

ANTIGUA AND BARBUDA



THE PESTICIDES AND TOXIC CHEMICALS (REGISTRATION, LICENSING AND PERMIT) REGULATIONS, 2013.

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ANTIGUA AND BARBUDA**THE PESTICIDES AND TOXIC CHEMICALS (REGISTRATION LICENSING AND
PERMIT) REGULATIONS, 2013****2013, No. 59**

**THE PESTICIDES AND TOXIC CHEMICALS (REGISTRATION LICENSING AND
PERMIT) REGULATIONS** made in exercise of the powers contained in section 15 of the
Pesticides and Toxic Chemicals Act, 2008.

1. Short title

These Regulations may be cited as the Pesticides and Toxic Chemicals (Registration, Licensing and Permit) Regulations 2013

2. Interpretation

In these Regulations—

“Act” means the Pesticides and Toxic Chemicals Act 2008;

“approved” means approved by the Board;

“Board” means the Pesticides and Toxic Chemicals Control Board established under section 3 of the Act;

“label” means any legend, work or mark, symbol or design applied or attached to, included in, belonging to or accompanying any pesticide or toxic chemical or package of pesticide or toxic chemical;

“premises” means the building and land that the business occupies in addition to all containers and receptacles on the said building and land;

“Registrar” has the same meaning as that given to it under the Act.

PART 2**REGISTRATION****3. Requirement for licence**

(1) The Board shall not issue a licence or permit in respect of a pesticide or toxic chemical unless the pesticide or toxic chemical is registered under this Part.

(2) No person shall import, export, manufacture, store, transport, label, sell, distribute or otherwise dispose of any pesticide or toxic chemical except in accordance with the Act or these Regulations.

DIVISION 1 –APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION

4. Application to Board

An application for registration, or renewal of registration of a pesticide or toxic chemical shall be in writing and be made to the Board by submitting it to the Registrar.

5. Form and Content of Application

(1) The application shall contain the information set out in Annex 1 to these Regulations and shall be accompanied by the fee indicated in Annex 5.

(2) The Board may dispense with—

- (a) any or all of the information, if the application is accompanied by proof of registration issued by a competent authority in a Commonwealth Caribbean country, and a copy of the conditions imposed on the sale or use in that country of the pesticide or toxic chemical;
- (b) any information relating to the efficacy and safety of the pesticide or toxic chemical, if the pesticide or toxic chemical is registered for the purpose of conducting research on the pesticide or toxic chemical itself;
- (c) any or all of the information, if such dispensation is necessary for the purposes of a national emergency.

6. Request for further information

(1) The Board may, by written notice, request an applicant to give the Board additional information within the period specified in the notice, to include: a sample of the pesticide or toxic chemical for analysis, its active ingredients, packages or recommended reagents—.

(2) If the applicant does not give the Board the additional information within the period specified in the notice, the application shall be deemed to have been withdrawn.

DIVISION 2 – DETERMINATION OF APPLICATION

7. Public consultation

(1) The Board may invite public comments on the efficacy of the pesticide or toxic chemical or its risk of harm to human and animal health and safety, plant health and the environment by notice in the *Gazette* and in other media.

(2) The notice shall specify the common name, active ingredients and intended use of the pesticide or toxic chemical.

(3) All comments shall be made in writing and addressed to the Registrar within the time specified in the notice.

(4) The Board shall consider all comments received from the public in determining the application.

8. Time for consideration of application

(1) The Board shall consider an application within one hundred and twenty days of its receipt by the Registrar.

(2) The Minister may on the application of the Board, in writing, extend the time for consideration of an application.

9. Requirements for registration

The Board may approve the registration, or renewal of the registration, of a pesticide or toxic chemical, if the Board considers that the use of the pesticide or toxic chemical for the intended purpose—

- (a) would not pose an undue threat of harm to human or animal health or safety, plant health or the environment; and
- (b) is not inconsistent with section 10 and schedules 2 and 3 of the Act and with the Regulations.

10. Approval

If the application is approved, the Board shall—

- (a) inform the applicant by Notice of Registration; and
- (b) direct the Registrar to register the pesticide or toxic chemical in the Register of Pesticides and Toxic Chemicals in accordance with regulations 13 and 14, or renew the registration in accordance with regulation 15, upon the payment by the applicant, of the fee indicated in Annex 5 .

