

SUBSIDIARY LEGISLATION

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[Subsidiary]

225/1987.
[6 of 1993].

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

made under section 12

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

Definitions. **2.** In these Regulations—
“accompanying instructions” means any document containing instructions for use, disposal or storage, that is supplied with a package of a pesticide;
“Act” means the Pesticides and Toxic Chemicals Act;
“active ingredient” means any substance in a pesticide claimed to act on a pest;
“appeal” means an appeal to the Minister pursuant to regulation 23;
“Board” means the Pesticides and Toxic Chemicals Control Board established under section 3 of the Act;
“common name” in relation to an active ingredient means the name assigned to such an ingredient by the International Organisation for Standardisation (ISO) or the British Standards Institution (BSI) or assigned by the Board, or, if no name has been so assigned, the chemical name of the active ingredient;
“established pesticide” means a pesticide that was imported, manufactured, sold or used in Trinidad and Tobago before the coming into force of the Act;
“general research permit” means a permit issued by the Board under regulation 14;
“pest” has the meaning assigned to it under the Act, but does not include endoparasites of animals;
“physical form” in relation to a pesticide means the form of the pesticide such as emulsifiable concentrate, wettable powder, granule or any other form;
“research permit” means a permit issued by the Board under regulation 13.

APPLICATION FOR REGISTRATION OF A PESTICIDE

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

Application for registration of a pesticide.

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

Form of application. [6 of 1993].

- (a) the existing or proposed trade name of the pesticide;
- (b) the common names and chemical names of the active ingredients present in the pesticide and the percentage of each;
- (c) the chemical name, type and percentage of any other ingredients present in the pesticide;
- (d) the names and addresses of the manufacturer, the agent and the importer;
- (e) information on the stability in storage of the pesticide;
- (f) the recommended conditions of storage and form of package;
- (g) information on the oral, dermal and inhalation toxicity of the pesticide and any active ingredient present therein;
- (h) information on hazards to persons using or handling the pesticide, and precautions, equipment, protective clothing and facilities recommended to prevent the exposure of those persons to those hazards and information on measures to guard against flammable pesticides;
- (i) information on the proposed uses of the pesticide, the pests that may be controlled by it, and the recommended method of use, for example, the number of times, the period over which, the quantity in which the pesticide may be applied;

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- (j) information on the efficacy of the pesticide, when it is used as recommended, in climatic conditions similar to that of Trinidad and Tobago;
- (k) a statement indicating the physical form of the pesticide and information relative to each physical form;
- (l) full details of first aid and medical treatment which may be effectively used in cases of suspected poisoning by the pesticide;
- (m) a copy or a draft of the labels and any accompanying instructions which are to be used in connection with the pesticide;
- (n) recommended methods of analysis for the pesticide and for any residues thereof in or on crops or animals, or both, and data regarding the persistence of such residues;
- (o) evidence to show that residues of the pesticide, when used on food crops or animals, or on crops which may be used as food for animals in accordance with the information given under paragraph (i), would not exceed the levels recognised as safe by International Organisations if the crop or animal is used as food;
- (p) information on hazards which the pesticide may pose to domestic animals, bees, fishes, birds and other wildlife and adverse effects on soil, air and water;
- (q) such samples of the pesticide, its active ingredients, packages and recommended reagents for analysis as may be specified by the Board from time to time;
- (r) information on methods of safe disposal of waste pesticide and any containers in which the pesticide was stored;
- (s) information on the decontamination of spillages;

- (t) a certified copy of the certificate of registration or any similar document issued in the country of origin of the pesticide by a competent authority acceptable to the Board, and certified copies of the labels and accompanying instructions used in that country together with certified English translations thereof, where necessary, and if the pesticide is not sold in that country, the reason for it not being sold there shall be stated; and
- (u) such other particulars as the Board may require.
- (2) An application fee of seven hundred and fifty dollars for the registration of a pesticide shall be paid to the Comptroller of Accounts or to any Revenue Office and the receipt shall be submitted with the application.
- (3) Every application shall be treated as confidential by the Board and shall be considered by the Board within one hundred and twenty (120) days of its receipt by the Registrar.
- (4) Where an applicant supplies a certified copy of a certificate of registration or any similar document issued by a competent authority in a Commonwealth Caribbean country, the Board may if the application is accompanied by a copy of the conditions imposed on the sale or use of the pesticide in that country dispense with any or all the particulars required to be submitted under subregulation (1).
- (5) Where an application is not accompanied by all the particulars required to be submitted by this regulation, the Board may give the applicant such time as it considers necessary to satisfy the requirements of this regulation.

PUBLICATION OF NOTICE OF APPLICATION

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

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

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**RIGHTS OF GROUNDS OF OBJECTION
TO REGISTRATION**

Right of
objection to
registration.

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

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

REGISTRATION OF A PESTICIDE

Registration.

