

LEGAL NOTICE No. 227

REPUBLIC OF TRINIDAD AND TOBAGO

THE PESTICIDES AND TOXIC CHEMICALS ACT, 1979

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 12 OF THE PESTICIDES AND
TOXIC CHEMICALS ACT

THE PESTICIDES (LICENSING OF PREMISES) REGULATIONS, 1987

Citation 1. These Regulations may be cited as the Pesticides (Licensing of Premises) Regulations, 1987.

Interpre-
tation
No. 42
of 1979

2. In these Regulations—

“Act” means the Pesticides and Toxic Chemicals Act, 1979;

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

“licence” means a licence issued by the Board under regulation 7;

“premises” includes any building, temporary building or any stationary vehicle or other places open to the public in which pesticides are offered for sale by retail or wholesale, or are packaged, stored or manufactured;

“Registrar” means a person designated to be the Registrar of Pesticides and Toxic Chemicals under the Act;

a reference to a class of pesticides is a reference to the classification of the pesticide.

Act No. 42
of 1979

PART I

LICENSING

Licensing
of premises

3. No person may—

(a) sell by wholesale or retail;

(b) store, package or manufacture a pesticide,

except in premises licensed by the Board for the sale, storage, packaging or manufacturing of pesticides.

Applica-
tion for
licence

4. (1) Subject to regulation 8, the owner or occupier of any premises who desires to sell, store, package or manufacture a pesticide or a class of pesticides on those premises shall before doing so apply to the Registrar for a licence in respect of those premises in the manner prescribed in Form A of the Schedule hereto.

Schedule

(2) An application to which subregulation (1) relates shall be accompanied by a receipt for a fee of one hundred dollars and such fee shall be payable to the Comptroller of Accounts or any District Revenue Office.

5. The owner or occupier of premises used for the sale, storage, packaging or manufacturing of pesticides before the commencement of these Regulations may apply within one hundred and twenty days to the Registrar for a licence in the manner prescribed. Applica-
tion period

6. (1) Where an application for a licence has been made the Registrar shall arrange for an inspection of the premises by an Inspector, an analyst, a medical examiner, or a member of the Board who shall prepare a report to be submitted to the Board as early as possible. Inspection
of premises

(2) Upon consideration of a report submitted under subregulation (1) if in the opinion of the Board, the premises, facilities or staffing need to be altered to comply with the requirements of these Regulations, the Registrar shall issue a notice to the owner or occupier specifying the alterations to be made, and shall withhold the issue of any licence until the alterations are satisfactorily completed.

7. Where the Board is satisfied that in relation to an application before it, requirements of these regulations have been complied with the Board shall approve the grant of the licence on such terms and conditions as it sees fit and the Registrar shall issue the licence in the form set out in Form B of the Schedule. Grant of
licence

8. (1) Premises licensed for the sale, storage, manufacture or packaging of— Licence in
respect of
classes of
pesticides

- (a) pesticides in Classes 1A and 1B are deemed to be licensed for the sale of pesticides in Classes II and III and unclassified pesticides;
- (b) pesticides in Class II are deemed to be licensed for the sale of pesticides in Class III and unclassified pesticides, but not for the sale of pesticides in Classes 1A and 1B;
- (c) pesticides in Class III are deemed to be licensed for the sale of unclassified pesticides but not for the sale of pesticides generally;
- (d) unclassified pesticides are not to be deemed licensed for the sale of pesticides in Classes 1A, 1B, II or III.

(2) Notwithstanding subregulation (1) the Board may issue a licence for particular premises allowing the sale of specified classes of pesticides or specified pesticides on those premises.

9. Where a licence has been issued relating to any premises, the owner or occupier selling pesticides shall display— Display of
licence

- (a) on the outside of the premises a notice in the form and manner as prescribed in Form C of the First Schedule hereto;
- (b) inside the premises the licence, in the form and manner prescribed in Form B of the First Schedule.

Publication
by Registrar

10. The Registrar shall publish in the *Gazette* from time to time for public information—

- (a) a list of premises licensed for the sale, storage, packaging or manufacturing of pesticides in different classes;
- (b) a list of premises, the licences of which have been cancelled or varied.

Cancellation
or variation of
licence

11. Where the owner or occupier of premises licensed under this Act has been convicted of any offence against the Act or the Regulations, the Board may direct the Registrar to cancel or vary any licence issued in respect of those premises.

