall supply the following information, which shall be treated as confidential by the Board:

- (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 physical and chemical properties of active ingredients of the pesticide;
- (f) 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 application for the effective control of pests;
- (g) 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;

- (h) 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, or inhalation and by absorption through the skin;
 - (i) evidence of the fact that use of the pesticide on crops, on produce or on animals in accordance with the instructions given under paragraph (f) would not in any way render food unfit for consumption because of the residues of the pesticide present therein;
 - (j) the toxic effects the use of that pesticide may have on birds, fish, bees, other wild-life, domestic animals and on the environment generally;
 - (k) the effectiveness of that pesticide in controlling pests having regard to the climatic conditions of Dominica;
 - (l) the methods of analysis of the formulated compounds and their residues;
 - (m) such other information as the Board requires.
- (4) An application under this regulation shall be accompanied by –
- (a) a certificate of clearance or registration from the competent authority with whom the products are licensed or registered in the country of origin, as well as a copy of the label stamped as being approved by that authority; and if the product is not on sale in the country of origin, the reason for this must be stated;
 - (b) a copy of all labels or of all proposed labels used or intended to be used on the container in which the pesticide is packed;
 - (c) a copy of any instruction or proposed instructions accompanying or intended to accompany each package of the pesticide;
 - (d) 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

(e) a statement as to whether that pesticide is –

- (i) approved by any Member State of the Caribbean Community for use in that 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 this regulation 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 subregulations (3) and (4).

Concession to
research institute
or organisation.

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 registered as an approved pesticide under these Regulations or not.

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

- (a) such pesticide shall not be sold or distributed, and shall be used only –
 - (i) by the employees of the institute or 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) When an individual, institution or organisation not authorised under subregulation (1) desires to engage in experimental work

using a pesticide not registered as an approved pesticide under these Regulations, the Board may, notwithstanding these Regulations, issue to such individual, institution or organisation in respect of the pesticide sought to be used a permit to import and use such pesticide, and a permit so issued 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, register a pesticide as an approved pesticide suitable for use in Dominica and shall inform the applicant of the decision in the form set out as Form 2 in the Schedule.

Consideration of applications and registration of approved pesticides. Form 2. Schedule.

(2) Registration of a pesticide shall be for three 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 register a pesticide as an approved pesticide if –
 - (i) the person applying has not supplied all 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 Dominica may constitute a risk to the public health, domestic animals, wild-life or the environment;
- (b) at any time strike off the register of approved pesticides any pesticide if it considers it expedient to do so in the interest of the public health, the safety of domestic animals, the preservation of wild-life or the environment in general.

Power of the Board as regards registration of pesticides.

PART III

LICENSING OF PESTICIDES

Licence for the
manufacture,
importation or
sale of approved
pesticide.

7. (1) No person may manufacture, import, sell, expose or offer for sale any pesticide registered by the Board as an approved pesticide unless he first obtains from the Board a licence to do so, and in such a licence the Board may, whenever it considers necessary, specify restrictions on the person or persons or class or classes of persons to whom such pesticides may be sold, and may stipulate that a sales register be kept, in which the names and addresses of all persons purchasing such pesticides shall be entered, together with the quantity purchased and the date of purchase.

Form 3.
Schedule.

(2) An application for such a licence shall be in the form set out as Form 3 in the Schedule.

(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;
- (f) conditions or restrictions regarding the manufacture, importation, storage, use, distribution, sale, exposure or offering for sale of the pesticide as the Board determines;
- (g) the quantity of the pesticide to be imported or manufactured; and
- (h) the country of origin of the pesticide.

(4) A licence shall be valid for a period of six months or such lesser time as may be decided by the Board and shall be in the form set out as Form 4 in the Schedule.

Form 4.
Schedule.

(5) The validity of a licence shall not be affected by –

- (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 one month after it occurs.

(6) The Board may refuse to issue or may at any time cancel or amend, a licence issued under this regulation.

PART IV

DECISIONS OF THE BOARD

8. The Secretary of the Board shall, within fourteen days of a decision of the Board –

Notice to person affected by decision of the Board.