11. Refusal

the application is not approved, the Board shall inform the applicant in writing.

12. Reasons for refusal

before the expiration of 30 days from the day on which the Board makes a decision to refuse an application for registration, the Board shall give written notice of its decision and the reasons for decision to the applicant.

DIVISION 3 - INSCRIPTION AND RENEWAL

13. Limitations on use of pesticide or toxic chemical

Subject to regulation 10 the Registrar shall register a pesticide or toxic chemical for a specific purpose in any one or more of the following areas—

- (a) agriculture;
- (b) industry;
- (c) medical;
- (d) pharmaceutical;
- (e) research;
- (f) education and training;
- (g) protection of public health and environment;
- (h) any other area specified by the Board.

14. Content of Register

The Registrar shall include in the Register of Pesticides and Toxic Chemicals

- (a) the information provided in accordance with regulations 5 and 6;
- (b) the specifications for each pesticide and toxic chemical;
- (c) the label for each pesticide and toxic chemical
- (d) the registration number;
- (e) the authorised purpose of the pesticide or toxic chemical;
- (f) the physical form in which the pesticide or toxic chemical may be imported or stored;
- (g) any other conditions imposed on use of the pesticide or toxic chemical;
- (h) the date that the registration expires; and

any other conditions specified by the Board

15. Renewal

Registration is renewed subject to the conditions attaching to registration before renewal, unless the Board provides otherwise upon renewal

16. Validity

Registration is valid for three years.

DIVISION 3 - AMENDMENT AND CANCELLATION**17. Amendment**

A registrant of a pesticide or toxic chemical under the Act shall notify the Registrar of the following, within one month of the registrant, exercising due diligence, obtaining or being able to obtain knowledge of its occurrence—

- (a) a change in the trade name of a registered pesticide or toxic chemical;
- (b) a change in the names and addresses of the manufacturer or the manufacturer's agent;
- (c) an error in the registration.

18. Cancellation

(1) The Board may, by written notice, amend registration in accordance with a notification received under this regulation.

(2) The Board may at any time review a pesticide or toxic chemical which has been registered under the Act where evidence suggests that the chemical nature of the product requires such review.

(3) Where the Board is satisfied under subregulation (2) that—

- (a) the requirements for registration contained in regulation 9 are not or no longer satisfied; or
- (b) information which was misleading, false, deceptive or likely to deceive or create an erroneous impression was submitted in support of an application for registration and on the basis of which the pesticide or toxic chemical was registered or in any other case where registration was obtained by fraud or misrepresentation (whether fraudulent, negligent or innocent); or

- (c) the pesticide or toxic chemical is significantly less efficacious than was made to appear in the application,

It may amend the conditions subject to which the pesticide or toxic chemical was registered or cancel the registration, certificate of registration, and any licence or permit resulting therefrom.

(4) Where there has been a breach of any condition subject to which a toxic chemical has been registered, the Board may cancel the registration and certificate of registration, and any licence or permit resulting therefrom.

19. Reasons for cancellation or amendment

Before the expiration of 30 days from the day on which the Board makes a decision to cancel or amend registration of a pesticide or toxic chemical, the Board shall inform the public of its decision and the reasons for the decision by notice in the *Gazette* and other media. The Board shall send a copy of the notice to every person holding a licence in respect of the pesticide or toxic chemical.

DIVISION 4 - AMENDMENT OF ANNEX 1

20. By written notice

The Board may, by notice published in the *Gazette*, amend Annex 1.

PART 3

LICENCES

DIVISION 1—APPLICATION FOR A LICENCE

21. Apply to Board

An application for a licence, or to vary a licence, shall be in writing and be made to the Board by submitting it to the Registrar.

22. Form and Content of Application

The application shall contain the information set out in Annex 2 to these Regulations.

23. Request for further information

(1) The Board may, by written notice, request an applicant to give the Board additional information within a period specified in the notice.

(2) If the applicant does not give the Board the additional information within the period specified in the notice, the application shall be deemed to have been withdrawn.

DIVISION 2 - ISSUE OF LICENCE**A. PROCEDURE****24. Time for consideration of application**

(1) The Board shall consider an application within one hundred and twenty days of its receipt by the Registrar.

(2) The Minister may on the application of the Board, in writing, extend the time for consideration of an application.

