

*Pesticides Control (Registration and Licensing) Regulations***SAINT LUCIA**

STATUTORY INSTRUMENTS, 1987, No. 71

[24th December, 1987]

1. **Citation.** These Regulations may be cited as the Pesticides Control (Registration and Licensing) Regulations, 1987.

2. **Interpretation.** In these Regulations —

“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 pests ;

“common name” means —

(a) the name assigned by —

(i) the International Organisation for Standardisation ; or

(ii) the British Standard Institution ; or

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

3. **Pesticides to be registered as approved pesticides.** (1) No person shall manufacture, import, advertise, use, sell, expose or offer for sale any pesticide unless that pesticide has been approved by the Board and registered by the Board as an approved pesticide and notice of such registration is published in the *Gazette*.

(2) A person who desires to have a pesticide approved for the purposes of subregulation (1) shall submit an application in the form set out as Form A - 1 in the Schedule.

4. **Licence to import or manufacture pesticide.** An application for a licence to import or manufacture a pesticide under these Regulations shall be in the form set out as Form A - 2 in the Schedule.

5. **Application by research institutes or organisations.** (1) Notwithstanding these Regulations, a research institute or other organisation engaged in research, may apply in writing to the Board for authorisation to import and use, for research purposes only, limited quantities of a pesticide not approved under these Regulations.

(2) An application made under subregulation (1) must state the common name, chemical name, proprietary name and the research work to be carried out.

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(3) Where permission is granted to import and use a pesticide under this Regulation —

- (a) the 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 consumption or as feed for animals, as the case may be ; and
- (c) the Board may require the research institute or organisation to submit a technical report on the pesticide to the Board after the research work is completed.

6. Use of pesticide for experimental purposes. (1) When an individual, or company not authorised under Regulation 5 desires to engage in experimental work using a pesticide not registered as an approved pesticide under these Regulations, the individual or company shall apply to the Board for a permit to import and use such pesticide.

(2) The Board may, notwithstanding these Regulations, issue to the individual, or company referred to subregulation (1) in respect of the pesticide sought to be used, a permit to import and use such pesticide in the form set out as A - 3 in the Schedule.

(3) A permit issued under subregulation (2) must state —

- (a) the period for which it is valid ;
- (b) the quantity of pesticide which may be imported ;
- (c) the conditions regarding the use of the pesticide ; and
- (d) the date by which a technical report on the pesticide, should be submitted.

7. Licence to import or manufacture a pesticide. A licence to import or manufacture a pesticide may be granted on such terms and may be subject to such conditions as the Board may think necessary and shall be in the form set out as Form A - 3 in the Schedule.

(2) The Board may review, renew, alter or revoke any licence or permit granted under these Regulations.

8. Power of Board as regards registration of pesticides. The Board may —

- (a) refuse to register a pesticide as an approved pesticide if —
 - (i) the person applying for such registration has not supplied all the information required by the Board in the form set out as Form A - 1 in the Schedule ;
 - (ii) the pesticide, when used in accordance with the information submitted with the application, is not considered by the Board to be safe or effective in controlling pests ; or

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- (iii) the use of the pesticide in Saint Lucia 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 necessary to do so in the interest of the public health for the safety of domestic animals and for the preservation of wild-life or the environment.

9. Licencing for the warehousing, repackaging, retailing of approved pesticides. (1) No person shall store, repackage, retail or otherwise deal with any pesticide registered by the Board as an approved pesticide unless he first obtains from the Board a licence for the premises where he intends to store, repackage, retail or otherwise deal with any pesticide.

(2) An application for a licence under subregulation (1) shall be in the form set out in Form B - 1 in the Schedule.

(3) The Board may, after considering an application made under subregulation (2) visit the premises where the pesticide is being dealt with before granting or refusing to grant the licence.

(4) The applicant shall be notified of a visit by an Inspector in the form set out as Form B - 2 in the Schedule.

(5) No notice shall be issued for subsequent visits by an Inspector.

(6) A licence issued under this Regulation must be stamped with the official stamp of the Board and shall be displayed in a conspicuous place on the approved premises.

