

CHAPTER 11.15

PESTICIDES AND TOXIC CHEMICAL CONTROL ACT

Revised Edition

Showing the law as at 31 December 2022

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

• Act • Subsidiary Legislation •

ACT

(Act 15 of 2001)

Act 15 of 2001 .. in force 27 August 2001 (S.I. 115/2002)

ARRANGEMENT OF SECTIONS

PART 1 PRELIMINARY

1. Short title
2. Interpretation
3. Purpose
4. Application

PART 2 ADMINISTRATION

5. Establishment
6. Constitution
7. Tenure and removal
8. Re-appointment
9. Alternate members
10. Vacancy
11. Casting Vote
12. Meetings
13. Signature
14. Remuneration
15. Functions
16. Duties as Regulator and as National Authority
17. Duties of chairperson and vice-chairperson
18. Directions from the Minister
19. Reporting
20. Committees
21. Delegation
22. Civil liability
23. Appointment and duties

PART 3 PROHIBITIONS

24. Import, manufacture, storage or use prohibited
25. Recall order
26. Chemical Weapons
27. Riot Control Agents
28. Sale
29. Non-sale activity

- 30. Toxic chemical
- 31. Importation or exportation
- 32. Manufacture
- 33. Pest Control Operator
- 34. Import/Export of Schedule 1 chemicals
- 35. Production etc. of Schedule 1 chemicals
- 36. Import/Export of Schedule 2 chemicals
- 37. Production etc. of Schedule 2 chemicals
- 38. Import/Export of Schedule 3 chemicals
- 39. Production of Schedule 3 chemicals
- 40. Year

PART 4 LICENCES AND PERMITS

- 41. Issue of licences
- 42. Conditions
- 43. Types and restrictions on issue
- 44. Conditions

PART 5 MONITORING COMPLIANCE

- 45. Record-keeping and Reporting
- 46. Interpretation of Division 2
- 47. Inspection powers
- 48. Initial or Compliance Inspections
- 49. Facility agreement
- 50. International inspections
- 51. Observer
- 52. Entry, search and seizure
- 53. Application
- 54. Detention
- 55. Release
- 56. Forfeiture
- 57. Appointment
- 58. Identity card
- 59. Functions
- 60. Designation and role
- 61. Admissibility of certificate

PART 6 REGULATIONS

- 62. Power of Minister

PART 7 OFFENCES

- 63. Indictable or summary conviction offences
- 64. Penalties
- 65. Ticketing offences
- 66. Liability of officers and corporation

PART 8 VOLUNTARY COMPLIANCE

- 67. Notice of non-compliance

PART 9 MISCELLANEOUS

- 68. Confidentiality
- 69. Right of appeal
- 70. Notes of previous decision
- 71. Consultation
- 72. Exercise of discretion

TRANSITIONAL PROVISIONS

- 73. Licence requirement

Schedule 1
Schedule 2
Schedule 3
Schedule 4
Schedule 5

CHAPTER 11.15
PESTICIDES AND TOXIC CHEMICALS CONTROL ACT

AN ACT to regulate pesticides and toxic chemicals, to implement in the law of Saint Lucia, the Chemical Weapons Convention, and for connected purposes.

Commencement [27 August 2001]

PART 1
PRELIMINARY

1. Short title

This Act may be cited as the Pesticides and Toxic Chemicals Control Act.

2. Interpretation

(1) In this Act—

“**advertise**” includes promote, directly or indirectly, sale or use of;

“**agricultural product**” does not include crops that are not separated or extracted from the land;

“**analyst**” means a person designated under section 60;

“**Board**” means the Pesticides and Toxic Chemicals Control Board established under section 5;

“**chemical weapon**” has the same meaning as in the Convention; for the removal of doubt, the words “toxic chemicals” in the Convention definition of chemical weapons has the same meaning as in the Convention and not as defined in this Act;

“**consumption**” when used in relation to a Schedule 1, 2, 3 or unscheduled discrete organic chemical, has the same meaning as in the Convention;

“**Convention**” means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction done at Paris on 13 January 1993;

“**Dealer’s Licence**” means a licence issued under Part 4 for the purpose of section 28 of this Act;

“**Export Licence**” means a licence issued under Part 4 for the purpose of sections 31, 34(2), 36, and 38 of this Act;

“**facility**” means a particular plant site comprising one or more plants where activities involving Schedule 1, 2, 3 or unscheduled discrete organic chemicals, for purposes not prohibited by the Convention, are carried out;

“**facility agreement**” means an agreement or arrangement between Saint Lucia and the OPCW relating to a specific facility subject to on-site verification under the Convention;

“**General Licence**” means a licence issued under Part 4 for the purpose of section 29 of this Act;

"Import Licence" means a licence issued under Part 4 for the purpose of sections 31, 34(2), 36, and 38 of this Act;

"Inspector" when used without qualification refers to both a Pesticides and Toxic Chemicals and an OPCW Inspector;

"manufacture" includes any synthesising, formulating and repackaging;

"medical examiner" means a person designated as such under section 60;

"Minister" means the Minister responsible for agriculture;

"non-sale activity" refers to research, education, health, industry or agriculture but does not include household use;

"observer" means a representative of a State Party to the Convention who requested a challenge inspection or a third State Party to the Convention to observe the challenge inspection;

"OCP facility" (other chemical production facility) means any facility—

(a) which—

- (i) consists of a plant site and produced by synthesis during the previous calendar year more than 200 tonnes of unscheduled discrete organic chemicals, or
- (ii) consists of one or more plants and produced by synthesis during the previous calendar year more than 30 tonnes of an unscheduled discrete organic chemical containing the elements phosphorus, sulphur or fluorine; and

(b) which did not exclusively produce explosives or hydrocarbons;

"OPCW" means the Organisation for the Prohibition of Chemical Weapons, established under the Convention;

"OPCW inspector" means a person designated by the Technical Secretariat of the OPCW in accordance with Part II, Section A, of the Verification Annex to the Convention, to carry out an inspection or visit under the Convention and includes any inspection assistant;

"operator", in relation to a facility, means the person having ultimate responsibility, as distinct from day-to-day management, in relation to operations carried on at the facility and includes the legal personal representative, administrator and other successor in title of that person;

"packaging" means anything in which a pesticide or toxic chemical is wholly or partly contained, placed or packed;

"pest" means any plant or animal life – including an organic function of a plant or any ecto- or endo-parasite of an animal – that is objectionable because of its undesirable effect on plant life or on any movable property, or which is objectionable from the point of view of public health or hygiene;

"pest control operator" means the holder of a Pest Control Operator's Licence;

"Pest Control Operator's Licence" means a licence issued under Part 4 for the purpose of section 33 of this Act;

"pesticide" means any substance, whether a toxic chemical or not, which is sold, or used, for controlling or destroying pests;

"Pesticides and Toxic Chemicals Inspector" means a person appointed as an inspector under section 57;

"premises" means any place, and includes a vehicle, a vessel and a conveyance but does not include a facility;

"Premises Licence" means a licence issued under Part 4 for the purpose of section 32 of this Act;

"prescribed" means prescribed by the Regulations;

"processing" when used in relation to a Schedule 1, 2, 3 or unscheduled discrete organic chemical, has the same meaning as in the Convention;

"production" when used in relation to a Schedule 1, 2, 3 or unscheduled discrete organic chemical, has the same meaning as in the Convention;

"production capacity" has the same meaning as in the Convention;

"purposes not prohibited under the Convention" has the same meaning as in the Convention;

"Registrar" means the Registrar of Pesticides and Toxic Chemicals designated by section 23;

"Regulations" means regulations made under this Act;

"riot control agent" has the same meaning as in the Convention;

"Saint Lucia aircraft" has the same meaning as in the Civil Aviation Act;

"Saint Lucian ship" has the same meaning as in the Shipping Act;

"Schedule 1 chemical" means a chemical listed in Schedule 1 of this Act;

"Schedule 1 "Other" Facility" means a facility that is authorised to produce during a year, for research, medical or pharmaceutical purposes, an aggregate quantity not exceeding 10 kilograms of Schedule 1 chemicals;

"Schedule 1 Single Protective Facility" means a Facility that is authorised to produce during a year, for protective purposes, an aggregate quantity not exceeding 10 kilograms of Schedule 1 chemicals;

"Schedule 1 Single Small Scale facility" means a facility that is designated by the Minister under section 43(2) as the Schedule 1 single small scale facility;

"Schedule 2 chemical" means a chemical listed in Schedule 2 of this Act and includes a mixture containing that chemical unless the mixture contains a concentration of 30% or less of that chemical;

"Schedule 3 chemical" means a chemical listed in Schedule 3 of this Act and includes a mixture containing that chemical unless the mixture contains a concentration of 30% or less of that chemical;

"Schedule 5 chemical" means a chemical listed in Schedule 5 of this Act;

"sell" includes offer for sale, expose for sale, display or advertise, have in possession for sale, and distribute;

"Technical Secretariat" means the Technical Secretariat of the OPCW;

"toxic chemical" means any chemical, other than a pesticide, which, through its chemical action on life processes, can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, munitions or elsewhere;

"unscheduled discrete organic chemical" means a discrete organic chemical that is not listed in Schedule 1, 2, or 3 of this Act;

"vehicle" includes a hovercraft.

