

LAWS OF DOMINICA

PESTICIDES CONTROL ACT

CHAPTER 40:10

**Act
15 of 1974
Amended by
4 of 1987**

Current Authorised Pages

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CHAPTER 40:10

PESTICIDES CONTROL ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
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 3. Creation of Control Board and appointment of officers.
 4. Administrative expenses.
 5. Authorisation of entry.
 6. Powers of inspectors.
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“label” means any legend, word or mark attached to, included in, belonging to or accompanying a container;

“manufacture” means the formulation, compounding or synthesising of a pesticide;

“Minister” means Minister responsible for Agriculture;

“owner” means the owner of an article, his servant or agent, the person in whose possession an article is found, the owner of a vehicle or land in which or on which an article is found, or the employer of a worker;

“packaging” means the activity of putting pesticides in containers for sale or distribution;

“pest” means any insect, rodent, bird, fish, mollusc, nematode, fungus, weed, micro-organism, virus, ectoparasites of man, ectoparasites or endoparasites of animals and any other kind of plant or animal life which is injurious, troublesome or undesirable to growing crops, produce, processed food, wood, clothes, fabrics or other inanimate objects and includes anything which is undesirable under any enactment relating to pest control;

“pest control operator” means a person who, by himself or his employees, assistants or agents, carries out an extermination for remuneration;

“pesticide” means a product intended to be used for controlling a pest;

“produce” means a crop grown for consumption or other use after it is severed from the land and includes anything ordinarily used or which may be used in the composition of food for human beings and domestic and farm animals, but does not include growing crops;

“worker” means a person employed in the use of handling of pesticides.

3. (1) There is hereby established a Board to be called the Pesticides Control Board whose duties shall be –

Creation of
Control Board
and appointment
of officers.

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

(b) to carry out the provisions of the Act and of the Regulations made thereunder.

(2) The Board shall comprise the Chief Medical Officer, Chief

Agricultural Officer, the Government Analyst and two other persons appointed by the Minister, one of whom shall not be employed in the Government Service.

(3) The Minister may appoint as inspectors suitably qualified persons to assist the Board in carrying out its duties under subsection (1)(b).

Administrative
expenses.

4. All expenses incurred in the administration of this Act shall be defrayed out of the moneys provided for the purpose by Parliament.

Authorisation of
entry.

5. (1) An inspector may, when he is performing his duties under this Act or the Regulations, at any reasonable hour, enter land or premises to which this section applies.

(2) An inspector shall –

- (a) before entering on any land or premises under authority of this section, produce on request an instrument (signed by the Chief Agricultural Officer) authorising him to enter on such land or premises; and
- (b) if it is necessary for him to enter a dwelling house other than a dwelling house in which he reasonably believes there are washing facilities or other facilities provided under this Act or the Regulations made thereunder for the use of persons not living in that dwelling house, before entering that dwelling house give twenty-four hours notice of his intention to enter to the occupier of the dwelling house.

(3) This section applies to any land or premises –

- (a) on which a pesticide is being, has recently been, or is about to be used, manufactured, sold, packaged or stored;
- (b) which is being used or has recently been used or is about to be used for a purpose connected with the use, manufacture, sale, packaging or storage of pesticides;
- (c) on which apparatus and facilities required to be kept by the Regulations are kept; or
- (d) which an inspector has reasonable cause to believe to be land or premises mentioned in paragraphs (a) to (c).

6. (1) An inspector may –

Powers of
inspectors.

- (a) require the production of and may inspect, examine and copy registers, records or other documents required to be kept by the Regulations;
- (b) make examinations and enquiries to discover whether this Act and the Regulations are complied with;
- (c) require any person he finds on land or premises mentioned in section 5(3) to give information to the best of his knowledge as to who is the occupier of that land and who is the employer of workers employed to work thereon;
- (d) interview either alone or in the presence of any other person with respect to the observance of this Act or the Regulations, any person he finds on any land or premises mentioned in section 5(3) or whom he has reasonable cause to believe to be, or to have been within the preceding two months, employed to work thereon, but, a person so interviewed may not be required to answer any question or make any statement tending to incriminate himself;
- (e) carry out medical examinations of persons suffering or believed to be suffering from toxic effects produced by pesticides if the inspector is a registered medical practitioner;
- (f) takes samples under section 9;
- (g) seize and detain for such time as may be necessary any article by means of which or in relation to which he reasonably believes any provision of this Act or the Regulations has been violated;
- (h) exercise such other powers as may be necessary for carrying into effect this Act and the Regulations.