Notice of
cancellation
or variation
of licence

12. Notice of cancellation or variation of a licence shall be sent to the owner or occupier of the premises, and such cancellation or variation shall have effect on his receipt of the notice.

Appeals
from
decision of
Board

13. (1) Where the Board refuses to grant a licence, an aggrieved applicant may appeal to the Appeals Tribunal within ten days of the receipt of the letter of refusal under section 4(4) of the Act.

(2) At the request of the Appeals Tribunal the Board should submit to it all documents relevant to the application under review.

(3) Where the Tribunal is of the view that new circumstances warrant a review of the application the Tribunal may nominate an Inspector, an analyst, or medical examiner to inspect the premises anew and to submit a report to the Tribunal and the Tribunal shall forthwith consider the report and give such directives to the Board as it sees fit.

PART II

REQUIREMENTS FOR PREMISES LICENSED FOR THE SALE, STORAGE, MANUFACTURE, PACKAGING OF PESTICIDES IN CLASSES 1A, 1B, II AND III

Licensed
premises

14. Premises licensed for the sale, manufacture or storage of pesticides shall be constructed in accordance with the requirements of regulations 15 to 19.

Construction
of
premises

15. 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-offs shall not enter septic tanks;

- (c) areas and sections of the premises used for the storage or the exposure for sale of pesticides in Classes 1A, 1B, II or III 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 marks contained in the Second Schedule hereto, fixed above their entrances;
- (d) buildings shall be of sound materials and shall be constructed in such a way as to minimise contamination of adjacent premises;
- (e) floors shall be capable of being easily cleaned;
- (f) the sales area shall be separated from areas used for mixing, formulatory or repackaging pesticides, so as to minimise the movement of pesticide, dust 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 Trinidad and Tobago;
- (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 power points (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 clear water shall be available at all times.

16. (1) Facilities for the disposal of empty packages and containers and spilled or waste pesticides and toxic chemicals shall be such as to avoid contamination of the environment. Disposal
of waste

(2) Covered dustbins and other receptacles for waste and spillages shall be made of materials able to resist corrosion by pesticide waste and shall be made sufficiently secure to discourage the removal of waste material by unauthorised persons and to prevent spillage of pesticides.

17. (1) First Aid facilities shall be readily available on the premises to assist in countering the adverse effects of pesticides in intimate contact with humans through cuts, wounds, eyes, nostrils and otherwise. First Aid

(2) Advice on antidotes and instructions will be provided to the owner or occupier by the Minister responsible for the subject of health.

Licence
with
limitation

18. (1) General stores and shops, department stores, supermarkets and shops in shopping malls shall be licensed only for the retail sale of pesticides in Class III, or unclassified pesticides, which are prepackaged and labelled for retail sale.

(2) Pesticides to be sold in accordance with subregulation (1) shall be—

- (a) in rigid packages which are properly sealed, (for example in bottles or aerosol cans); or
- (b) in sealed flexible packages, including sealed foil-lined packs, sealed barrier-lined packs, and any other similar flexible packages authorised by the Board.

Storage
area

19. The storage areas and shelf areas for packages of pesticides to be sold as in regulation 18(1) shall be effectively and conspicuously separated from the storage areas and shelf areas used for all foods or animal feeds.

PART III

PREMISES FOR SALE OF PESTICIDES IN CLASSES 1A, 1B

Construction
of premises

20. Premises to be licensed for the sale of pesticides in Classes 1A and 1B shall be constructed in accordance with the following requirements:

- (a) areas and sections of the premises used for the storage or the display for sale of pesticides in these classes shall be—
 - (i) protected from excessive damp, heat, ventilated for removing the fumes of volatile pesticides and dust and exhaust/ventilation systems shall be provided;
 - (ii) provided with an adequate supply of water (at a pressure considered suitable by the Fire Service) 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 pesticides;
- (b) storage areas shall be separated from living areas, sleeping areas, cooking and eating areas and offices;
- (c) facilities shall be available for maintaining records, for controlling stock movement and transfers and up-to-date records of receipts and sales shall be kept.

FIRST SCHEDULE

FORM A

(To be submitted in duplicate)

APPLICATION FOR LICENCE OF PREMISES

(Regulation 4)

Name of Applicant (Surname first, if a person)

Address of Applicant

Address of Premises to be Licensed.....

I/We Being owner/occupier)

hereby apply to the Pesticides and Toxic Chemicals Board for a licence to use the above premises for the sale,* storage,* packaging* and manufacture* of pesticides in the following classes 1A*, 1B*, II*, and III*.