25. Approval

If the application is approved, the Board shall—

(a) inform the applicant in writing; and

(b) direct the Registrar to issue to the applicant, or amend, the licence, on payment by the applicant of the licence fee indicated in Annex 5.

26. Register of Licence

When a licence is issued, the Registrar shall record the following particulars in the register for that licence—

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

(b) the date on which the licence is issued and the date of its expiration;

(c) the chemicals abstracts services registry number of the pesticide or toxic chemical;

(d) the registration number to be in Register

(e) the date of each renewal of the licence, if any;

(f) any other particulars that the Board or the Board requires.

27. Refusal

If the application is not approved, the Board shall inform the applicant in writing.

28. Reasons for refusal

Before the expiration of 30 days from the day on which the Board makes a decision to refuse an application for the issue or variation of a licence, the Board shall give written notice of its decision and the reasons for the decision to the applicant.

B. REQUIREMENTS FOR APPROVAL

29. General requirement

The Board may approve the issue of a licence if—

- (a) the Board considers that the issue of the licence would not pose an undue threat of harm to human or animal health or safety, plant health or the environment and is not inconsistent with the Act or with the Regulations; and
- (b) the purpose to which the pesticide or toxic chemical is to be used by the applicant is consistent with the purpose authorised by registration.

30. Dealer's Licence

(1) A person shall not sell or offer for sale any controlled product under the Act in marketable quantities unless he holds a licence to do so issued under these Regulations which licence is hereinafter referred to as a 'Dealer's licence'.

(2) Where a person wishes to sell a controlled product he shall apply to the Board in writing which application shall contain the information better particularised in Annex 2 of these Regulations, and shall be accompanied by a non-refundable application fee better particularised in Annex 5 of these Regulations.

(3) The Board shall not approve the issue of a Dealer's Licence to sell a pesticide or toxic chemical if the Board considers that, having regard to the applicant's training or experience, the applicant is not competent to sell such chemicals.

(4) A person who contravenes sub-regulation 1 commits an offence and is liable on summary conviction to a fine not exceeding \$25,000.00 or to imprisonment for a term not exceeding 12 months, or any combination of both.

31. General Licence

(1) A person shall not engage in any non-sale activity of a controlled product under the Act in marketable quantities unless he holds a licence to so engage issued under these Regulations which licence is hereinafter referred to as a General Licence.

(2) The Board shall not approve the issue of a General Licence to engage in a non-sale activity in respect of a pesticide or toxic chemical if the Board considers that, having regard to the applicant's training or experience, the applicant is not competent to engage in such activity.

(3) A person who contravenes sub-regulation 1 commits an offence and is liable on summary conviction to a fine not exceeding \$25,000.00 or to imprisonment for a term not exceeding 12 months, or any combination of both.

32. Pest Control Operator's Licence

The Board shall not approve the issue of a Pest Control Operator's Licence if the Board considers that, having regard to the experience or training of the applicant, the applicant is not qualified to discharge properly the functions of a Pest Control Operator.

33. Manufacturer's Licence

(1) A person shall not manufacture a controlled product under the Act unless he holds a licence to do so issued under these Regulations, which licence is hereinafter referred to as a 'manufacturer's licence'.

(2) For the purposes of these Regulations a "Manufacturer's Licence" means a licence to manufacture a controlled product on specific premises.

(3) The Board shall not approve the issue of a Manufacturer's Licence unless an inspector certifies by written report, after having inspected the premises, that the premises meets the prescribed standards in Annex 3 for such premises.

(4) A person who contravenes sub-regulation 1 commits an offence and is liable on summary conviction to a fine not exceeding \$25,000.00 or to imprisonment for a term not exceeding 12 months, or any combination of both.

34. Import Licence

(1) The Board shall not issue an Import Licence if—

(a) the application is in respect of the importation of pesticide or toxic chemical for the purpose of sale or non-sale activity and the applicant is not the holder of a Dealer's Licence or General Licence respectively;

(b) the types and quantities of pesticides and toxic chemicals exceed that which can be justified for purposes authorised by registration or declared in the application for a licence;

(c) the application is in respect of a Schedule 1 chemical and is submitted to the Registrar less than 45 days before the chemical is due to arrive.

(2) In determining whether the importation is for the purpose of sale or a non-sale activity the Board may have regard to the types and quantities of the pesticides and toxic chemicals in respect of which the licence is sought.