(7) A licence issued under this Regulation may be valid for a period of one year or such shorter period as may be determined by the Board and shall be in the form set out as Form B - 3 in the Schedule.

10. Cancellation of licence. (1) A licence issued under Regulation 9 shall be deemed to be invalid if there is any change in —

- (a) the location of the area where the pesticide is being dealt with or handled even if it may be carried out in the same building ;
- (b) the design of the room in which the pesticide is being dealt with or handled ; or
- (c) the location of various approved pesticides.

(2) Where any change referred to subregulation (1) has been carried out a new application must be made to the Board to give effect to such a change.

(3) The Board may refuse to issue or may at any time cancel or amend a licence issued under this Regulation if the applicant fails to comply with the requirements for or any condition attached to the licence.

11. Record of pesticides. The Board may, whenever it deems necessary, specify restrictions on the sale of a pesticide and may stipulate that a record be kept as in the form set out as Form C in the First Schedule in which the names, addresses and proof of identity of all persons purchasing such pesticide can be entered together with the quantity purchased and the date of purchase.

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12. Notice to person affected by decision of the Board. The Secretary of the Board shall, within fourteen days of a decision of the Board to —

- (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,

give notice of that decision to the person affected thereby.

13. Application for reconsideration of Board's decision. (1) Where the Board —

- (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 of the Board 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 shall 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.

14. Pesticide, sold or distributed to be accompanied by conditions. 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 the Pesticides Control (Labelling of Pesticides) Regulations 1987 (No. 70 of 1987).

15. Inferior products. 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.

16. False advertising. (1) No person shall advertise any pesticide in a manner which is false, misleading, or 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 application for registration, and shall not include any misleading or fictitious claims.

17. Containers. (1) All pesticides imported into, transported within or exposed or offered for sale or otherwise distributed in Saint Lucia shall be packed in containers deemed suitable for the purpose by the Board.

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(2) Where an unsuitable container is in use the Board shall give notice thereof in writing to the person responsible, who shall be held to be in contravention of these Regulations if he fails to ensure that the unsuitable container is replaced by a suitable container within three months of the date of the notice.

18. **Transportation of pesticides.** No person shall transport any pesticide unless —

- (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 notice indicating that it is to be kept separate from food containers is delivered by the distributor or seller to the transporter ; or
- (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.

19. **Penalty.** Any person who contravenes these Regulations is liable to the penalties imposed by section 9 (2) of the Pesticides Control Act, 1975 (No. 7 of 1975).

Made by the Minister under section 7 of the Pesticides Control Act, 1975 (No. 7 of 1975) this 21st day of December, 1987.

FERDINAND HENRY,
Minister.

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SCHEDULE

FORM A - 1

(Regulation 3)

APPLICATION FOR APPROVAL OF PESTICIDE

The Secretary,
Pesticides Control Board,
Ministry of Agriculture,
Castries.

Dear Sir/Madam,

I.....(Name)
of.....(Address)

hereby apply to the Pesticides Control Board for approval of the pesticide
.....(Trade Name)

1. Name of manufacturer.....
.....

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

3. Type of formulation. (Specify whether the pesticide is an emulsifiable,
concentrate, wettable powder, dust, granule or has any other physical form)
(Please use this form for one type of formulation only).
.....
.....

4. Crops and types of pests for which pesticides is to be used
.....
.....
.....

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5. **Manufacturers recommended method, frequency and rate of application**

.....

6. **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. Specify recommended antidotes**

.....

.....

7. **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 indigestion, by inhalation and by absorption through the skin.....**

.....

.....

8. (a) **Recommended period between final application and harvest (with supporting data).....**

.....

(b) **Information on the levels of residues in food likely to result from use recommended rates, timing, frequency and methods of application.....**

.....

9. **The toxic effects which the use of the pesticide may have on birds, fishes, bees, biological agents and on other wild-life and domestic animals**

.....

.....

10. **LD 50 of pesticide. State tested animals :—**

Oral

Dermal

Inhalation

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11. Methods for formulation analysis of the pesticides and for analysis of its residues in crops, animals, produce and animals products. (*Note : Reference to published methods of analysis will be acceptable.*)

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12. Tolerance levels as prescribed by FAO/WHO.....