(2) Unless the contrary intention appears, an expression that is used both in this Act and in the Convention but is not defined in subsection (1) has, in this Act, the same meaning as in the Convention, whether or not a particular meaning is assigned to it by the Convention.

3. Purpose

The purposes of this Act are to regulate pesticides and toxic chemicals and to implement the obligations of Saint Lucia under the Convention.

4. Application

(1) The provisions of Part 3 of this Act extend to acts done or omitted to be done outside Saint Lucia—

- (a) by a Saint Lucian citizen or by any person ordinarily resident in Saint Lucia; or
- (b) by any other person on board any Saint Lucian ship or Saint Lucia aircraft.

(2) Despite anything in any other enactment, proceedings in respect of any contravention of Part 3 of this Act anywhere outside Saint Lucia shall not, by virtue only of the provisions of this Act, be instituted in any court except with the consent of the Attorney General and on his or her certificate that it is expedient that the proceedings should be instituted.

(3) However, a person may be arrested, or a warrant for a person's arrest may be issued and executed, and the person may be remanded in custody or on bail, but no further or other proceedings shall be taken until the Attorney General's consent under subsection (2) has been obtained.

(4) This Act is binding on the Crown.

PART 2 ADMINISTRATION

Division 1 – Pesticides and Toxic Chemicals Control Board

5. Establishment

There is hereby established a statutory board to be known as the Pesticides and Toxic Chemicals Control Board.

6. Constitution

(1) The Board shall comprise not less than 6, nor more than 12, persons appointed by the Minister in accordance with the following—

- (a) at least 4 members shall be public officers from any one or more of the following Departments of Government:
 - (i) Agriculture,
 - (ii) Public Health,
 - (iii) Legal Affairs,
 - (iv) Trade,
 - (v) Customs,
 - (vi) Environment;
- (b) at least 2 members shall be persons representing private sector interests; and
- (c) members appointed under paragraph (a) shall exceed those appointed under paragraph (b).

(2) The Minister shall designate one of the members to serve as chairperson of the Board. The Board shall choose a vice chairperson and secretary respectively, from among its members.

(3) The names of the initial members, their title, if any, and every change in membership, shall be published in the Gazette.

7. Tenure and removal

A member shall hold office for 3 years during good behaviour but may be removed by the Minister—

- (a) for cause;
- (b) if the member becomes incapacitated, mentally or physically, from the due execution of his or her office; or
- (c) if the member is placed, by conduct or otherwise, in a position that is incompatible with the due execution of his or her duties.

8. Re-appointment

A member may be re-appointed as member in the same or another capacity.

9. Alternate members

The Minister may appoint a person to be an alternate member for any member, other than the chairperson. The alternate member may act temporarily in the place of that member if that member is absent, incapacitated or ineligible to perform the duties of a member.

10. Vacancy

(1) If a vacancy occurs in the membership, the Minister shall appoint a person to fill the vacancy in a manner that respects the requirements in section 6(1) for the composition of the Board.

(2) A member appointed to fill a vacancy shall hold office only for the unexpired portion of the term of the former member.

11. Casting Vote

The chairperson has the right to vote at meetings of the Board, and, in the case of an equal division, has also a casting vote.

12. Meetings

The Board shall meet at the times that it considers necessary or expedient for the transaction of business and such meetings shall be held at the place that the Board determines.

13. Signature

All documents made by, and all decisions of, the Board shall be signed by the chairperson, vice-chairperson or secretary.

14. Remuneration

The members of the Board shall be paid fees set by order by the Minister.

15. Functions

The functions of the Board shall be—

- (a) to serve as regulator in respect of pesticides and toxic chemicals to ensure that they do not pose an undue threat of harm to human nor animal health or safety, plant health nor the environment; and
- (b) to be the National Authority for Saint Lucia to serve as the national focal point for effective liaison with the OPCW and other States Parties under Article VII of the Convention.

16. Duties as Regulator and as National Authority

(1) The duties of the Board under its capacity as regulator shall be—

- (a) to administer the licensing scheme established under this Act for the regulation of pesticides and toxic chemicals;
- (b) to supervise the monitoring and enforcement of this Act and the Regulations;
- (c) to provide the Minister with any information that the Minister may require;
- (d) to advise the Minister on matters relevant to the making of regulations under this Act; and
- (e) to perform any other tasks assigned by the Minister.

(2) The duties of the Board in its capacity as National Authority shall be—

- (a) to supervise the domestic implementation of the Convention, this includes—
 - (i) administering the permit system established in this Act, and
 - (ii) monitoring and enforcing this Act and the Regulations;
- (b) to provide the Secretariat and State Parties to the Convention with information in fulfilment of Saint Lucia's obligations under the Convention;
- (c) to facilitate the implementation of this Act, including ensuring the conduct of international challenge inspections, provided for in sections 46(d), 50 and 53, in accordance with the time frames stipulated in the Convention;
- (d) facilitate and co-operate in inspections under the Convention including accompanying OPCW inspectors on international routine international inspections and international challenge inspections;
- (e) to perform any tasks that may be required by the Minister under the Convention.

17. Duties of Chairperson and Vice-Chairperson

(1) The chairperson is the chief executive officer of the Board and shall supervise and direct its work and preside over its meetings.

(2) The vice chairperson shall act if the chairperson is absent, incapacitated or ineligible to perform his or her duties.

18. Directions from the Minister

The Minister may give to the Board general policy directions with regard to its functions under this Act that the Minister considers necessary in the public interest, and the Board shall give effect to these directions.

19. Reporting

(1) The Board shall give to the Minister any information that the Minister may require regarding its operations.

(2) The Board shall submit to the Minister for tabling in Parliament an annual report of its operations.

(3) The Board shall submit to the Minister for approval, its estimates of revenue and expenditure for a 12 months period.

(4) The Minister may give directions to the Board regarding the day on or before which reports of operations or expenditure are to be submitted.

20. Committees

(1) The Board may appoint a committee to examine and report to it on any matter relating to any of its functions under this Act.

(2) A committee shall include not less than 2 members of the Board, and may include persons who are not members.

(3) The Board shall determine the composition and functions of a committee.

21. Delegation

The Board may delegate, in writing, to a committee or to a member, the exercise of any power or the performance of any duty vested in it by this Act, except the power to delegate under this section.

22. Civil liability

Except in respect of a breach of section 68, no civil liability shall attach to any member of the Board in respect of anything done, or omitted, in good faith under the provisions of this Act.

Division 2 – The Registrar

23. Appointment and Duties

(1) The secretary appointed under section 6 shall be the Registrar of Pesticides and Toxic Chemicals.

(2) The duties of the Registrar shall be—

- (a) to keep and maintain the prescribed registers;
- (b) to supervise the processing of applications relating to registration of pesticides and toxic chemicals, licences and permits;
- (c) to submit to the Technical Secretariat the initial and annual declarations required under the Convention;
- (d) to treat as confidential and afford special handling to information and data that the Board receives in confidence from the OPCW in connection with the implementation of the Convention;
- (e) to perform any other duties imposed by the Act, the Regulations, the Minister or the Board.

PART 3 PROHIBITIONS

Division 1 Prohibited Substances

24. Import, manufacture, storage or use prohibited

(1) A substance specified in Schedule 4 is a prohibited substance.

(2) A person shall not import, manufacture, store or use a prohibited substance.

(3) The Minister may, by order, amend Schedule 4 by adding or deleting a substance from the list.

25. Recall order

(1) If the Minister believes on reasonable grounds that a pesticide or toxic chemical poses a risk to human or animal health or safety, plant health or the environment, the Minister may, by written notice to any dealer of the pesticide or toxic chemical, order that the product be recalled or sent to a place designated by the Minister.

(2) A person shall not be held guilty of contravening a recall order unless a written notice was sent to the person.

Division 2 Chemical weapons and Riot Control Agents

26. Chemical Weapons

A person shall not—

- (a) develop, produce, otherwise acquire, stockpile or retain a chemical weapon or transfer, directly or indirectly, a chemical weapon to anyone;
- (b) use a chemical weapon;
- (c) engage in any military preparations to use a chemical weapon;
- (d) assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under the Convention.

27. Riot Control Agents

A person shall not use a riot control agent as a method of warfare.

Division 3 Pesticides and Toxic Chemicals

A. All Pesticides and Toxic Chemicals

28. Sale

(1) A person shall not sell in Saint Lucia a pesticide or toxic chemical unless that person holds a Dealer's Licence.

(2) The holder of a Dealer's Licence shall comply with—

- (a) the prescribed requirements for storage, distribution, packaging and labelling of pesticides and toxic chemicals; and
- (b) any conditions that the Board may stipulate in the licence.

29. Non-sale activity

(1) A person shall not engage in a non-sale activity in respect of a pesticide or toxic chemical unless that person holds a General Licence.

(2) The holder of a General Licence shall comply with—

- (a) the prescribed requirements for storage, distribution, packaging and labelling of pesticides and toxic chemicals; and

- (b) any conditions that the Board may stipulate in the licence.

B. Pesticides and toxic chemicals other than Schedule 1, 2 & 3 chemicals

30. Toxic chemical

In sections 31 to 33 "toxic chemical" includes Schedule 5 chemicals but does not include Schedules 1, 2 nor 3 chemicals.

