

PESTICIDES AND TOXIC CHEMICALS ACT

CHAPTER 30:03

Act

42 of 1979

Amended by

11 of 1986

6 of 1993

7 of 2005

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2

Chap. 30:03

Pesticides and Toxic Chemicals

Index of Subsidiary Legislation

	<i>Page</i>
Pesticides (Registration and Import Licensing) Regulations (LN 225/1987)...	24
Pesticides (Importation) Regulations (LN 226/1987)	40
Pesticides (Licensing of Premises) Regulations (LN 227/1987)	46
Pesticides and Toxic Chemicals (Fees for Analyses and Inspection Services) Regulations (LN 74/1993)	59
Toxic Chemicals Regulations (LN 161/2007)	61

CHAPTER 30:03

PESTICIDES AND TOXIC CHEMICALS ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Establishment of Board.
4. Functions of the Board.
- Appeals.
- 4A. Prohibitions.
5. Registrar of Pesticides and Toxic Chemicals.
6. Designation of public officers as analysts, inspectors and medical examiners and appointment of other officers.
7. Securing services of consultant.
8. Powers and duties of inspectors.
9. Analysis.
10. Powers of medical examiner.
11. Detention and forfeiture of articles seized.
12. Regulations.
13. Offences and penalties.
14. Offence by corporation.
15. Jurisdiction.
16. Inspector may prosecute.
17. Time limit on prosecution.
18. Evidence and sufficiency of proof.
19. Financial provisions.
20. Application to the State.

CHAPTER 30:03

PESTICIDES AND TOXIC CHEMICALS ACT

42 of 1979.

An Act to regulate the importation, exportation, storage, manufacture, sale, use and transportation of pesticides and toxic chemicals and to provide for the establishment of the Pesticides and Toxic Chemicals Control Board and for matters incidental thereto.

Commencement.
[186/1987].

[1ST NOVEMBER 1987]

Short title.

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

Interpretation.
[7 of 2005].

2. In this Act—

“advertisement” includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale, disposal or use of any controlled product;

“agriculture” means the production and storage of any produce which is grown for consumption or any other purpose and includes the use of land for grazing, forestry and woodland, fish culture, bee culture, market gardening, horticulture and nurseries and animal husbandry;

“analyst” means any person so designated under section 6;

“antiseptic” means any substance or mixture of substances sold or represented principally for its germicidal or anti-microbial use on the skin of man or animal;

“article” includes—

(a) any controlled product or any produce to which a pesticide is believed to have been applied, or anything that may have been contaminated with a controlled product;

(b) anything used for the manufacture, packaging, storage, application or use of a controlled product; and

(c) any labelling, packaging or advertising material used for, or relating to, a controlled product;

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

“carcinogen” means any controlled product that is known to cause or is suspected of causing cancer;

“controlled product” means any pesticide or toxic chemical;

“disinfectant” means any substance or mixture of substances sold or represented principally for its germicidal or anti-microbial action on inanimate objects;

“drug” includes any substance or mixture of substances manufactured, sold or represented for use in—

- (a) the diagnosis, treatment mitigation or prevention of a disease, disorder, abnormal physical state, or the symptoms thereof, in man or animal; or
- (b) restoring, correcting or modifying organic functions in man or animal;

“employer” means any person who employs a worker;

“exporter” in relation to any article to be exported includes any person who whether as owner, consignor, agent or broker is in possession of the article or in any way entitled to the custody or control of it;

“extermination” means the use of a pesticide for the destruction or control of pests in any land or premises or in a vehicle, whether on land or any other place;

“food” has the same meaning as in the Food and Drugs Act; Ch. 30:01.

“formulating” means the act of preparing or compounding a pesticide in a form in which it is sold or distributed to persons using the pesticide for an extermination;

“importer” in relation to any imported article, includes any person who, whether as owner, consignee, agent or broker is in possession of the article or in any way entitled to the custody or control of it;

“inspector” means any person so designated under section 6;

“label” means any legend, word or mark, symbol or design applied or attached to, included in, belonging to, or accompanying any controlled product or a package thereof;

“manufacture” includes the synthesising, formulating and packaging of any controlled product;

“manufacturer” means a person who manufactures a controlled product for his own use or for sale;

“medical examiner” means any person so designated under section 6;

“Minister” means the member of the Cabinet for the time being charged with the administration of the subject of Health;

“package” includes anything in which a controlled product is wholly or partly contained, placed or packed;

“pest” means any insect, bird, rodent, fish, mollusc, nematode, fungus, weed, alga, micro-organism or virus, and any other kind of plant or animal life that is injurious, troublesome, or undesirable to any crop, stored produce, food, feed, wood, clothes, textiles or other fabrics, and any other inanimate objects, or which are objectionable from the point of view of public health or hygiene, and includes any ectoparasites of man, and ectoparasites and endoparasites of animals, except that by Regulations any pest may be specifically exempted or excluded;

“pesticide” means any substance which by itself, or in combination with other substances, is proposed, represented, or used for destroying or controlling pests but does not include any antiseptic, disinfectant, drug or preservative;

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

GN No. 130 of 1964.

“preservative” has the same meaning as in the Food and Drugs Regulations, 1965;

“produce” means any crop grown for consumption or other use after severance from the soil, and includes anything ordinarily used, or that may be used in the composition of food for man or feed for domestic and farm animals, but does not include growing crops;

“Registrar” means any person designated to be Registrar of Pesticides and Toxic Chemicals under section 5;

“Regulations” means Regulations made by the Minister under section 12;

“sell” includes offer for sale, expose for sale, have in possession for sale, and distribute;

“toxic chemical” means any chemical, other than a pesticide, antiseptic, disinfectant, drug or preservative, which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals, and includes all such chemicals irrespective of their origin or method of production or use;

“vehicle” includes any vessel, aircraft or container;

“vessel” means anything constructed or used for the carriage on, through or under water of persons or property and includes aircushioned and amphibious vehicles, hydrofoil craft and hovercraft;

“worker” means a person employed under a contract of service or apprenticeship, whether such contract is expressed or implied, or oral or in writing, in any work involving the using or handling of or exposure to any controlled product.