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.....
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13. Other information (usage etc.).....

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

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FORM A - 2

(Regulation 4)

APPLICATION FOR A LICENCE TO IMPORT/MANUFACTURE A PESTICIDE

The Secretary,
Pesticides Control Board,
Ministry of Agriculture,
Castries,
Saint Lucia, W.I.

Date.....

Sir/Madam,

(Name)

of (Address)

hereby apply to the Pesticide Control Board for a licence to Import/Manufacture

(state quantity).....

of the pesticide.....

containing the active ingredient(s).....

in the formulation.....

.....
Applicant

This application must be accompanied by :—

- 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 instructions or of any proposed instruction 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 ;
- d. Documented evidence that the pesticide is being sold for use in its country of origin and whether there are any conditions attached to such use ; and
- e. All booklets and documents in which information is given and make reference to them on the form.

NOTE : The Board reserves the right to revoke approval of the pesticide (the licence) at any time during the approved period if it deems this necessary.

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FORM A - 3

(Regulations 6, 7)

PERMIT/LICENCE TO IMPORT/MANUFACTURE A PESTICIDE

Licence No.....

Date of Issue.....

Date of expiry.....

The Licensee.....

of.....

is hereby permitted to import/manufacture.....

quantity of.....containing the

active ingredient(s).....

in the formulation.....

subject to the following conditions.....

.....
Secretary, Pesticides Control Board.

Please note the following :—

1. Each package sold or distributed must be accompanied by a copy of those conditions which relate to the use and storage of this pesticide.
2. 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.

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FORM B - 1

(Regulation 8)

**APPLICATION FOR APPROVAL OF PREMISES TO DEAL
WITH PESTICIDES**

Date.....

The Secretary,
Pesticides Control Board,
Ministry of Agriculture,
Castries,
Saint Lucia, W.I.

Dear Sir/Madam,

I
(Name)

of

.....
hereby apply to the Pesticides Control Board for Licensing of my premises at :—

- 1.for warehousing
- 2.for repackaging
- 3.for retailing
of pesticides.

I have complied with all the provisions of the Employees (Occupational Health and Safety) Act, 1985 (No. 10 of 1985) relating to the premises.

.....
Applicant

N.B. Applicants may be requested to provide additional information by the Board.

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FORM B - 2

(Regulation 9)

NOTICE

The Pesticides Control Board,
Ministry of Agriculture,
Castries,
Saint Lucia, W.I.

Date

Dear Sir/Madam,

The Board has met to consider your application dated.....
for licencing of your premises at :—

- 1.for warehousing
- 2.for repackaging
- 3.for retailing
of pesticides.

An Inspector will be visiting your premises on.....
.....at

Your co-operation will be appreciated.

Yours faithfully,

.....
Secretary,
Pesticides Control Board.

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FORM B - 3

(Regulation 9)

LICENCE TO USE PREMISES TO DEAL WITH PESTICIDES

The Pesticides Control Board,
Ministry of Agriculture,
Castries,
Saint Lucia, W.I.

Date

Dear Sir/Madam,

The Board considered your application dated.....

.....for licencing of your premises
at :—

1.for warehousing

2.for repackaging

3.for retailing
of pesticides, and upon investigation decided to approve/not to approve your
premises as licenced, for a period of

Yours faithfully,

.....
Secretary,
Pesticides Control Board.

Reasons for not approving :—

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

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FORM C

(Regulation 11)

Date

PURCHASE OF A RESTRICTED PESTICIDE

(Poison)

I.....(Full Name)

of.....(Address)

.....

have this day purchased.....(Quantity)

of restricted pesticide.....(Trade Name)

(.....% active ingredient.....)

knowing that this is a very poisonous substance.

Signed :

Date :

Witnessed by dealer :

Dealer's stamp

Proof of identity — I.D. Card No.....

Passport No.....

Original — Pesticides Board

Duplicate — Purchaser

Triplicate — Dealer

SAINT LUCIA

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