31. Importation or Exportation

A person shall not import or export a pesticide or toxic chemical unless—

- (a) the importation or exportation is authorised by an Import or Export Licence respectively; and
- (b) the pesticide or toxic chemical is packaged and labelled as prescribed.

32. Manufacture

A person shall not operate premises in which any pesticide or toxic chemical is manufactured unless—

- (a) the person is so authorised by a Premises Licence issued in respect of the premises;
- (b) the premises complies with the prescribed standards for the construction and operation of the premises; and
- (c) the person complies with requirements for the storage, distribution, packaging and labelling of pesticides and toxic chemicals and any conditions that the Board may stipulate in the licence.

33. Pest Control Operator

(1) A person shall not offer pest control services for reward unless that person holds a Pest Control Operator's Licence.

(2) The holder of a licence shall comply with—

- (a) prescribed requirements relating to the application of pesticides and toxic chemicals; and
- (b) any conditions that the Board may stipulate in the licence.

C. Schedule 1, 2 and 3 Chemicals

34. Import/Export of Schedule 1 chemicals

(1) A person shall not export a Schedule 1 chemical to, nor import such a chemical from, a State not Party to the Convention.

(2) A person shall not import a Schedule 1 chemical from a State Party nor export such a chemical to a State Party unless—

- (a) the importation or exportation is authorised by an Import or Export Licence respectively; and
- (b) the chemical is packaged and labelled as prescribed.

35. Production etc. of Schedule 1 chemicals

(1) A person shall not operate a facility that produces, acquires, retains, consumes or uses a Schedule 1 chemical unless—

- (a) the facility is an authorised Schedule 1 facility for that year;
 - (b) the facility complies with the prescribed standards for the construction and operation of the facility; and
 - (c) the person complies with requirements for the storage, distribution, packaging and labelling of pesticides and toxic chemicals and any conditions that the Board may stipulate in the licence.
- (2) A facility is an authorised Schedule 1 facility in a particular year if—
- (a) it is a laboratory and during that year the aggregate quantity of Schedule 1 chemicals likely to be synthesised for research, medical or pharmaceutical purposes, but not for protective purposes, will not exceed 100 grams; or
 - (b) a Schedule 1 Facility Permit is issued in accordance with Part 4 in respect of the facility for that year.

36. Import/Export of Schedule 2 chemicals

The provisions relating to the import and export of Schedule 1 chemicals set out in section 34 apply to the import and export of Schedule 2 chemicals.

37. Production etc. of Schedule 2 chemicals

- (1) A person shall not operate a facility that produces, processes or consumes a Schedule 2 chemical unless—
- (a) the facility is an authorised Schedule 2 facility for that year;
 - (b) the facility complies with the prescribed standards for the construction and operation of the facility; and
 - (c) the person complies with requirements for the storage, distribution, packaging and labelling of pesticides and toxic chemicals and any conditions that the Board may stipulate in the licence.
- (2) A facility is an authorised Schedule 2 facility in a particular year if—
- (a) the amount of Schedule 2 chemical produced, processed or consumed at a plant comprising, or comprising part of, the facility is not expected to exceed, in the aggregate during that year, any of the following thresholds
 - (i) if the chemical is listed in Part A of Schedule 2 of this Act and designated with an "*" – 1 kilogram,
 - (ii) if the chemical is listed in Part A of Schedule 2 to this Act but is not designated with an "*" – 100 Kilograms, or
 - (iii) if the chemical is listed in Part B of Schedule 2 of this Act – 1 tonne; or
 - (b) a Schedule 2 Facility Permit is issued in accordance with Part 4 in respect of the facility for that year.

38. Import/Export of Schedule 3 chemicals

A person may import from, or export to, any other State, a Schedule 3 chemical, if—

- (a) the importation or exportation is authorised by an Import or Export Licence respectively; and
- (b) the chemical is packaged and labelled as prescribed.

39. Production of Schedule 3 chemicals

(1) A person shall not own or operate a facility that produces a Schedule 3 chemical unless—

- (a) the facility is an authorised Schedule 3 facility for that year;
- (b) the facility complies with the prescribed standards for the construction and operation of the facility; and
- (c) the person complies with requirements for the storage, distribution, packaging and labelling of pesticides and toxic chemicals—and any conditions that the Board may stipulate in the licence.

(2) A facility is an authorised Schedule 3 facility in a particular year if—

- (a) during that year an amount of Schedule 3 chemical *not* exceeding, in the aggregate, 30 tonnes of that chemical is likely to be produced at a plant comprising, or comprising part of, the facility; or
- (b) a Schedule 3 Facility Permit is issued in accordance with Part 4 in respect of the facility for that year.

40. Year

A reference in sections 34 to 39 to a year during which chemicals will be produced, acquired, retained or otherwise dealt with (however that dealing is described) includes a reference to a year that occurs in part before the day on which this section commences.

PART 4 LICENCES AND PERMITS

Division 1 Licences

41. Issue of Licences

The Board may, on application made in the prescribed manner, issue licences for the purpose of Part 3.

42. Conditions

A licence shall contain any conditions that the Board considers necessary for the purposes of fulfilling the obligations of Saint Lucia under the Convention and for the protection of human and animal health and safety, plant health and the environment.

Division 2 Permits

43. Types and restrictions on issue

(1) On application as prescribed, the Minister may, after consultation with the Board, issue—

- (a) Schedule 1 Facility Permits for the production, acquisition, retention, consumption or use or transfer from a facility, during a year, of Schedule 1 chemicals for research, medical, pharmaceutical or protective purposes;
- (b) Schedule 2 Facility Permits for the production, processing or consumption, during a year, of Schedule 2 chemicals in an amount exceeding, in the aggregate for each facility, the threshold set out in paragraph 37(2)(a) for that chemical;

- (c) Schedule 3 Facility Permit for the production of Schedule 3 chemicals in an amount exceeding, in the aggregate, 30 tonnes of that chemical.
- (2) In the issue of Schedule 1 Facility Permits the Minister—
 - (a) shall not grant more than one permit to operate a facility authorised to produce Schedule 1 chemicals for research, medical, pharmaceutical and protective purposes, which the Minister shall designate the Schedule 1 Single Small-Scale Facility;
 - (b) shall not grant more than one permit to operate a Schedule 1 Single Protective Facility;
 - (c) may grant permits to operate more than one Schedule 1 'Other' Facilities; and
 - (d) shall only grant permits such that, during a year, the aggregate amount of Schedule 1 chemicals, in respect of which Schedule 1 Facility Permits are issued, does not exceed one tonne.

44. Conditions

A permit shall contain any conditions that the Minister considers necessary for the purposes of fulfilling the obligations of Saint Lucia under the Convention and for the protection of human and animal health and safety, plant health and the environment including the following conditions—

- (a) in respect of all permits, the holder shall
 - (i) comply with the terms of any facility agreement in force in respect of that facility,
 - (ii) ensure that the prohibitions on importation and exportation of a Schedule 1,2 or 3 chemical contained in Part 3 of this Act are complied with, and
 - (iii) notify the Minister if the holder will no longer be operating the facilities owing to the fact that the ownership of the facilities is to be transferred or for any other reason;
- (b) in respect of a Schedule 1 Single Small Scale Facility Permit:
 - (i) production shall be carried out in reaction vessels in production lines not configured for continuous operation,
 - (ii) the volume of any reaction vessel shall not be more than 100 litres, and
 - (iii) the total volume of all reaction vessels with a volume of more than 5 litres shall not be more than 500 litres.

PART 5 MONITORING COMPLIANCE

Division 1 Self-Monitoring

45. Record-keeping and Reporting

(1) Any person who holds a licence or permit issued under this Act and the Regulations and any person who holds a riot control agent for riot control purposes shall keep and maintain the prescribed documents at the person's place of business or at any other place designated by the Minister.

- (2) These persons shall—

- (a) provide the documents to the Board on request by the Minister or the Board, or
- (b) prepare, from those documents, periodic reports in a form approved by the Board and send those periodic reports to the Registrar at the prescribed intervals.

(3) The documents and reports in subsection (2) shall be such that the Minister may be satisfied that the Convention and the provisions of the Act and Regulations are being complied with.

Division 2

Inspections

46. Interpretation of Division 2

A reference in this Division to—

- (a) an initial inspection is a reference to an inspection for the purpose of determining whether premises or a facility meets the requirements for the issue of a premises licence or facility permit under this Act and the Regulations;
- (b) a compliance inspection is a reference to an inspection for the purpose of—
 - (i) determining whether the provisions of this Act and the Regulations are complied with on any premises or at a facility,
 - (ii) determining whether the conditions applicable to a licence or permit in force in respect of premises or a facility, respectively, are complied with by the holder of the licence or permit;
- (c) a routine international inspection is a reference to an inspection carried out under Articles IV, V and VI of the Convention;
- (d) an international challenge inspection is a reference to an inspection carried out under Article IX of the Convention.