(3) All persons granted an import licence under sub-regulation (1) shall ensure that Material Safety Data Sheets (MSDS) for pesticides shall be kept securely by the importers.

C. FORM AND CONTENT

35. Approved form, conditions of licence

(1) A licence shall be signed by the Registrar or the Chairman of the Board and shall contain the information, and be in the form, approved by the Board.

(2) A licence shall stipulate the conditions subject to which the licence is issued.

(3) In addition to any other conditions pursuant to sub-regulation (1), a licence shall include conditions requiring—

(i) the holder to display in a conspicuous place—

(A) outside of the premises a notice in Form B of Annex 7; and

(B) inside the premises the licence, in the form required by this regulation; and

(ii) the holder to notify the Board if the holder will no longer be operating the premises owing to the fact that the possession of the premises is to be transferred or for any other reason.

DIVISION 3 - VALIDITY, RENEWAL AND VARIATION

36. Validity

(1) A Dealer's Licence, a General Licence and a Pest Control Operator's Licence are valid for three years from the date of its issue.

(2) An Import/Export licence authorises only one importation or exportation respectively.

37. Application for Renewal

(1) The holder of a licence may apply to the Board to renew the licence by submitting an application in the approved form to the Registrar, before the licence expires.

(2) The application shall be accompanied by the non-refundable processing fee indicated in Annex 5.

38. Further information for Renewal

(1) The Board may, by written notice, request the holder to give the Board additional information within a period specified in the notice.

(2) If the licence holder does not give the Board the additional information within the period specified in the notice, the application is taken to have been withdrawn.

39. Conditions for approval of application for renewal

The procedure and conditions for approval in Division 2 of this Part apply in relation to an application for renewal.

40. Conditions

A licence renewed under this regulation is renewed subject to the conditions attaching to the licence before renewal unless the Board provides otherwise.

41. Validity

Upon renewal a licence is valid for the period specified in regulation 36.

42. Amendment

(1) The holder of a licence shall notify the Board within one month of a change in the following—

- (a) the trade name of a pesticide or toxic chemical to which the licence relates;
- (c) the names and addresses of the manufacturer and his agent; or
- (c) an error in the licence.

(2) The Board may, by written notice, amend a licence pursuant to a notification received under this regulation.

DIVISION 4 - TRANSFER**43. Request for further information**

(1) The Board may, by written notice, request an applicant to give the Board additional information within a period specified in the notice.

(2) If the applicant does not give the Board the additional information within the period specified in the notice, the application is taken to have been withdrawn.

44. Consequences and effect of approval

(1) If an application for transfer is granted—

- (a) the relevant register shall be amended and a new licence shall be issued to the applicant on payment of the fee indicated in Annex 6; and
- (b) the Act and the Regulations have effect as if all dealings with chemicals by the previous licence holder were dealings with chemicals by the new licence holder.

(2) However, a breach of the Act or the Regulations or the conditions of the permit by the previous holder will not be taken to be a breach by the new permit holder.

DIVISION 5 - AMENDMENT, REVOCATION OR SUSPENSION OF REGISTRATION CERTIFICATES AND LICENCES

45. Revocation or amendment of Registration

The Board may, in writing, revoke or amend the registration of a pesticide or toxic chemical if the Board no longer considers that the requirements in regulation 9 of these Regulations are satisfied.

46. Revocation or suspension of Licence

The Board shall, in writing, revoke or suspend a licence—

(a) if the holder of the licence—

(i) obtained it by fraud or misrepresentation whether negligent or not;

(ii) breaches any of the conditions of the licence including conditions of registration of the pesticide or toxic chemical;

(iii) breaches any provision of the Act or the Regulations;

(iv) requests that the licence be revoked; or

(b) if the registration of the pesticide or toxic chemical has been cancelled or amended.

47. Reasons for decision

Before the expiration of 30 days from the day on which the Board makes a decision to revoke or suspend a licence, the Board shall give written notice of its decision and the reasons for the decision to the holder of the licence.

48. Publication of revocation or suspension

The Board shall inform the public of a revocation or suspension of a licence by a notice published in the *Gazette*.

49. Restriction on reapplication

A person shall not submit a new application upon the refusal of a previous application for the same licence unless at least 6 months have expired since the most recent refusal.