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

and give notice of that decision to the person affected thereby.

9. (1) Where the Board –

Application for reconsideration of Board's decision.

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

a person affected by the decision may within thirty days of receiving notice 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 subregulation (3) shall be final.

PART V

MISCELLANEOUS

Pesticide, sold or distributed to be accompanied by conditions. **10.** Each container or 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 regulation 7(3)(f).

Inferior products. **11.** No person shall supply as a pesticide a product that has decomposed or is deteriorated so as to be ineffective or dangerous, or which is packaged in containers that have deteriorated or have been damaged so as to be dangerous in storage or use.

False advertising. **12.** (1) No person shall advertise any pesticide in a manner which is false, misleading and deceptive, and inconsistent with the information supplied to the Board at the time of registration.

(2) All information contained on the label and accompanying instructions shall be in accordance with the information supplied to the Board at the time of registration, and shall not include any misleading or unsatisfactory claims.

Containers. **13.** (1) All pesticides imported to, transported within, or exposed or offered for sale or otherwise distributed in Dominica shall be packed in containers deemed suitable for the purpose by the Board.

(2) Where an unsuitable container is in use the Board shall give notice thereof in writing to the person or persons responsible, who shall be held to be in contravention of these Regulations if the unsuitable container is not replaced by a suitable container within three months of the date of the notice.

14. No person shall transport any pesticide unless –

Transportation of pesticides.

(a) it is securely packaged to avoid leakage arising from the ordinary risk of handling;

(b) the outside of the package containing the pesticide is labelled conspicuously with the name and description of the pesticide and a prescribed notice indicating that it is to be kept separate from food containers is delivered by the distributor or seller to the transporter;

(c) adequate precautions from the risk of contaminating food for human consumption or animal feed, utensils

and water supplies are taken and similar precautions against the accidental destruction or contamination of plant and animal life are also taken.

15. Any person who contravenes these Regulations is liable to the ^{Penalty.} penalties imposed by section 8 of the Act.

SCHEDULE

Regulation 3(2).

**THE PESTICIDES CONTROL (REGISTRATION AND
LICENSING) REGULATIONS**

FORM 1

**APPLICATION FOR REGISTRATION OF A PESTICIDE AS AN
APPROVED PESTICIDE**

Date

The Secretary,
Pesticides Control Board,
Ministry of Agriculture,
Government Headquarters,
Roseau,
The Commonwealth of Dominica,
W.I.

Sir/Madam,

I

(Name)

of

(Address)

do hereby apply to the Pesticides Control Board for registration of the pesticide

.....

(Trade name or proposed trade name)

as an approved pesticide.

(1) Name and address of manufacturer

.....

.....

[Subsidiary]

Pesticides Control (Registration and Licensing) Regulations

(2) Common names of all active ingredients and their percentage content and the percentages and the types of the remaining ingredients of the pesticide

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.....
.....

(3) Type of formulation, whether the pesticide is an emulsifiable concentrate, wettable powder, dust, granule or has any other physical form (*Please specify the type of formulation*)

(Please use this form for one type of formulation only)

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.....

(4) The physical and chemical properties of active ingredients of the pesticide

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(5) Pests for which pesticide is to be used

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.....

(6) Method and number of applications

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(7) Rate of application and time of elapse between applications for the effective control of pests

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(8) 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

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.....

(9) The toxic effects likely to be caused in persons using or handling the pesticide with special reference to the toxic effects likely to be caused by ingestion, by inhalation, and by absorption through the skin

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(10) Information on the levels of residues likely to result in food from using the pesticide in accordance with the recommended method, rates and timing of applications and on the significance of these levels

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(11) The toxic effects the use of the pesticide may have on birds, fish, bees, other wild life, domestic animals and on the environment generally

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(12) The effectiveness of the pesticide in controlling pests, having regard to the climatic conditions in Dominica

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.....

(13) Methods for formulation analysis of the pesticide and for analysis of its residues in crops, animals, produce and animal produce (*Note: Reference to published methods of analysis will be acceptable*)

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.....
.....