47. Inspection powers

(1) A reference in this Division to an inspection power is a reference to a power to—

- (a) search premises or a facility;
- (b) inspect or examine a matter or thing;
- (c) take samples of a matter or thing;
- (d) measure a matter or thing;
- (e) examine a document (including a record kept in accordance with the requirements of this Act, the Regulations or the condition of a permit);
- (f) take extracts from, or make copies of, a document (including a record of a kind referred to in paragraph (e)) or make images of any thing by any means; or
- (g) operate any equipment, including electronic equipment, located at the premises or facility if the inspector believes, on reasonable grounds, that the equipment can be operated without damaging it;
- (h) take onto premises or a facility any equipment or material that is reasonably required for the purpose of exercising a power under any of the above paragraphs;
- (i) question personnel working on the site for the purposes of this Act;

- (j) do any other act or thing necessary or convenient to be done to carry out an inspection.

(2) In addition to the powers in subsection (1) a reference to an inspection power includes, in respect of a Pesticides and Toxic Chemical Inspector, a power to seize and detain any substance that the inspector believes on reasonable grounds to be evidential material in relation to an offence against this Act.

(3) A power referred to in paragraph (1) (a), (b), (c), (d), (g) may only be exercised in a manner that the inspector believes, on reasonable grounds, to be in accordance with safety procedures applicable at the premises or facility.

48. Initial or Compliance Inspections

(1) For the purpose of carrying out an initial inspection or a compliance inspection a Pesticides and Toxic Chemicals Inspector may enter premises or a facility and exercise any inspection powers if—

- (a) the inspector shows proof of identity and the occupier of the place consents; or
- (b) a warrant is issued under section 53 authorising such inspection.

(2) The inspector may be accompanied by any person whose expert knowledge the inspector considers necessary in the carrying out of the inspection.

49. Facility agreement

An owner or operator of a facility shall co-operate with the Board in the negotiation of a facility agreement for the purposes of according rights to inspectors in respect of routine international inspections.

50. International inspections

(1) Without prejudice to the inspection procedures provided under the Convention and relevant provisions in facility agreements, a Pesticides and Toxic Chemicals Inspector and an OPCW inspector may enter a facility and exercise any inspection power for the purpose of conducting a routine international inspection or an international challenge inspection, if—

- (a) the inspector shows proof of identity and the occupier of the place consents; or
- (b) a warrant is issued under section 53 authorising the inspection.

(2) In addition to their inspection powers, the Pesticides and Toxic Chemicals Inspector or the OPCW inspector may install and operate, at the facility, continuous on-site monitoring equipment that is approved by the OPCW, if the inspector believes on reasonable grounds, that this can be done in accordance with safety procedures applicable at the facility.

(3) As soon as practicable after completing the inspection, the Pesticides and Toxic Control Inspector shall give the person in charge of the premises or facility, and if there is none, an occupier of the place, a written notice stating that the place has been entered, and specifying the following—

- (a) the time and date of entry;
- (b) the circumstances and purpose of entry;
- (c) the name of every person who entered.

51. Observer

An observer may, upon production of relevant proof of identity, accompany the Pesticides and Toxic Chemicals Inspector and the OPCW inspector during an

international challenge inspection, unless the observer receives notice in writing from the Board that the observer is to be excluded.

*Division 3
Investigations*

52. Entry, search and seizure

(1) If a Pesticides and Toxic Chemicals Inspector has reasonable grounds for suspecting that there may be on any premises or facility particular evidential material in relation to an offence against this Act, the inspector may enter and search the premises or facility and seize any evidential material, if—

- (a) the occupier consents; or
- (b) a warrant is issued authorising such entry, search and seizure.

(2) The powers of entry, search and seizure powers in subsection (1) may only be exercised in a manner that the inspector believes, on reasonable grounds, to be in accordance with safety procedures applicable at the premises or facility.

(3) A Pesticides and Toxic Chemicals Inspector is not entitled to exercise any powers under paragraph (1) if—

- (a) the occupier of the facility has required the Inspector to produce relevant proof of identity; and
- (b) the Inspector fails to comply with the requirement.

(4) The Inspector may make items seized under a warrant available for the purpose of investigating or prosecuting an offence under another law of the State.

*Division 4
Warrants*

53. Application

(1) A Pesticides and Toxic Chemicals Inspector may apply to a magistrate under this section for a warrant to conduct any one of the following—

- (a) an initial inspection;
- (b) a compliance inspection;
- (c) a routine international inspection;
- (d) an international challenge inspection.

(2) A magistrate may issue a warrant for the carrying out of any one of the above inspections if the magistrate is satisfied, by information on oath that such inspection is reasonably necessary.

(3) A warrant issued under this section shall—

- (a) describe the place to which the warrant relates;
- (b) state the name of the Pesticides and Toxic Chemicals Inspector responsible for executing the warrant;
- (c) specify the period for which the warrant remains in force, which must not be more than 7 days;
- (d) state whether entry is authorised to be made at any time of the day or night or during specified hours of the day or night;
- (e) state the purpose for which the warrant is issued.

(5) In executing a warrant an inspector shall not use force unless accompanied by a police officer and the use of force is specifically authorised in the warrant.

Division 5
Detention and Forfeiture of things seized or detained

54. Detention

(1) An inspector, or any person designated by the inspector may store a thing seized in the place where it was seized or remove it to any other place for storage.

(2) The costs of storage or removal shall be paid by the owner of the thing or by the person who was in possession of it at the time of its seizure.

(3) The inspector shall give a written notice to the owner or the person in possession of the thing at the time of seizure indicating the grounds for the seizure.

55. Release

(1) Unless forfeited to the State, or retained under subsection (3), a thing seized under this Act shall not be detained after any of the following has occurred—

- (a) one hundred and eight days have passed, or any extension under subsection (2) has expired, and no proceedings have been instituted in relation to the thing seized;
- (b) the reason for the seizure of the thing no longer exists or it is decided that it is not to be used in evidence; or
- (c) proceedings instituted are finally concluded.

(2) A judicial officer may extend the time limited in this section for a thing seized to be detained before the institution of proceedings in relation to it.

(3) A thing seized may be retained until the payment of the penalty or fine imposed in proceedings relating to the thing. The thing may also be sold under execution and the proceeds applied to the penalty or fine.

56. Forfeiture

(1) If a person is found to have committed a violation or an offence under this Act, the court may order that any thing by means of, or in relation to which, the violation or offence was committed be forfeited to the State, in addition to any penalty or punishment imposed.

(2) If the owner or person in possession of a thing at the time of its seizure consents, a thing is forfeited to the State.

(3) A thing forfeited may be disposed of at the expense of the person from whom it was seized, in accordance with the Regulations, unless the Minister directs otherwise.

Division 6
Inspectors, Analysts and Medical Examiners

A. Pesticides and Toxic Chemicals Inspectors

57. Appointment

The Minister may designate any qualified public officer to be a Pesticides and Toxic Chemicals Inspector for the purposes of this Act.

58. Identity Card

(1) The Minister shall furnish every officer so appointed with a card identifying the holder as a Pesticides and Toxic Chemicals Inspector.

(2) The certificate shall be in a form approved by the Minister and shall incorporate a recent photograph.

59. Functions

The functions of a Pesticides and Toxic Chemicals Inspector are—

- (a) to perform initial and compliance inspections;
- (b) to facilitate or assist with routine international inspections and international challenge inspections; and
- (c) to perform any other function, assigned to the Inspector by the Board or the Minister.

B. Analysts, medical examiners and other officers

60. Designation and role

(1) The Minister may designate any suitably qualified person or class of persons as analyst, medical examiner or other officer, for the purpose of enforcement of this Act.

(2) An inspector may submit to an analyst or medical examiner, for analysis or examination, any substance or sample detained by the inspector under this Part.

(3) After analysing or examining the substance or sample the analyst or medical examiner shall issue to the inspector a certificate or report setting out the results of the analysis or examination.

61. Admissibility of certificate

(1) A certificate or report issued under section 60(3) is admissible in evidence in a prosecution for a contravention of this Act or the Regulations and in the absence of any evidence to the contrary is proof of the statements contained in the certificate or report without proof of the signature or the official character of the person appearing to have signed the certificate or report.

(2) The party against whom a certificate or report of an analyst is produced may, with leave of the court, require the attendance of the analyst or medical examiner for the purpose of cross-examination.

(3) Unless the court otherwise orders, no certificate or report shall be received in evidence unless the party intending to produce it has given to the party against whom it is intended to be produced reasonable notice of that intention, together with a copy of the certificate or report.

PART 6 REGULATIONS

62. Power of Minister

(1) The Minister may make regulations necessary or convenient to be prescribed for carrying out or giving effect to this Act, including regulations—

- (a) respecting—
 - (i) the registration of pesticides and toxic chemicals,
 - (ii) the licensing of dealers, pest control operators, premises and the importation and exportation of pesticides and toxic chemicals,

- (iii) the regulation by permits of Schedule 1, 2, 3 facilities,
 - (iv) notifications required from OCP facilities for the purposes of Part IX of the Verification Annex of the Convention;
 - (b) establishing standards for efficacy and safety of pesticides and toxic chemicals for the purpose of registration;
 - (c) respecting standards for the construction and operation of premises and facilities;
 - (d) respecting the storage and distribution requirements for pesticides and toxic chemicals;
 - (e) respecting the packaging, labelling and advertising of pesticides and toxic chemicals;
 - (f) respecting the records that are to be kept and information that is to be furnished by persons holding a licence or permit under this Act or holding riot control agents for riot control purposes; the record keeping and reporting obligations may differ among premises and among facilities according to the type of chemical to which it relates;
 - (g) exempting from the operation of any or all of the provisions of this Act other than Division 2 of Part 3, a pesticide or toxic chemical that is not a Schedule 1, 2, 3, 4, 5 or OCP chemical;
 - (h) amending the schedules to this Act other than Schedules 1, 2 and 3.
- (2) The Regulations may—
- (a) contain penalties for offences against the Regulations;
 - (b) impose fees or charges in respect of registration of pesticides and toxic chemicals, licences, permits or for any service performed under this Act or the Regulations.