DIVISION 6 - PREMISES STANDARDS AND OPERATION REQUIREMENTS**50. Contained in Annex 3 and in Licence**

The holder of a Licence of the type identified in Column I of Annex 3 shall comply with—

- (a) the requirements for the standards and operation requirements contained in Column 2 of that Annex; and
- (b) any other requirements that the Board stipulates in the licence.

DIVISION 7 - STORAGE, DISTRIBUTION, PACKAGING, LABELLING AND APPLICATION REQUIREMENTS**51. Contained in Annex 4 and Gazette**

- (1) The holder of a licence, shall comply with the requirements for storage, distribution, packaging and labelling of pesticides and toxic chemicals contained in Annex 4.
- (2) The holder of a Pest Control Operator's Licence shall comply with the requirements relating to application of pesticides and toxic chemicals established by the Board.

DIVISION 8 - AMENDMENT OF ANNEXES 2, 3 AND 4**52. By Written Notice**

- (1) The Minister may, by Notice published in the *Gazette*, amend Annexes 2, 3 and 4.
- (2) In exercising its powers under sub-regulation (2) of regulation 53, the Board may incorporate by reference requirements as amended from time to time.

PART 4**RECORD KEEPING, DECLARATIONS AND NOTIFICATIONS****53. Record keeping and Declarations**

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

- (a) the quantity and chemical abstracts services registry number of pesticides and toxic chemicals that he has imported;
- (b) the date(s) of importation;
- (c) the name and address of the producer/manufacturer of the pesticide or toxic chemical;

- (d) the name and address of the shipper of the pesticide or toxic chemical including the name of the transporting vessel;
- (e) any other information that the Board requires.

PART 5

MISCELLANEOUS

54. Publication in the *Gazette*

The Minister on the advice of the Board shall publish in the *Gazette* from time to time a list of all—

- (a) currently registered pesticides and toxic chemicals;
- (b) current holders of Dealer, Manufacturer's, General and Pest Control Operator licences

55. Transitional Provisions

The registration of any pesticide or toxic chemical under any enactment in force at the date of commencement of these Regulations shall remain valid until the expiration of 12 months after the date of commencement of these Regulations.

ANNEX 1

CONTENT OF APPLICATIONS FOR REGISTRATION

The following is the information that is required to be included in an application under regulation 5—

- (a) the existing or proposed trade name of the pesticide or toxic chemical;
- (b) the common names and chemical names of the active ingredients present in the pesticide or toxic chemical and the percentage of each;
- (c) the chemical name, type and percentage of any other ingredients present in the pesticide or toxic chemical;
- (d) the names and street addresses of the manufacturer, the agent and the importer;
- (e) the information on the stability in storage of the pesticide or toxic chemical;
- (f) the recommended conditions of storage and form of package;
- (g) information on the oral, dermal and inhalation toxicity of the pesticide or toxic chemical and any active ingredient present therein;

- (h) information on hazards to persons using or handling the pesticide or toxic chemical, 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 pesticide or toxic chemicals;
- (i) information on the proposed uses of the pesticide or toxic chemical, 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 type of crop or livestock, the pesticide or toxic chemical may be applied;
- (j) information on the efficacy of the pesticide or toxic chemical, when it is used as recommended, in climatic conditions similar to that of Antigua and Barbuda;
- (k) a statement indicating the physical form of the pesticide or toxic chemical and information relative to each physical form;
- (l) full details of first aid and medical treatment which may effectively be used in cases of suspected poisoning by the pesticide or toxic chemical;
- (m) a copy or draft of the labels and any accompanying instructions which are to be used in connection with the pesticide or toxic chemical;
- (n) recommended methods of analysis for the pesticide or toxic chemical 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 or toxic chemical, 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 paragraphs (i) and (j), would not exceed the levels recognised as safe by approved International Organisations if the crop or animal is used as food;
- (p) information on hazards assessment where applicable which the pesticide or toxic chemical may pose to domestic animals, bees, fishes, birds and other wild life and adverse effects on soil, air and water;
- (q) information on methods of safe disposal of waste pesticide or toxic chemical and any containers in which the pesticide or toxic chemical was stored;
- (r) proof of registration of the pesticide or toxic chemical issued by a competent authority in the country of origin of the pesticide or toxic chemical 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 or toxic chemical is not sold in that country, the reason for it not being sold there shall be stated; and

- (s) such other particulars as the Board may require.