Do the Premises in respect of which the application is made conform to the requirements of Part II of the Pesticides Licensing of Premises Regulations? If not give particulars:

The number of persons employed by me/us is and their names and qualifications are as set out below:

- 1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

(use overleaf if necessary)

The receipt for the prescribed fee of dollars is submitted with this application

Signed..... Applicant Date

*Cross out which do/does not apply.

For use by the Board

A licence is hereby granted to to sell*, store*, package* or manufacture* pesticides in Classes 1A*, 1B*, II*, III*, for a period of

Dated this..... day of 19.....

Registrar, Pesticides and Toxic Chemicals (Stamp)

*Cross out which do/does not apply.

FORM B (Regulations 7 and 9)

FORM OF LICENCE

PESTICIDES AND TOXIC CHEMICALS ACT, 1979—LICENCE FOR PREMISES

These premises, situate at.....

and owned/leased by

are licensed as from 19..... for a period of one year for the sale/storage/packaging/manufacturing of Pesticides in Class(es) 1A*, 1B*, II*, III* as prescribed in the Pesticides (Licensing of Premises) Regulations, 198.....

Licence No.

Registrar, Pesticides and Toxic Chemicals

*Cross out which do/does not apply.

FORM C

(Regulation 9)

NOTICE TO BE DISPLAYED OUTSIDE PREMISES LICENSED FOR THE SALE OF PESTICIDES

1. The notice shall be on wood or metal, of a size not less than 900 metres in width and 150 mm in height, with words in black on a white background, maintained in a legible state.

2 The notice shall be displayed at a height between 2.5 and 3.5 mm above the floor level of the entrance of the premises, easily visible from the approach to the entrance.

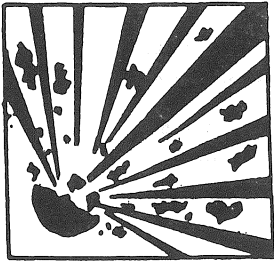
3. The wording on the notice shall be as follows:

“PESTICIDES AND TOXIC CHEMICALS ACT, 1979”

“These premises are licensed for the sale by retail of class () pesticides/licence

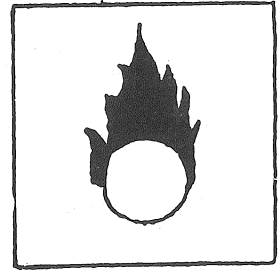
Number.....”

SECOND SCHEDULE
WARNING MARKS AND PHRASES



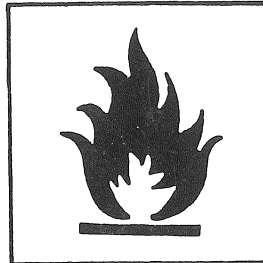
B-1

EXPLOSIVE



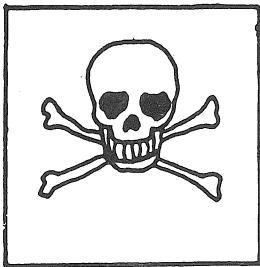
B-2

OXIDIZING



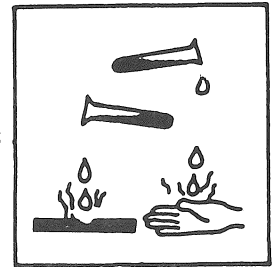
B-3

EASILY FLAMMABLE



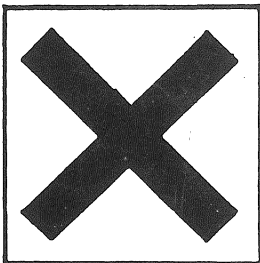
B-4

TOXIC



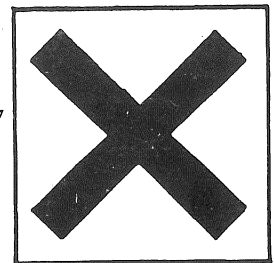
B-5

CORROSIVE



B-6

HARMFUL



B-7

IRRITANT

Warning Marks to be, preferably, black on orange background, or, alternatively, Red on White background.

Warning phrases to be in bold type.

Rhomboid surround optional.

(Not drawn to scale).

Dated this 6th day of November, 1987.

E. HOSEIN
*Minister of Health, Welfare and
Status of Women*

Laid before the House of Representatives this 20th day of November, 1987.

J. E. CARTER
Clerk of the House

Laid before the Senate this 24th day of November, 1987.

N. COX
Acting Clerk of the Senate