(3) The Minister shall, by order, no later than 180 days after any amendment to Schedules 1, 2 or 3 of the Convention is notified by the Director General of the OPCW, in accordance with Article XV of the Convention, amend Schedule 1, 2 or 3 respectively of this Act, in like manner.

(4) Any standards or enactment incorporated by reference by the Minister in the exercise of the Minister's powers under this Part may be incorporated as amended from time to time.

PART 7 OFFENCES

63. Indictable or summary conviction offences

A person commits an offence who—

- (a) contravenes any provision of this Act or the regulations;
- (b) violates a licence or permit;
- (c) assaults, resists, intimidates or obstructs an inspector in the execution of his or her duties under this Act or the regulations;
- (d) knowingly or recklessly makes any false or misleading statement either orally or in writing to any inspector engaged in exercising his or her powers under this act or the Regulations; or
- (e) removes, alters or interferes in any way with any article seized under this Act without the authority of the inspector.

64. Penalties

(1) A person who commits an offence under this Act is liable in the following manner—

- (a) in respect of a breach of sections 26, 27, 34–40, on indictment to fine of \$500,000 imprisonment for a term not less than 5 years nor more than 15 years; and
- (b) in respect of any other offence;
 - (i) on summary conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months, or to both, or
 - (ii) on conviction upon indictment to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years, or to both.

(2) Subsection (1) is in addition to any civil remedy available under any other law.

65. Ticketing offences

(1) The Minister may make regulations designating an offence other than an offence in section 64(1)(a) as an offence with respect to which—

- (a) despite the provisions of the Criminal Code, an inspector may issue and serve a summons by completing a ticket in the prescribed form, signing it and delivering it to the accused; or
- (b) the summons may be served by mailing it to the accused at the latest known address of the accused.

(2) Where a person is served with a ticket and does not enter a plea within the prescribed time, a justice shall examine the ticket and—

- (a) if the ticket is complete and regular on its face, the justice shall enter a conviction in the person's absence and impose a fine of the prescribed amount; or
- (b) if the ticket is not complete and regular on its face, the justice shall quash the proceedings.

(3) The Minister may make regulations for the purposes of applying this section, including regulations prescribing the amount of the fine for any offence and establishing a procedure for entering a plea of guilty and paying the fine.

66. Liability of officers and corporation

(1) Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorised, assented to or acquiesced or participated in the commission of the offence is a party to and commits the offence and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted or convicted.

(2) In any prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without the knowledge or consent of the accused and that the accused exercised all due diligence to prevent its commission.

PART 8 VOLUNTARY COMPLIANCE

67. Notice of non-compliance

(1) An Inspector may issue a notice of non-compliance to a person where the Inspector believes that the person is not in compliance with this Act, the regulations or a licence, permit, order or direction.

(2) The notice shall state—

- (a) the nature of the non-compliance;
- (b) a request for voluntary compliance;
- (c) the steps which should be taken to achieve compliance; and
- (d) the date by which compliance should be effected.

(3) A person shall not be found guilty of an offence under this Act if compliance is effected before the expiration of the time given in the notice.

PART 9 MISCELLANEOUS

68. Confidentiality

(1) Information and documents obtained under this Act or the Convention are privileged.

(2) Information and documents are not privileged to the extent that they are required to be disclosed or communicated for the purposes of an emergency involving public safety.

(3) No person in possession of privileged information or documents shall knowingly, without the written consent of the person from whom they were obtained, communicate them or allow them to be communicated to any person, or allow any person to have access to them, except—

- (a) for the purpose of the enforcement of this Act or of giving effect to the Convention; or
- (b) under an obligation of the Government of Saint Lucia under the Convention.

(4) Despite any other Act or law, a person shall not be required, in connection with any legal proceedings, to produce any statement or other record containing privileged information or documents, or to give evidence relating to them, unless the proceedings relate to the enforcement of this Act.

69. Right of Appeal

(1) Any person who is not satisfied with a decision of the Board in respect of the revocation or suspension or an application for the issue, renewal or transfer of a licence may within sixty (60) days of the decision, by notice in writing appeal to the Minister against such a decision.

(2) The notice shall state the grounds of appeal and shall be lodged with the Registrar.

70. Notes of Previous Decision

Within 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 document that the Minister may require.

71. Consultation

In reviewing a decision of the Board the Minister may consult with any person he considers competent for the purpose and may confirm, amend or reverse the decision.

72. Exercise of Discretion

(1) Where this Act confers a power, discretion, duty or function on a person, the exercise of the power or discretion or the performance of the duty or function is authorised by this Act only to the extent that the exercise or performance is not inconsistent with Saint Lucia's obligations under the Convention.

(2) Where this Act confers a power or discretion on a person, the person shall have regard to Saint Lucia's obligations under the Convention in exercising that power or discretion.

TRANSITIONAL PROVISIONS

73. Licence requirement

The requirement, in Part 3, for a licence or permit comes into force on the expiration of 120 days after the coming into force of all of the provisions of Part 3.

Schedule 1

SCHEDULE 1 CHEMICALS

(Section 2(1))

A. Toxic Chemicals:

(CAS registryNumber)

- | | | |
|-----|--|--|
| (1) | O-Alkyl ($\leq$ C10-incl cyloalkyl) alkyl
(Me Et n-Pr or I-Pr)-phosphonofluoridates
e.g. Sarin: O-Isopropyl methylphosphonofluoridate
Soman: O-Pinacolyl methylphosphonofluoridate | (107-44-8)
(96-64-0) |
| (2) | O-Alkyl ($\leq$ C10, incl. Cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates
e.g. Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate | (77-81-6) |
| (3) | O-Alkyl (H or $\leq$ C10, incl. Cycloalkyl) S-2-dialkyl (Me,Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiates and corresponding alkylated or protonated salts
e.g. VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate | (50782-69-9) |
| (4) | Sulfur mustards:
2-Chloroethylchloromethylsulfide
Mustard gas: Bis (2-chloroethyl)sulfide
Bis(2-chloroethylthio)methane
Sesquimustard: I 2-Bis(2-chloroethylthio)ethane
1,3-Bis(2-chloroethylthio)-n-propane
1,4-Bis(2-chloroethylthio)-n-butane
1,5 Bis (2-chloroethylthio)-n-pentane
Bis (2-chloroethylthiomethyl) ether
O-Mustard: Bis(2chloroethylomethyl)ether | (2625-76-5)
(505-60-2)
(63869-13-6)
(3563-36-8)
(63905-10-2)
(142868-93-7)
(142868-94-8)
(63918-90-1)
(63918-89-8) |
| (5) | Lewisites:
Lewisites 1: 2-Chlorovinylidichloroarsine
Lewisite 2: Bis (2-chlorovinyl)chloroarsine
Lewisite 3: Tris (2-chlorovinyl)arsine | (541-25-3)
(40334-69-8)
(40334-70-1) |
| (6) | Nitrogen mustards: | |

	HN1: Bis(2-chloroethyl)ethylamine	(538-07-8)
	HN2: Bis(2-chloroethyl)methylamine	(51-75-2)
	HN3: Tris(2-chloroethyl)amine	(555-77-1)
(7)	Saxitoxin	(35523-89-8)
(8)	Ricin	(9009-86-3)
B. Precursors:		
(9)	Alkyl(Me, Et, n-Pr or i-Pr) phosphonyldifluorides e.g. DF: Methylphosphonyldifluoride	(676-99-3)
(10)	O-Alkyl (H or ≤ C10, incl cycloalkyl) O-2 dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts e.g. QL: O-Ethyl O-2 diisopropylaminoethyl methylphosphonite	(57856-11-8)
(11)	Chlorosarin: O-Isopropyl methylphosphonochloridate	(1445-76-7)
(12)	Chlorosoman: O-Pinacolyl methylphosphonochloridate	(7040-57-5)

Schedule 2

SCHEDULE 2 CHEMICALS

(Section 2(1))

A. Toxic Chemicals:

(1)	Amiton: O,O-Diethyl S[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts	(78-53-5)
(2)	PFIB: 1, 1, 3, 3, 3-Pentafluoro-2-(trifluoromethyl)-1-propene	(382-21-8)
(3)	BZ: 3-Quinuclidinyl benzilate (*)	(6581-06-2)