ANNEX 2

CONTENT OF APPLICATIONS FOR A LICENCE

The following is the information that is required to be included in an application under regulation 22.

Dealer's Licence

- (a) the name and address of the applicant;
- (b) the name and address of the producer (and agent);
- (c) the name and brand, if any, of the pesticide or toxic chemical;
- (d) the registration number of the chemical;
- (e) any other information that the Board considers necessary.

General Licence

- (a) the name and address of the applicant;
- (b) the name and address of the producer (and agent);
- (c) the name and brand, if any, of the pesticide or toxic chemical;
- (d) the registration number of the chemical;
- (e) the purpose for which the licence is required;
- (f) any other information that the Board considers necessary.

Licence to import or export a pesticide or toxic Chemical

- (a) the name and address of the importer/supplier or exporter/consignee;
- (b) the name and address of the manufacturer/producer;
- (c) the brand name, active ingredient, WHO/EPA toxicity classification and formulation type, of the pesticide or toxic chemical;
- (d) the registration number of the pesticide or chemical;

- (e) the amount of the pesticide or toxic chemical to be imported or exported respectively;
- (f) in the case of importation-the purpose of the importation, that is to say, whether the pesticides or toxic chemical is imported for sale, or other purpose under regulation 13;
- (g) the address of the premises where the pesticide or toxic chemical is to be stored;
- (h) the Chemical Abstract Registry Number. (CAS);
- (i) any other information that the Board considers necessary.

Pest Control Operators Licence

- (a) the name and address of the applicant;
- (b) the name and address of the pest control operation premises
- (c) the category of the pest control operation (structural pest, farmer, landscaper)
- (d) the WHO/EPA toxicity classification of the pesticides to be used in the pest control operation
- (e) proof of qualifications competence (experience or training) to allow for proper discharge of the functions of a pest control operator.
- (f) any other information that the Board considers necessary.

Manufacturer's Licence

- (a) the name and address of the manufacturer/producer;
- (b) the name, place of business and nature of business of the applicant;
- (c) the certified premises report by an inspector;
- (d) the name and brand, if any, of the pesticide or toxic chemical;
- (e) the registration number of the chemical;
- (f) the amount of each the pesticide or toxic chemical to be manufactured annually
- (g) in the case of importation-the purpose for which the pesticide or toxic chemical is being manufactured

- (h) proof of competence (experience or training) to allow for proper discharge of the functions of a pesticide or toxic chemical man;
- (i) any other information that the Board considers necessary.

ANNEX 3

PREMISES SPECIFICATIONS AND OPERATION REQUIREMENTS OPERATION REQUIREMENTS

Requirements

All Types

- (1) The premises shall be constructed as follows:
 - (a) the site shall not be such as to cause or allow entry to run-off and liquid effluent into adjoining or adjacent property;
 - (b) facilities for run-off from the premises, especially from the storage areas, shall be constructed so as to avoid contamination of public waterways, and such run-off shall not enter septic tanks;
 - (c) areas and sections of the premises used for the storage or the exposure for the sale of Class I A, I B, II or III products shall be clearly defined and shall be separated from other areas and sections of the premises and shall be identifiable by permanent signs, together with the appropriate warning mark contained in the Second Schedule to the Act fixed above their entrances;
 - (d) buildings shall be of sound materials and shall be constructed in such a way as to minimize contamination of adjacent premises;
 - (e) floors shall be made of material capable of being easily cleaned;
 - (f) the sales area shall be separated from areas used for mixing, formulating or repackaging pesticides and toxic chemicals so as to minimize the movement of dusts or vapours into the sales area where customers have access;