(2) An inspector shall release an article seized under subsection (1) when he is satisfied that all the provisions of the Act and the Regulations have been complied with.

(3) Any article seized under subsection (1)(g) may at the option of any inspector be kept or stored in the building or place where it is seized or may at the direction of an inspector be removed to another place.

(4) Where an inspector seizes an article under subsection (1)(g) and the owner then consents to its destruction the article shall thereupon be forfeited to the State and may be destroyed or otherwise disposed of as the Board may direct.

Regulations.
[4 of 1987].

7. (1) The Minister may make Regulations for carrying into effect the provisions of this Act and in particular for –

- (a) prohibiting the manufacture, packaging, importation, advertisement, sale and use of particular pesticides or classes of pesticides;
- (b) controlling the manufacture, packaging, importation, transportation, advertisement and sale or other distribution of particular pesticides or classes of pesticides;
- (c) controlling the use of pesticides in agriculture generally or on particular crops or pests;
- (d) controlling the use of pesticides on produce during its storage and transportation;
- (e) setting out the conditions under which pesticides are to be stored;
- (f) protecting workers against the risk of poisoning or other injury by pesticides;
- (g) prescribing the permissible level of any pesticide in any particular kind of produce at the time of marketing.

(2) Regulations made under subsection (1) may contain provisions –

- (a) controlling the quantities of pesticides which may be imported or manufactured, the types of containers in which such substances may be imported, transported, offered for sale or otherwise distributed;
- (b) controlling the labelling of containers, their subsequent disposal and the disposal of unwanted stocks of pesticides;
- (c) requiring the keeping and inspection of records and the furnishing of returns and other information with respect to pesticides;
- (d) restricting or prohibiting the use of particular pesticides or classes of pesticides;

- (e) imposing restrictions and obligations on pest control operators;
- (f) imposing duties on employers of workers, on the workers themselves and on others;
- (g) requiring the provision and keeping in good order of –
 - (i) protective clothing;
 - (ii) proper equipment;
 - (iii) facilities for washing and cleaning;
 - (iv) other things needed for protecting persons, clothing, equipment and appliances from contamination by pesticides or for removing sources of contamination therefrom;and the production thereof on the request of an inspector;
- (h) requiring the use of devices by employers –
 - (i) to warn against poisoning by pesticides;
 - (ii) to ensure proper use of the apparatus and facilities provided in pursuance of the Regulations; and
 - (iii) to warn against eating, drinking and smoking where there may be a risk of poisoning by pesticides;
- (i) prescribing limits to periods of exposure of workers to risks of poisoning by pesticides and the length of the intervals between periods of exposure;
- (j) requiring special precautions to be taken by employers in the cases of workers who because of their state of health, age or other circumstances are subject to particular risks of poisoning by pesticides;
- (k) imposing prohibitions and restrictions whether temporary or permanent regarding employment of the class of workers mentioned in paragraph (j);
- (l) prescribing measures for investigating and detecting cases in which poisoning of workers by pesticides has occurred or may reasonably be thought to have occurred, including medical examinations, the collection of samples, and the making of blood tests and analyses;
- (m) requiring employers to provide proper facilities for first aid treatment and the safety of workers;

- (*n*) requiring employers to provide, and the necessity for workers to submit to, instruction and training in the use of apparatus and facilities provided in pursuance of the Regulations;
 - (*o*) prescribing standards for the composition of pesticides;
 - (*p*) making it necessary to obtain a licence to manufacture, import, package, sell or otherwise distribute or use any pesticide;
 - (*q*) prescribing the manner for the application and grant of licences necessary under paragraph (*p*).
- (3) Regulations under this section may –
- (*a*) make different provisions to meet different circumstances and provide for differences in the composition of specific pesticides having regard to their poisonous effects under different conditions and on different classes of workers; and
 - (*b*) provide for the exemption of particular cases or of particular workers from the operation of part or all of the Regulations.

Offences and
penalties.
[4 of 1987].