B. Precursors:

(4)	Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but no further carbon atoms. e.g. Methylphosphonyl dichloride Dimethyl methylphosphonate Exemption: Fonofos: O-Ethyl S-phenyl Ethylphosphonothiolothionate	(676-97-1) (756-79-6) (944-22-9)
(5)	N,N-dialkyl (Me, Et, n-Pr) phosphoramidic dihalides	
(6)	Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates	
(7)	Arsenic trichloride	(7784-34-1)
(8)	2,2-Diphenyl-2-hydroxyacetic acid	(76-93-7)
(9)	Quinuclidin-3-ol	(1619-34-7)
(10)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts	
(11)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts N,N-Diethylaminoethanol And corresponding protonated salts	(108-01-0) (100-37-8)
(12)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2thiols Corresponding protonated salts	
(13)	Thiodiglycol: Bis (2-hydroxyethyl)sulfide	(111-48-8)
(14)	Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol	(464-07-3)

Schedule 3

SCHEDULE 3 CHEMICALS

		(Section 2(1))
(1)	Phosgene: Carbonyl dichloride	(75-44-5)
(2)	Cyanogen chloride	(506-77-4)
(3)	Hydrogen cyanide	(74-90-8)
(4)	Chloropicrin: Trichloronitromethane	(76-06-2)
(5)	Phosphorus oxychloride	(10025-87-3)
(6)	Phosphorus trichloride	(7719-12-2)
(7)	Phosphorus pentachloride	((10026-13-8)
(8)	Trimethyl phosphite	(121-45-9)
(9)	Triethyl phosphite	(121-45-9)
(10)	Dimethyl phosphite	(868-85-9)
(11)	Diethyl phosphite	(762-04-9)
(12)	Sulfur monochloride	(10025-67-9)
(13)	Sulfur dichloride	(10545-99-0)
(14)	Thionyl chloride	(7719-09-7)
(15)	Ethyl-diethanolamine	(139-87-7)
(16)	Methyl-diethanolamine	(105-59-9)
(17)	Triethanolamine	(102-71-6)

Schedule 4

PROHIBITED PESTICIDES AND TOXIC CHEMICALS

(Section 24)

aldicarb (Temik)
 azinphos-ethyl (Gusathion A)
 azinphos-methyl (Gusathion M. Guthion)
 demeton (Systox)
 dicrotophos (Bidrin)
 dimefox (Pestox XIV)
 DNOC
 EPNB
 fensulfothion (Dasanit, Terracur P)
 fluenetil (Lambrol)
 fonofos (Dyfonate)
 Gophacide
 HCH Lindane
 parathion
 parathion-methyl
 pentachlorophenol ACP
 phorate (Thimet)
 scjradam
 sulfotep
 TEPP
 thionazin (Nemofos, Zinophos)
 Zectran

Schedule 5

PESTICIDES AND TOXIC CHEMICALS OTHER THAN SCHEDULE 1, 2, & 3 CHEMICALS

(Section 2(1))

CLASS 1A

(EXTREMELY HAZARDOUS)

acrylonitrile
aldicarb
aluminium phosphide
carbonphosphorothion (80% emulsifiable concentrate)
chlorfenvinphos
chloropicrin
coumarin
crimidine
demephion-0+demephion-S ('demephion')
demeton-0+demeton-S('demeton') (50% emulsifiable concentrate)
dichlorvos
dicrotophos
difenacoum
dimefox
disulfoton
endrin (24% emulsifiable concentrate)
EBN*
ethion
fensulfithion
fomofos
isodrin
isobenzan
mecarbam
mercuric chloride
methyl bromide (bromomethane)
mevinphos (20% emulsifiable concentrate)
oxamyl
paraquat
parathion
parathion-methyl (80% emulsifiable concentrate)
phorate
phosphamidon
red squill
achradan (60% emulsifiable concentrate, 30% emulsifiable concentrate)
sodium fluoroacetate
TEPP (20% emulsifiable concentrate)
Terbufos (15% granules)
Thionazin (49% emulsifiable concentrate)

CLASS 1B

(HIGHLY HAZARDOUS)

acrolein
aldrin (30% emulsifiable concentrate)
aldicarb (10% granules)
aminocarb (75% wettable powder)
azinphos-methyl (25% wettable powder, 20% emulsifiable concentrate)
azinphos-ethyl
bendiocarb
binapacryl(40% emulsifiable concentrate)
calcium arsenate
carbofuran
carbonphosphorothion (40% emulsifiable concentrate, 25% wettable powder)
carbophenothion methyl analogue

chlorpyrifos (35% emulsifiable concentrate)
coumatetralyl
crotoxophos
demephion-0 + damephion-S ('demephion') (30% emulsifiable concentrate)
demeton-0 + demeton-S - methyl ('demeton') (50% wettable powder)
denetib-S-methyl (50% emulsifiable concentrate)
dialifor
dielldrin (20% emulsifiable concentrate)
DNOC
dinoseb acetate (50% emulsifiable concentrate)
dinobuton (50% wettable powder)
dioxathion (40% emulsifiable concentrate)
diphacinone
disulfoton (10% granules)
endosulfan (35% emulsifiable concentrate)
endothal-sodium (20% aqueous solution)
endothion (50% emulsifiable concentrate)
endrinn (50% wettable powder)
EPN* (25% emulsifiable concentrate, 25% wettable powder)
ethion (80% emulsifiable concentrate, 40% emulsifiable concentrate)
ethoprophos
fenamiphos (30%, 40% spray concentrate, 15% and 40% granules)
fensulfthion (25% wettable powder, 10% dust, 5% granules)
fonofos (10% granules)
isodrin (50% wettable powder, 25% emulsifiable concentrate)
isofenphos (emulsifiable concentrate, granules)
lead arsenate
leptophos (emulsifiable concentrate, wettable powder, granules, and dust)
mecarbam (40% emulsifiable concentrate, 68% wettable powder)
medinoterb acetate
methidathion (40% emulsifiable concentrate, 20% emulsifiable concentrate)
moncrotophos
methomyl
mevinphos (5% emulsifiable concentrate)
mexacarabate (22% emulsifiable concentrate)
morphothion
nicotine (90% emulsifiable concentrate)
norbromide
oxydemeton-methyl (50% emulsifiable concentrate)
omethoate (dimethoate-met) (80% emulsifiable concentrate)
paraquat compounds (28% to 26% solutions)
parathion (20% emulsifiable concentrate)
parathion-methyl (40% emulsifiable concentrate)
phenkapton
phenylmercury acetate
phorate (5% granules)
phsalone
phosphamidon (50% wettable powder, 20% emulsifiable concentrate)
phosfolan (25% emulsifiable concentrate)
protothoate (20%, 40% emulsifiable concentrate, 40% wettable powder)
thiometon (25% emulsifiable concentrate)
thiomazin (10% granules, 5% granules)
triamiphos (25% wettable powder)

trichloronat (20% emulsifiable concentrate)
zinc phosphide

CLASS II

(MODERATELY HAZARDOUS)

aldrin (50% wettable powder)
allidochlor (40% emulsifiable concentrate)
aminocarb (50% wettable powder)
amidithion (30% emulsifiable concentrate)
azinphos-methyl (5% dust)
bensulide (40% emulsifiable concentrate)
benquinox
binapacryl (25% wettable powder)
bromophos-ethyl (80% emulsifiable concentrate)
bromoxynil (20% emulsifiable concentrate)
BMPC (50% emulsifiable concentrate)
bufencarb (10% granules)
carbaryl
carbophenothion (2% dust)
carbophenothion dimethyl analogue (40% emulsifiable concentrate)
cartap
chlordane (50% emulsifiable concentrate)
chordecone (50% wettable powder)
chlorfenvinphos (5% dust)
chlormequat chloride (40% aqueous solution)
chlorobenzilate (50% emulsifiable concentrate)
chlorpyrifos (50% wettable powder)
C8H9O3PS* (10% granules, 25% emulsifiable concentrate, 25% wettable powder)
cruformate (25% emulsifiable concentrate)
2-4-D
dazomet (85% dust)
2,4-D8 (40% emulsifiable concentrate)
DDT
di-allate (40% emulsifiable concentrate)
demeton-S-methyl (25% emulsifiable concentrate)
diazinon (50% emulsifiable concentrate)
dibromochloropropane
dichloropropane – dichloropropane mixture
dichloropropane
dichlofluanid
dieltrin (50% wettable powder)
dimethoate
dimexano
dinoseb acetate (40% wettable powder)
dinoterb acetate (25% wettable powder)
dioxacarb (5% powder, 50% wettable powder, 40% liquid concentrate)
diquat compounds (20% solution)
disulfoton (5% granules)
drazoxolon (40% aqueous suspension)
edifenphos (30%, 40% and 50% emulsifiable concentrate, 1.5%, 2% and 2.5% dust)
EDB (ethylene dibromide)
endrin (5% granules, 2% dust)
ethion (25% wettable powder)
ethoatemethyl (40% emulsifiable concentrate, 25% wettable powder)