- (g) natural or artificial lighting shall be adequate to ensure easy reading of labels, instructions and for identification of materials;
 - (h) electrical wiring shall comply with the national wiring code of Antigua and Barbuda;
 - (i) filament lamps shall be placed or guarded so as to prevent ignition of any flammable materials, and any guard or shade used for this purpose shall be suitable to withstand the heat from the lamp;
 - (j) switchgear, switches and powerpoints such as socket outlets) shall be approved for use in hazardous situations and shall not be placed where flammable dusts and vapours accumulate;
 - (k) an adequate supply of water shall be readily available on the premises at all times for the purpose of washing of the body and washing away spillages into sumps;
 - (l) eye fountains with a regular supply of clean water shall be available at all times.
2. (a) Facilities for the disposal of empty packages and containers and spilled waste pesticides and toxic chemicals shall be such as to avoid contamination of the environment.
 - (b) Covered dustbins and other receptacles for waste and spillages shall be made of materials able to resist corrosion by the pesticide and toxic chemical and shall be made sufficiently secure to discourage the removal of waste material by unauthorised persons and to prevent spillage of toxic substances.
3. (a) First Aid facilities shall be readily available on premises to assist in countering the adverse effects of pesticides and toxic chemicals in intimate contact with humans through cuts, wounds, nostrils and otherwise.

- (b) Advice on antidotes and instructions will be provided to the owner or occupier by the Ministry responsible for the subject of Health.

Types A

In addition to the requirements in paragraph I above, the following standards for construction shall be met:

- (a) areas and sections of the premises used for the storage or the display for sale of Classes IA and 1B pesticides and toxic chemicals shall be—
 - (i) protected from excessive damp heat, ventilated for removing the fumes of volatile pesticides and toxic chemicals and dust and exhaust ventilation systems shall be provided;
 - (ii) provided with an adequate fire plan approved by the Fire Service inclusive of (Supply of H₂O, extinguishers and sand buckets) supply of water (at a pressure considered suitable by the Fire Service) suitable fire extinguishers and sand buckets, which shall be easily available at all times for fighting fires and for washing away absorbed material used for absorbing waste and spillages from the storage area;
 - (iii) securely enclosed, and capable of being locked to prevent theft or unauthorised removal of toxic substances;
- (b) storage areas shall be separated from office or living areas, sleeping areas, cooking and eating areas and offices;
- (c) equipment shall be available for maintaining records, for controlling stock movement and transfers and up-to-date record or receipts and sales shall be kept.

GENERAL

It shall be the duty of inspectors to check the port as well as port storage for the efficient handling of pesticides and toxic chemicals at the port.

ANNEX 4**STORAGE, DISTRIBUTION, PACKAGING AND LABELLING REQUIREMENTS**

1. Storage areas (including shelf areas) for packages of pesticides and toxic chemicals shall be separated from the storage areas used for food or animal feed.

2. Pesticides and Toxic Chemicals must be packaged and labelled for sale in compliance with any standards imposed under the Standards Act Cap. 411.

3. A freight container in which a Pesticide or Toxic chemical is imported or exported shall comply with—

- (a) International Standards;
- (b) rules of International Maritime Organisation;
- (c) rules of the International Civil Aviation Organisation;
- (d) regulations or standards of the country of origin;
- (e) relevant standards under the Standards Act Cap. 411;
- (f) relevant standards under the Stockholm, Rotterdam or Basel Conventions.

4. A freight container carrying pesticides and toxic chemicals which is found to be contaminated with the pesticides or toxic chemicals upon arrival at port shall not be de-stuffed unless it is decontaminated by the importer.

5. A freight container used for the storage or distribution of pesticides and toxic chemicals shall be clearly marked with warning marks in accordance with—

- (a) recommendations on the Transport of Dangerous Goods published by the United Nations;
- (b) rules of the International Maritime Organisation for shipments by sea;
- (c) rules of the International Civil Aviation Organisation for shipments by air.

6. Packaging used for pesticides or toxic chemicals shall be constructed in accordance with—

- (a) recommendations on the Transport of Dangerous Goods published by the United Nations;
- (b) International Standards;
- (c) rules of the International Maritime Organisation for shipments by sea;
- (d) rules of the International Civil Aviation Organisation for shipments by air.

7. Packages other than shipping cartons and retail packages which contain a pesticide or toxic chemical shall be labelled with—

- (a) the common name in English of the active ingredient of the pesticide or toxic chemical;
- (b) the percentage of the active ingredient in the controlled product;
- (c) the appropriate warning marks in accordance with paragraph 5;
- (d) a statement that the package should not be stored or transported in close proximity to food, feeds or other substance intended for consumption by humans or animals.