(14) Other information

.....
.....
.....
.....

.....
Applicant

Pesticides Control (Registration and Licensing) Regulations

The above information is requested in compliance with regulation 3. If the information is contained in booklets and documents, please supply these, and make reference to them on the form.

In accordance with regulation 3(4), this application must be accompanied by –

- (a) a certificate of clearance or registration from the competent authority with whom the products are licensed or registered in the country of origin, as well as a copy of the label stamped as being approved by that authority; and if the product is not on sale in the country of origin, the reason for this must be stated;
- (b) 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;
- (c) a copy of any instructions or of any proposed instructions accompanying or intended to accompany each package of the pesticide;
- (d) 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
- (e) a statement as to whether that pesticide is –
 - (i) approved by any Member State of the Caribbean Community for use in that 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.

P.S.

Please fill out this form by typewriter or in legible block letters in ink. Please answer all questions. If there is insufficient space on the form, answer on separate sheet(s) of paper, using the same numbers as on the form.

Please note the following:

Each package sold or distributed must be accompanied by a copy of those conditions which relate to the use and storage of this pesticide in accordance with regulation 10.

This licence is valid for a period _____ months.

Any change in the trade name of the pesticide, or in the name and address of the person to whom this licence is issued, must be communicated to the Pesticides Control Board within one month of the change.

Please note:

Regulation No. 10 states:- Each container or 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 (f) of regulation 7(3).

FORM 2

Regulation 5(1).

Pesticides Control Board,
Ministry of Agriculture,
Government Headquarters,
Roseau,
The Commonwealth of Dominica,
W.I.

Date

Dear Sir,

The Board considered your application dated
for the registration of
(Trade name)

containing the active ingredients
in the formulation
as an approved pesticide and decided to register the above-mentioned pesticide
for use in the Commonwealth of Dominica subject to the following conditions:

.....
.....
.....

The approval is granted for the period to at
the end of which period the Board will consider whether further approval
should be granted.

I enclose herewith a form on which you may apply for a licence to import/
manufacture the above-mentioned pesticide.

Yours faithfully,

Secretary
Pesticides Control Board.

[Subsidiary]

Pesticides Control (Registration and Licensing) Regulations

FORM 3

Regulation 7(2).

THE PESTICIDES CONTROL BOARD REGULATIONS
APPLICATION FOR A LICENCE TO IMPORT/MANUFACTURE A
PESTICIDE

Date

The Secretary,
Pesticides Control Board,
Ministry of Agriculture,
Government Headquarters,
Roseau,
Commonwealth of Dominica,
W.I.

I

(Name)

of

(Address)

do hereby apply to the Pesticides Control Board for a licence to import/
manufacture the pesticide

(Trade name)

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

.....
.....
.....

(2) The type of formulation, whether the pesticide is an emulsifiable concen-
trate, wettable powder, dust, granule or has any other physical form

.....
.....
.....

(3) The quantity of the pesticide to be imported/manufactured

.....
.....
.....

(4) The country of origin of the pesticide

.....
.....
.....

.....

(Applicant.)

FORM 4

PESTICIDES CONTROL BOARD

Regulation 7(4).

(Established under the Pesticides Control Act Ch. 40:10)

LICENCE TO IMPORT/MANUFACTURE A PESTICIDE

Licence No.
Date of issue
Date of expiry

The licences
of.....
is hereby permitted to import/manufacture the pesticide
.....
(Trade name)

(1) The common names of all the active ingredients of the pesticides and the
percentage of each such ingredient present therein
.....
.....
.....

(2) The type of formulation
.....
.....
.....

(3) The quantity of the pesticide to be imported/manufactured
.....
.....
.....

(4) The country of origin of the pesticide
.....

Subject to the following conditions:
.....

*Secretary
Pesticides Control Board.*

Please fill out this form by typewriter or in legible block letters in ink. Please
answer all questions. If there is insufficient space on the form, answer on
separate sheet(s) of paper, using the same numbers as on the form.