fenitrothion (50% emulsifiable concentrate)
 fentin compounds (60% wettable powder)
 fenthion (50% emulsifiable concentrate, 40% wettable powder)
 formothion (25% emulsifiable concentrate)
 fenofos (5% granule)
 HCH (BHC) (dusts, wettable powders, oil solutions)
 heptachlor
 ioxynil octanoate
 isaphos (20% and 50% emulsifiable concentrate, 3%, 5%, 10% and 20% granules)
 isodrin (5% granules, 2% dust)
 lindane (99% gamma-HCH) (50% wettable powder, 20% emulsifiable concentrate)
 malathion (50% emulsifiable concentrate)
 MCPA (50% emulsifiable concentrate)
 mecarbam (25% dust)
 mecoprop (50% solution)
 medinoterb acetate (25% wettable powder)
 methidathion (40% wettable powder)
 methiocarb (75% wettable powder)
 methomyl (10% granules)
 mexacarbate (25% wettable powder)
 morfamquat dichloride (20% solution)
 parathion (5% dust)
 PCP
 pentachlorophenol (10% emulsifiable concentrate)
 phenthoats
 phosalone (35% emulsifiable concentrate, 30% wettable powder)
 phosmet (50% wettable powder, 30%, 20% emulsifiable concentrate)
 pirimicarb (50% wettable powder)
 pirimiphos-ethyl (25%, 50% emulsifiable concentrate, 10% granules)
 profenfos (50%, 40% emulsifiable concentrate)
 propoxur (50% wettable powder, 20% emulsifiable concentrate)
 quinalphos (20%, 25% emulsifiable concentrate)
 rotanone
 sodium flouride
 sulfallate (40% emulsifiable concentrate)
 2,4,5-T (80%, 50%, 40% emulsifiable concentrate)
 terbumeton
 thiazafluron (50%, 80% wettable powder)
 thiometon
 thiram (80% wettable powder)
 tri-allate (40% emulsifiable concentrate)
 toxaphene (60% emulsifiable concentrate, 40% wettable powder, 20% granules)
 triazophos (40% emulsifiable concentrate, 30% wettable powder)
 tricamba
 trichlorfon (50% emulsifiable concentrate)
 tridemorph (75% emulsifiable concentrate)
 vamidothion (40% emulsifiable concentrate)

CLASS III

(SLIGHTLY HAZARDOUS)

acephate (75% soluble powder)
 alachlor (40% emulsifiable concentrate, 15% graules)
 aldrin (5% dust)
 allethrin

ametryn
amitraz (20% emulsifiable concentrate, 50% wettable powder)
aminotriazole (amitrole)
barban (50% wettable powder)
binapacryl (4% dust)
bioallethrin (50% wettable powder)
bromophosethyl (25% wettable powder)
C5H12NS3 (Evisect)
chlordeone (10% dust)
cyanofenphos
cyanphos
DDT (50% wettable powder, 50% emulsifiable concentrate)
desmetryne
diazionon (40% wettable powder)
dichlofluanid (50% wettable powder)
dicofol
dimethoate (20% wettable powder)
diphenamid
dithianon(75% wettable powder)
didine (80% wettable powder)
DSMA
endosulfan (5% dust)
ethion (4% dust)
fenithrothion (40% wettable powder)
isoprocarb
malathion (50% wettable powder)
metaldehyde
metham-sodium
mirex
MAMA
nicotine (11% smokes)
paraquat compounds (5% granules)
parathion (1% dust)
propachlor (65% wettable powder)
ryania
tebuthiuron (80% wettable powder)
trichlorfon (50% wettable powder)
trichloronat (5% granules)

UNCLASSIFIED

aluminium ammonia sulphate
aluminium sulphate
ammonium sulphamate
anilazine
anthraquinone
asulam
atrazine
aziprotryne
azobenzene
benazolin
benfiuralin
benodanil
benomyl
benzoprop

benzoximate
bifenox
bioresmethrin
bipenyl
bromacil
bromophos
bromopropylate
buturon
butylate
camphor
captafol
cprn
carbetamide
carboxin
chloramben
chloranil
chlorbenside
chorbromuron
chlorbufam
chlorefenson
chloroneb
chlorpropham
chlorthalmethyl
chlorthaldimethyl
chlorathalonil
chloropropylate
chloroxuron
cufraneb
dalapon
damiozide
dicamba
dichlobenil
1,4-dichlorbenzene dichlorophen
didoran (ditranil)
diflubenzuron
dimethirimol
dimethrin
dinitroamine
dioron
dodemorph
dodicin
ethephon
ethirimol
fenuron
ferbam
fluometuron
flurodifen
fluorenenol
folpet
gibberellic acid
griseofulvin
glyphosate
hexachlorbenzene

iodofenphos
iron (2+) sulphate
isonoruron
jodfenphos
lenacil
linuron
maleic hydrazide
maneozeb
maneo
mebenil
methabenzthiazuron
metiram
methiuron
methiuron
methoprottryne
methoxchlor
metabuemuren
metholachlor
metribuzin
monalide
naphthalene
2-naphthoxyacetic acid
1-naphthlacetic acid
neburon
nitrofen
oxine-copper
oxycarboxin
oxytetracycline
pentanochlor
phenmedipham
phenothrin
picloram
profluralin
prometon
prometryn
propazine
propham
propineb
pyrazon
pyridinitril
quinazamid
quassia
quintozene
resmethrin
salicylanilide
sesbumeson
siduron
simazine
streptomycin salts
sulphur
tecaazene
terbacil
terbuthylazine

terbutryn
tetrachlorvinphos
tetradifon
tetramethrin
tetrasul
thiabendazole
thiophanate
tiophanate-methyl
trifluralin
zineb

CHAPTER 11.15 PESTICIDES AND TOXIC CHEMICALS CONTROL ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Pesticides Control (Labelling of Pesticides) Regulations – Section 7
 2. Pesticides Control (Registration and Licensing) Regulations – Section 7
-

Pesticides Control (Labelling of Pesticides) Regulations – Section 7

(Statutory Instrument 70/1987)

Statutory Instrument 70/1987 .. in force 24 December 1987

ARRANGEMENT OF REGULATIONS

1. Citation
 2. Interpretation
 3. Labelling of Pesticides
 4. Weights, volumes, concentrations or dosage rates to be unambiguous
 5. Penalty
- Schedule
-

PESTICIDES CONTROL (LABELLING OF PESTICIDES) REGULATIONS – SECTION 7

Commencement [24 December 1987]

1. Citation

These Regulations may be cited as the Pesticides Control (Labelling of Pesticides) Regulations.

2. Interpretation

In the Regulations—

“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 Sandardisation, 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 legend word or mark attached to, included in, belonging to or accompanying a container.

3. Labelling of Pesticides

(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—

- (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 containers;
- (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 containers;
- (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 may be required by the Board.

(2) The label requirements set out in subregulation (1) must 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 under subregulation (1) to be stated on the label affixed thereto, the information required under paragraphs (e) to (k) of subregulation (1) may be omitted from the label.

(4) Any information that may be omitted from a label that is affixed to a container, must be included on another label accompanying that container.

(5) The accompanying instructions must include the substance of the label statements supplied under this Regulation.

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

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

5. Penalty

Any person who contravenes these Regulations commits an offence and is liable in respect thereof to the penalties imposed under section 9 of the Pesticides Control Act, 1975.

Schedule

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	PRECAUTIONARY WORDS
I – Extremely hazardous	Red	Skull & Crossbones	Danger—poison
II – Highly hazardous	Yellow	Skull & Crossbones	Beware—Poison
III – Moderately hazardous	Blue	Skull & Crossbones	Caution
IV- Slightly hazardous	Green	Skull & Crossbones	Caution

The words: "Keep out of the reach of children, domestic and farm animals" must also appear on all labels.

The relevant colour used on a label to indicate the degree of toxicity of a pesticide shall be 15% of the height of the label and the following toxicological classification shall be used—

LD 50 (RAT) mg/kg BODY WEIGHT

CLASS	ORAL		DERMAL	
	SOLIDS	LIQUIDS	SOLIDS	LIQUIDS
I – Extremely hazardous	20 or less	20 or less	10 or less	40 or less
II – Highly hazardous	21-50	21-100	11-100	41-100
III – Moderately hazardous	51-500	201-2000	101-1000	401 - 4000

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

Pesticides Control (Registration and Licensing) Regulations – Section 7

(Statutory Instrument 71/1987)

Statutory Instrument 71/1987 .. in force 24 December 1987

ARRANGEMENT OF REGULATIONS

1. Citation
 2. Interpretation
 3. Pesticides to be registered as approved pesticides
 4. Licence to import or manufacture pesticide
 5. Application by research institutes or organisations
 6. Use of pesticide for experimental purposes
 7. Licence to import or manufacture a pesticide
 8. Power of Board as regards registration of pesticides
 9. Licensing for the warehousing, repackaging, retailing of approved pesticides
 10. Cancellation of licence
 11. Record of pesticides
 12. Notice to person affected by decision of the Board
 13. Application for reconsideration of Board's decision
 14. Pesticide, sold or distributed to be accompanied by conditions
 15. Inferior products
 16. False advertising
 17. Containers
 18. Transportation of pesticides
 19. Penalty
- Schedule

PESTICIDES CONTROL (REGISTRATION AND LICENSING) REGULATIONS – SECTION 7

Commencement [24 December 1987]

1. Citation

These Regulations may be cited as the Pesticides Control (Registration and Licensing) Regulations.

2. Interpretation

In these Regulations—

“**accompanying instructions**” means any separate document containing information that is supplied with the pesticide container;

“**active ingredient**” means any substance in a pesticide that is intended to have toxic effect on pests;

“**common name**” means—

- (a) the name assigned by—
 - (i) the International Organisation for Standardisation, or
 - (ii) the British Standard Institution; or
- (b) where there is no name assigned under paragraph (a), the chemical name of the active ingredient.