8. Compliance with standards equivalent to standards required in this Annex is deemed compliance with this Annex.

ANNEX 5

FEES

A. Registration

1. Application for registration or renewal of registration of a pesticide formulation or active ingredient already registered in a member country of the Coordinating Group of Pesticides Control Boards of the Caribbean (CGPC). \$500

Application for registration of a pesticide formulation or active ingredient that has not been previously registered in a CGPC member country. \$1500

B. Licences

2. Application for licence \$ 10

3. Issue of licence:

Dealer's Licence \$650

Manufacturers licence \$1000

General Licence \$250

Pest Control Operator Licence \$500

Import Licence	0.5% CIF value
Export Licence	1% FOB value
4. Premises certification report	500
5. Penalty for late renewal of licence	\$100

ANNEX 6**FORM 1****APPLICATION FOR REGISTRATION OF A PESTICIDE OR TOXIC CHEMICAL****PESTICIDES AND TOXIC CHEMICALS ACT, 2008****PART B**

Name of Applicant _____

Address of Applicant _____

Proprietary name of pesticide/toxic chemical _____

Common names of all active ingredients _____

Common names of all inert ingredients _____

Percentage content of all active ingredients _____

Physical form of pesticide/toxic chemical _____

Packaging (containers and size) _____

Proposed use of pesticide/toxic chemical _____

SUPPLEMENTARY INFORMATION

PART B

1. Information on hazards to persons using or handling the pesticide/toxic chemical

2. Details of First-Aid and medical measures.
(This should include antidotes which should be taken in cases of suspected poisoning by pesticides)

3. Details of the physical form, packaging and complete composition of the pesticide/toxic chemical.

4. Information with respect to conditions attached to the sale, use and export in the country of origin and manufacture.

5. Information concerning restrictions placed on use of the pesticide in the country of origin and other countries.

6. List of countries in which the pesticides/toxic chemical was registered and any conditions required for its use. (The country of manufacture not to be included).

7. Details of residue present in food and the environment following use of the pesticide/toxic chemical in accordance with recommendations described in number (12).

8. Details on the degradation kinetics of the active ingredients under tropical conditions.

9. Toxicity data on the pesticide/toxic chemicals and its effect on domestic animals, wild life, birds, fish and bees. (This should include details of hazards involved and epidemiological data).

10. Data on the efficacy of the pesticide/toxic chemical under field trials.

11. Data on phytotoxicity

12. Detailed method of analysis for specification on the pesticide/toxic chemical as set out in the 'The FAO Specifications for Plant Protection Products' approved

by either the Council or the Association of Official Analytical Chemists for the Pesticide.

13. Shelf life of the product and storage instructions under tropical conditions.

14. Recommended withdrawal time for consumption for each crop or commodity in the case of man or animal.

(Document and samples to be produced)

15. Copy or draft of the label and accompanying instructions proposed for use of the pesticide/toxic chemical in respect of different amounts or size in packing.

16. Give any other relevant information in addition to that given on the face of

(a) the label or any accompanying instructions or precautions;

(b) equipment, clothing or facilities recommended to prevent hazards to persons using or handling the pesticide.

17. For imported products seeking registration, a duly authenticated certificate of registration, or letter from the grantor of the licence of the pesticide in its country of origin.

18. Copies of labels and accompanying instructions approved in the country of origin of the pesticides.

19. Three (3) samples of each packaging of the product in the form in which the product is to be sold.

Signature of Applicant

Date

FOR OFFICIAL USE ONLY

TO BE COMPLETED BY THE REGISTRAR

Date registered or refused by Authority _____

Registration Number _____

Reason for refusal _____

Signature of Chairman/Registrar _____

Date _____

ANNEX 7

FORM 2

APPLICATION FOR RE-REGISTRATION OF A PESTICIDE/TOXIC CHEMICAL

1. Proprietary name of Pesticide/Toxic Chemical _____

2. Registration Number _____

3. Physical form _____

4. Packaging _____

(size and type of containers)

5. Full name and address of manufacturer _____

6. Name and address of applicant _____

7. Details of uses of the pesticide/toxic chemical _____

Signature of Applicant

Date

FOR OFFICIAL USE ONLY

TO BE COMPLETED BY THE REGISTRAR

Date registered or refused by Authority _____

Registration Number _____

Reason for refusal _____

Signature of Chairman/Registrar

Date

Made the 23rd day of December, 2013.

Hon. Hilson Baptiste,
*Minister of Agriculture and Minister
responsible for the
Pesticides and Toxic Chemicals Act.*