8. (1) A person is guilty of an offence who –
- (*a*) manufactures, imports, stores, advertises, labels, uses, distributes, supplies, transports, sells, exposes or offers for sale any pesticide in contravention of the Regulations made under this Act or in breach of any condition subject to which a pesticide was registered as an approved pesticide or a licence, authorisation or permit was granted to him under the Regulations;
 - (*b*) fails to comply with any requirement imposed by an inspector;
 - (*c*) assaults, resists, obstructs, or intimidates any inspector in the execution of his duty;
 - (*d*) uses indecent, abusive or insulting language to any inspector;
 - (*e*) interferes with or hinders any inspector in the execution of his duty;

- (f) by any gratuity, bribe, promise, or other inducement prevents or attempts to prevent any inspector from carrying out his duty;
 - (g) conceals or prevents any person from appearing before or being examined by an inspector under section 6;
 - (h) knowingly or recklessly makes any false or misleading statement either orally or in writing to any inspector engaged in exercising his powers under this Act or the Regulations;
 - (i) fails to keep any record which he is required to keep by the Regulations;
 - (j) wilfully makes a false entry into any register, record, return or other documents kept or furnished in pursuance of the Regulations or wilfully makes use of such false entry;
 - (k) removes, alters or interferes in any way with any article seized under this Act without the authority of the inspector.
- (2) A person guilty of an offence under this section is liable –
- (a) on summary conviction for a first offence to a fine of five thousand dollars and to imprisonment for one year, and for a subsequent offence to a fine of ten thousand dollars and to imprisonment for two years; and in the case of a continuing offence to a fine of two hundred and fifty dollars for each day or part thereof during which the offence continues;
 - (b) on conviction upon indictment to a fine of twenty thousand dollars and to imprisonment for five years.
- (3) The Court may in addition to any other penalty it may impose order that –
- (a) the articles in respect of which the offence was committed be forfeited;
 - (b) stocks held in other parts of the State by the accused be forfeited;
 - (c) after forfeiture, the articles in question be destroyed or modified to bring them into conformity with this Act and the Regulations;

- (d) the accused be disqualified from holding or obtaining a licence to import, manufacture, sell or use pesticides under this Act or the Regulations.

Taking samples
without
compensation.

9. (1) An inspector may take samples of articles to which this Act and the Regulations apply without paying compensation to the owner –

- (a) where those articles are being used, are exposed for sale, are in storage or are being transported; or
- (b) with the approval of the Comptroller of Customs where the articles are imported and are still within the control of the Comptroller of Customs.

(2) An inspector taking a sample under subsection (1) with the intention of having it analysed shall, if practicable –

- (a) forthwith after taking it, give notice of his intention to the owner of the article;
- (b) immediately divide the sample into parts and mark, seal and fasten each part in such manner as its nature will permit; and
- (i) on the request of an owner deliver one part to him;
- (ii) retain one part for future comparison; and
- (iii) if the inspector thinks it fit to have an analysis made, submit one part to an approved analyst.

(3) Where it is not practicable for an inspector to give notice under subsection (2) he shall, if he intends to have the sample analysed and can ascertain the name and address of the owner, forward one part of the sample to him by registered post or otherwise, together with a notice informing him that he intends to have the sample analysed.

(4) Notwithstanding subsections (2) and (3) –

- (a) where the inspector is of the opinion that division of a sample would affect the accuracy of the analysis the inspector may, subject to paragraph (b), submit the entire sample for examination;
- (b) where an entire sample is submitted under paragraph (a) the analyst shall, before making the analysis, divide the sample into two parts and retain one part for future comparison;

(c) where the owner objects to the procedure set out in paragraph (a) and at his own expense supplies a quantity of the same article which in the opinion of the analyst is sufficient for a division under subsection (2) to be made, the analyst shall follow the procedure set out in subsection (2).

(5) A document purporting to be a certificate by an approved analyst as to the result of an analysis of a sample shall in proceedings under this Act be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.

(6) If in any proceedings under this Act the informant intends to rely on evidence relating to a sample taken under this section –

(a) a copy of the analyst's certificate shall be served with the summons; and

(b) the part of the sample retained by the inspector for future comparison may be produced at the hearing.

(7) The Court before which proceedings are taken under this Act may, on the application of a party to the proceedings, cause the part of any sample produced to be sent to an approved analyst, other than the analyst whose certificate is then before the Court, who shall make an analysis and transmit to the Court a certificate of the result thereof, and the Court may, after determination of the case, make an order for recovery of the costs incurred in respect of the analysis.

SUBSIDIARY LEGISLATION

**PESTICIDES CONTROL (LABELLING OF PESTICIDES)
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title.
2. Interpretation.
3. Application of Regulations.
4. Labelling of pesticides.
5. Weights, volumes, concentrations, or dosage rates to be unambiguous.
6. Penalty.

SCHEDULE.

SUBSIDIARY LEGISLATION**PESTICIDES CONTROL (LABELLING OF PESTICIDES)
REGULATIONS** 55/1986.*made under section 7*

[3rd December 1987]

Commencement.

1. These Regulations may be cited as the –

Short title.