3. Pesticides to be registered as approved pesticides

(1) A person shall not manufacture, import, advertise, use, sell, expose or offer for sale any pesticide unless that pesticide has been approved by the Board and registered by the Board as an approved pesticide and notice of such registration is published in the Gazette.

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

4. Licence to import or manufacture pesticide

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

5. Application by research institutes or organisations

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

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

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

- (a) the pesticide shall not be sold or distributed, and shall be used only—
 - (i) by the employees of the institute or organisation and for the purpose for which it is imported, and
 - (ii) on the premises on which the research work is being done;
- (b) no crop, animal or product of any animal to which such pesticide is applied may be used as food for human consumption or as feed for animals, as the case may be; and
- (c) the Board may require the research institute or organisation to submit a technical report on the pesticide to the Board after the research work is completed.

6. Use of pesticide for experimental purposes

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

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

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

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

7. Licence to import or manufacture a pesticide

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

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

8. Power of Board as regards registration of pesticides

The Board may—

- (a) refuse to register a pesticide as an approved pesticide if—
 - (i) the person applying for such registration has not supplied all the information required by the Board in the form set out as Form A – 1 in the Schedule,
 - (ii) the pesticide, when used in accordance with the information submitted with the application, is not considered by the Board to be safe or effective in controlling pests, or
 - (iii) the use of the pesticide in Saint Lucia may constitute a risk to the public health, domestic animals, wild-life or the environment;
- (b) at any time strike off the register of approved pesticides any pesticide if it considers it necessary to do so in the interest of the public health for the safety of domestic animals and for the preservation of wildlife or the environment.

9. Licensing for the warehousing, repackaging, retailing of approved pesticides

(1) A person shall not store, repackage, retail or otherwise deal with any pesticide registered by the Board as an approved pesticide unless he or she first obtains from the Board a licence for the premises where he or she intends to store, repackage, retail or otherwise deal with any pesticide.

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

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

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

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

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

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

10. Cancellation of licence

(1) A licence issued under regulation 9 shall be deemed to be invalid if there is any change in—

- (a) the location of the area where the pesticide is being dealt with or handled even if it may be carried out in the same building;

- (b) the design of the room in which the pesticide is being dealt with or handled; or
- (c) the location of various approved pesticides.

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

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

11. Record of pesticides

The Board may, whenever it deems necessary, specify restrictions on the sale of a pesticide and may stipulate that a record be kept as in the form set out as Form C in Schedule 1 in which the names, addresses and proof of identity of all persons purchasing such pesticide can be entered together with the quantity purchased and the date of purchase.

12. Notice to person affected by decision of the Board

The secretary of the Board shall, within 14 days of a decision of the Board to—

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

give notice of that decision to the person affected thereby.

13. Application for reconsideration of Board's decision

(1) Where the Board—

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

a person affected by the decision of the Board may within 30 days of receiving notice of the Board's decision, apply by letter addressed to the secretary to have the decision reconsidered by the Board.

(2) The Board shall on receiving a letter under this regulation, fix a date for reconsidering its decision and shall give the applicant an opportunity to be heard and to be represented by counsel if he or she so desires.

(3) The Board may, after reconsidering the application—

- (a) revoke its former decision and substitute another decision therefor; or
- (b) confirm its former decision.

14. Pesticide, sold or distributed to be accompanied by conditions

Each container or package of a pesticide sold or distributed shall be accompanied by a copy of the conditions regarding its use and storage as laid down by the Board under the Pesticides Control (Labelling of Pesticides) Regulations.

15. Inferior products

A person shall not supply as a pesticide a product that has decomposed or is deteriorated so as to be ineffective or dangerous, or which is packaged in containers that have deteriorated or have been damaged so as to be dangerous in storage or use.

16. False advertising

(1) A person shall not advertise any pesticide in a manner which is false, misleading, or inconsistent with the information supplied to the Board at the time of registration.

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

17. Containers

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

(2) Where an unsuitable container is in use the Board shall give notice thereof in writing to the person responsible, who shall be held to be in contravention of these Regulations if he or she fails to ensure that the unsuitable container is replaced by a suitable container within 3 months of the date of the notice.

18. Transportation of pesticides

A person shall not transport any pesticide unless—

- (a) it is securely packaged to avoid leakage arising from the ordinary risk of handling;
- (b) the outside of the package containing the pesticide is labelled conspicuously with the name and description of the pesticide and a notice indicating that it is to be kept separate from food containers is delivered by the distributor or seller to the transporter; or
- (c) adequate precautions from the risk of contaminating food for human consumption or animal feed, utensils and water supplies are taken and similar precautions against the accidental destruction or contamination of plant and animal life are also taken.

19. Penalty

Any person who contravenes these Regulations is liable to the penalties imposed by section 9(2) of the Pesticides Control Act, 1975.

Schedule

FORM A – 1

(Regulation 3)

APPLICATION FOR APPROVAL OF PESTICIDE

The Secretary,
Pesticides Control Board,
Ministry of Agriculture,

Castries

Dear Sir/Madam,

I (Name)

of (Address)

hereby apply to the Pesticides Control Board for approval of the pesticide
.....

..... (Trade Name)

1. Name of manufacturer

.....

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

.....

.....

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

.....

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

.....

.....

.....

5. Manufacturers recommended method, frequency and rate of application

.....

6. First aid measures to be taken pending medical advice in a case of suspected poisoning by the pesticide and the treatment that should be administered by a medical practitioner. Specify recommended antidotes

.....

.....

7. The toxic effects likely to be caused in persons using or handling the pesticide with special reference to the toxic effects likely to be caused by indigestion, by inhalation and by absorption through the skin

.....

.....

8.

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

.....

.....

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

.....

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

.....
.....

10. LD 50 pesticide. State tested animals—

Oral

Dermal

Inhalation

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

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

12. Tolerance levels as prescribed by FAO/WHO

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

13. Other information (usage etc.)

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

FORM A – 2

(Regulation 4)

APPLICATION FOR A LICENCE TO IMPORT/MANUFACTURE A PESTICIDE

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

Date

Sir/Madam,

(Name)

of (Address) hereby apply to the Pesticide Control Board for a licence to Import/Manufacture (*state quantity*) of the pesticide containing the active ingredients(s) in the formulation

.....
Applicant

This application must be accompanied by—

- (a) a copy of all labels or of all proposed labels used or intended to be used on the container in which the pesticide is to be packed;
- (b) a copy of any instructions or of any proposed instruction accompanying or intended to accompany each package of the pesticide;
- (c) a statement setting out any information, additional to that given on the label and additional to that contained in the instructions accompanying the package relating to the safety precautions and the type of clothes, facilities and equipment recommended to prevent hazards to persons using or handling the pesticide;
- (d) documented evidence that the pesticide is being sold for use in its country of origin and whether there are any conditions attached to such use; and
- (e) all booklets and documents in which information is given and make reference to them on the form.

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

FORM A – 3

(Regulations 6 and 7)

PERMIT/LICENCE TO IMPORT/MANUFACTURE A PESTICIDE

Licence No

Date of Issue

Date of expiry

The Licensee

of

is hereby permitted to import/manufacture

quantity of containing the

active ingredient(s)

.....

in the formulation

.....

.....

Subject to the following conditions

.....

.....

Secretary, Pesticides Control Board

Please note the following—

1. Each package sold or distributed must be accompanied by a copy of those conditions which relate to the use and storage of this pesticide.
2. Any change in the trade name of the pesticide, or in the name and address of the person to whom this licence is issued, must be communicated to the Pesticides Control Board within one month of the change.

FORM B – 1

(Regulation 8)

APPLICATION FOR APPROVAL OF PREMISES TO DEAL WITH PESTICIDES

Date

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

Dear Sir/Madam,

I..... (Name)

of

..... hereby

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

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

I have complied with all the provisions of the Employees (Occupational Health and Safety) Act relating to the premises.

.....

Applicant

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

FORM B – 2

(Regulation 9)

NOTICE

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

Date

Dear Sir/Madam,

The Board has met to consider your application dated
for licensing of your premises at—

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

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

Your co-operation will be appreciated.

Yours faithfully,

.....

Secretary,

Pesticides Control Board

FORM B – 3

(Regulation 9)

NOTICE

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

Date

Dear Sir/Madam,

The Board considered your application dated
.....for licensing of your premises at—

1. for warehousing
2. for repackaging
3. for retailing of pesticides, and upon

investigation decided to approve/not to approve your premises licensed, for a period of

Yours faithfully,

.....

Secretary,

Pesticides Control Board

Reasons for not approving—

.....

.....

.....
.....

FORM C

(Regulation 11)

PURCHASE OF A RESTRICTED PESTICIDE

(Poison)

I (Full Name)

Of (Address)

.....

Have this day purchased
(Quantity)

Of restricted pesticide (Trade Name)

(.....% active ingredient)

knowing that this is a very poisonous substance.

Signed:.....

Date:.....

Witnessed by dealer:..... Dealer's stamp

Proof of identity — I.D. Card No.

Passport No.....

Original — Pesticides Board

Duplicate — Purchaser

Triplicate — Dealer