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

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

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

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

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

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

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

REFUSAL TO GRANT APPROVAL FOR REGISTRATION

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

- (a) the application is not accompanied by all the particulars or samples required to be submitted under regulation 4;
- (b) the application contains information that is misleading, false, deceptive or likely to deceive or create an erroneous impression on the Board;
- (c) the person applying for the registration has failed to comply with the conditions subject to which any pesticide is registered;
- (d) the pesticide is not shown to be safe or efficacious when used as recommended;
- (e) the use of the pesticide is likely to constitute a hazard to public health, domestic animals, bees, fishes, birds or other wildlife or produce adverse effects to soil, air and water; or
- (f) the pesticide, or any residue thereof, is so persistent that it may result in a long-lasting pollution of the water or land on which it is used.

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

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

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

CERTIFICATE OF REGISTRATION

Contents of certificate of registration.

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

- (a) the trade name of the pesticide and the physical form in which it may be manufactured, imported, stored, sold or used;
- (b) the common name of the active ingredients present in the pesticide and the percentage of each;
- (c) the registration number;
- (d) the conditions subject to which the registration is granted; and the hazard class of the formulation;
- (e) any other information which the Board considers necessary.

Validity of registration.

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

- (a) the trade name of the pesticide;
- (b) the names and addresses of the manufacturer and his agent, if the change is notified to the Registrar within one month thereof; and
- (c) a defect in the certificate other than a defect in the signature on the certificate.

AMENDMENT OF CONDITIONS OF REGISTRATION AND CANCELLATION OF REGISTRATION

Power of Board to amend conditions or cancel registration.

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

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

- (b) information which was misleading, false, deceptive or likely to deceive or create an erroneous impression on the Board was submitted in support of an application for registration and on the basis of which the pesticide was registered; or
- (c) the pesticide is significantly less efficacious than was made to appear in the application,

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

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

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

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

RESEARCH PERMIT AND GENERAL RESEARCH PERMIT

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

Research permit.

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

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

(4) A research permit may—

- (a) be renewed from time to time subject to any conditions the Board considers necessary to impose; and
- (b) be amended or cancelled at any time.

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

- (a) satisfactory evidence of the competence of the person proposing to do the research;
- (b) satisfactory evidence of the research facilities available to him;
- (c) a written report on the research when completed;
- (d) information regarding the uses to which the pesticide may be put; and
- (e) any other information it considers necessary.

General
research permit.

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

- (a) observing the conditions subject to which the general research permit may be issued; and
- (b) controlling the use, storage and disposal of the pesticide.

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

15. The Board may—

- (a) refuse to issue a research permit to any person or a general research permit to a government department, or any other department, institution or organisation on the grounds of non-compliance with any condition of a research permit or a general research permit, which was previously issued to that person, government department, or other department, institution or organisation;
- (b) cancel or amend a research permit or a general permit if it is satisfied that any information given to the Board was misleading, false, deceptive or likely to create an erroneous impression on the Board;
- (c) refuse to issue a research permit or general research permit, if, in its opinion the use of the pesticide is likely to constitute a hazard to public health, domestic animals, bees, fishes, birds and other wildlife, and to produce adverse effects to soil, air and water.

Discretion of Board to refuse to issue permit.

**APPLICATION FOR LICENCE TO IMPORT
A PESTICIDE**

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

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

- (2) The application shall contain the following particulars:
 - (a) the name, place of business and the nature of business of the applicant;
 - (b) the name and address of the manufacturer;
 - (c) the trade name and registration number of the pesticide; and
 - (d) such other particulars as the Board may require.

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

L.R.O. 1/2009

GRANT OF LICENCE TO IMPORT A PESTICIDE

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

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

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

- (a) the trade name of the pesticide and the physical form in which it may be imported, stored, sold or used;
- (b) the registration number of the pesticide;
- (c) the conditions subject to which the licence is granted; and
- (d) such other requirements and information as the Board considers necessary.

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

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

Form of licence.

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

Refusal to grant licence.

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

VALIDITY OF LICENCE TO IMPORT A PESTICIDE

Validity of licence.

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

- (a) the trade name of the pesticide; and
- (b) the name and address of the importer or the manufacturer,

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

KEEPING OF RECORDS

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

Holder of licence to keep records.

- (a) the quantity of the pesticides he has imported and the registration number of the pesticide;
- (b) the date of importation of the pesticide;
- (c) the name and address of the manufacturer of the pesticide; and
- (d) such other information as the Board may require.

CANCELLATION OF LICENCE TO IMPORT A PESTICIDE

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

Cancellation of licence.

- (a) upon breach of a condition subject to which the licence was granted;
- (b) where the holder of the licence contravenes any provision of the Act or the Regulations;
- (c) where the registration of the pesticides has been cancelled;
- (d) where the Board is satisfied that information which was misleading, false or deceptive or likely to deceive or create an erroneous impression on the Board was submitted in support of the licence and on the basis of which the licence was granted or renewed;
- (e) upon failure of importer to keep up-to-date import records in accordance with regulation 21;
- (f) for any other reason where the Board thinks it proper to do so.

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

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Appeals.

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

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

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

Minister to consult.

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

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

Mode of disposing of appeal.

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

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

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

PUBLICATION

Publications by the Board.

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

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

- (b) the names and addresses of persons to whom licences have been granted and of persons whose licences have been cancelled; and
- (c) such other information as it considers necessary.

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