**PESTICIDES CONTROL (LABELLING OF PESTICIDES)
REGULATIONS.**

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

Interpretation.

“active ingredients” 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;

(ii) the British Standards Institution; or

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

(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.

3. These Regulations apply to all pesticides except pesticides manufactured exclusively for use in the control of endoparasites of animals.

Application of Regulations.

4. (1) Subject to subregulations (3) and (4), every container in which a pesticide is imported, transported within, exposed or offered for sale or otherwise distributed in, shall have affixed to it a label on which is set forth clearly and prominently to the satisfaction of the Board –

Labelling of pesticides.

(a) the trade or proprietary name of the pesticide;

- (b) the name and address of the distributor or manufacturer;
- (c) the common name of the active ingredients and its percentage content;
- (d) the net content by weight or volume of the container;
- (e) the precautions to be observed in the handling and use of the contents of the container;
- (f) adequate directions concerning the manner in which the pesticide is to be used;
- (g) specific information respecting the interval to be observed between application of the pesticide and –
 - (i) sowing or planting of crops in an area that has been treated;
 - (ii) harvesting, use or consumption of crops that have been treated;
 - (iii) re-entry of workers into field of treated crops and the handling of treated commodities;
 - (iv) the grazing of animals on pastures which have been treated; and
 - (v) the subsequent slaughter of animals that have grazed on pastures which have been treated;
- (h) for pesticides the toxic nature of which makes it necessary to indicate the degree and type of hazard, the relevant warning and risk symbols, colours and words as set out in the Schedule, and the first aid and medical treatment which should be carried out in the event of poisoning from the contents of the container;
- (i) appropriate instructions for the protection of users, operators, third parties, food commodities, livestock, domestic animals, wild-life and the environment;
- (j) adequate information and advice as to proper storage, disposal of containers, disposal of unwanted or contaminated products and similar matters; and
- (k) such other information as shall be required by the Board.

(2) The label requirements set out in subregulation (1) shall appear in the English language but not to the exclusion additionally of translations in foreign languages.

(3) Where a container is not large enough to permit all the information required by subregulation (1) to be stated on the label affixed thereto, the information required by paragraphs (e) to (j) of that subregulation may be omitted from the label.

(4) Information that may be omitted from a label that is affixed to a container shall be included on another label accompanying that container.

(5) Accompanying instructions shall include the substance of the label statements supplied under this regulation.

5. Any weights, volumes, concentrations or dosage rates set out on a label shall be stated in clear and unambiguous terms.

Weights, volumes, concentrations, or dosage rates to be unambiguous.

6. Any person who contravenes these Regulations is liable to the penalties imposed by section 8 of the Act.

Penalty.

SCHEDULE

Regulation
4(1)(h).

LABELLING OF PESTICIDES

The relevant colours, symbols and precautionary words for such classification, according to the degree of toxicity of a pesticide shall be as follows:

| CLASS | COLOUR | SYMBOL | PRECAUTION-ARY WORDS |
|--------------------------|--------|---------------------|----------------------|
| I Extremely hazardous | Red | Skull & Cross Bones | Danger-Poison |
| II Highly hazardous | Yellow | " " " | Beware-Poison |
| III Moderately hazardous | Blue | " " " | Caution |
| IV Slightly hazardous | Green | " " " | Caution |

The relevant colour used on a label to indicate the degree of toxicity of a pesticide shall be fifteen per cent (15%) of the height of the label and the following toxicological classification shall be used:

LD50 (RAT) *mg/kg body weight*

| CLASS | SOLIDS | LIQUIDS | SOLIDS | LIQUIDS |
|--------------------------|------------|------------|------------|------------|
| I Extremely hazardous | 20 or less | 20 or less | 10 or less | 40 or less |
| II Highly hazardous | 21 - 50 | 21 - 200 | 11 - 100 | 40 - 400 |
| III Moderately hazardous | 51 - 500 | 201 - 2000 | 101 - 1000 | 401 - 4000 |
| IV Slightly hazardous | over 500 | over 2000 | over 1000 | over 4000 |

The terms “solid” and “liquid” refer to the physical state of the product or formulation being classified.

SUBSIDIARY LEGISLATION

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

ARRANGEMENT OF REGULATIONS

REGULATION

PART I

PRELIMINARY

1. Short title.
2. Interpretation.

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SCHEDULE.

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.

Transportation of pesticides.

14. 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 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
.....
.....

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

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

(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)

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

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

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

(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*)

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

(14) Other information

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

.....
Applicant

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.

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

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.....
.....

(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.