3. (1) There is hereby established for the purposes of this Act a Board to be known as the Pesticides and Toxic Chemicals Control Board.

Establishment
of Board.
[11 of 1986
7 of 2005].

(2) The Board shall consist of the following members:

- (a) the Chief Medical Officer;
- (b) the Chief Technical Officer, Ministry of Agriculture;
- (c) the Chief Chemist and Director of Food and Drugs;
- (d) the Director of the Bureau of Standards;
- (e) the Industrial Inspection Supervisor;
- (f) not more than eight other persons whom the Minister may from time to time appoint as members, of whom—
 - (i) one shall be a representative of an organisation of workers;
 - (ii) one shall be a representative of an organisation of employers;
 - (iii) one shall be a person with specialised knowledge of occupational medicine or industrial hygiene;

- (iv) one shall be a person with specialised knowledge of a branch of agriculture involving the use or effects of pesticides;
- (v) one shall be a person with specialised knowledge of wildlife and its management;
- (vi) one shall be a representative of the Environmental Management Authority; and
- (vii) one shall be a representative of the Ministry with responsibility for consumer affairs.

(3) In respect of each member of the Board referred to in subsection (2)(a) to (e), the Minister may appoint an officer from the respective Ministry or the Bureau of Standards, as the case may be, as an alternate member, who may act instead of the respective member at any meeting of the Board.

(4) The appointment under subsection (2)(f) or subsection (3) of any person as a member or alternate member of the Board, as the case may be, shall be for such period not exceeding three years as the Minister shall specify at the time of the appointment, but any such member or alternate member shall be eligible for reappointment.

(5) The Chief Medical Officer and the Chief Technical Officer, Ministry of Agriculture, shall be the Chairman and Deputy Chairman respectively, of the Board.

(6) The Chairman, or in his absence, the Deputy Chairman shall preside at meetings of the Board and where both the Chairman and Deputy Chairman are for any reason unable to preside over a meeting, the members present may appoint a member to preside over that meeting.

(7) The Chairman, or in his absence, the Deputy Chairman or where both the Chairman and the Deputy Chairman are absent, the member appointed under subsection (6) to preside over a meeting, and seven other members shall form a quorum.

(8) The decisions of the Board shall be by a majority of votes of members present and in addition to an original vote, in any case in which the voting is equal, the Chairman or Deputy Chairman or the person appointed under subsection (6) to preside over a meeting, as the case may be, shall have a casting vote.

(9) The President may in his discretion direct that such remuneration as he may determine shall be paid to members of the Board.

(10) A member of the Board appointed under subsection (2)(f), may resign his office at any time by giving notice to the Minister through the Chairman.

(11) The Board may regulate its own procedures.

4. (1) The functions of the Board shall be—

Functions of
the Board.
[11 of 1986].

- (a) to determine all applications for registration, licences, research permits, and general research permits, within a reasonable time after the applications are received;
- (b) to grant, or cancel registration, licences, or permits in circumstances where the Board deems it fit to do so;
- (c) to advise the Minister on matters relevant to the making of regulations under this Act;
- (d) to advise on and monitor the implementation of those regulations; and
- (e) to furnish such returns as the Minister may from time to time require.

(2) A member of the Board who is a public officer shall have and may exercise in like manner all the powers conferred upon an inspector by this Act.

(3) In the performance of its functions under this Act, the Board shall be subject to such general or special directions as the Minister may give from time to time.

(4) There shall be an appeals tribunal (hereinafter referred to as “The Tribunal”) the function of which shall be to hear and determine appeals from the decision of the Board.

Appeals.

(5) The Tribunal shall comprise—

- (a) the Permanent Secretary of the Ministry responsible for the administration of matters relating to health;

L.R.O. 1/2009

- (b) the Permanent Secretary of the Ministry responsible for the administration of matters relating to agriculture; and
- (c) a person with specialised knowledge in pesticides and toxic chemicals or in occupational medicine or industrial hygiene, appointed by the Minister.

Prohibitions.
[11 of 1986
7 of 2005].

4A. (1) Subject to subsection (3) no person shall—

- (a) manufacture, import, export, sell, use, store in marketable quantities or transport a controlled product unless the product is registered as prescribed;
- (b) import a controlled product, unless the person is the holder of an import licence obtained in the manner prescribed;
- (ba) export a controlled product unless the person is the holder of an export licence obtained in the manner prescribed;
- (c) store a controlled product in marketable quantities, unless the premises in which the controlled product is stored, is registered as prescribed;
- (d) manufacture, import, export, use, store in marketable quantities, dispose of or transport a controlled product unless the person does so in the prescribed manner;
- (e) carry on the business of a pest control operator without a licence obtained under this Act.

(2) A person is deemed to store a controlled product in marketable quantities when there are on premises occupied by him larger quantities of a controlled product than would reasonably be necessary for his domestic use.

(3) The provisions of subsections (1) and (2) above take effect either—

- (a) one hundred and twenty days after the coming into force of this Act; or
- (b) where an application for registration or for a licence is made within one hundred and twenty days after the coming into force of this Act on the determination of the application by the Board.

5. (1) The Minister shall designate an officer in the Chemistry/Food and Drugs Division to be the Registrar of Pesticides and Toxic Chemicals.

Registrar of
Pesticides and
Toxic
Chemicals.
[11 of 1986
7 of 2005].

(2) The Registrar shall be the Secretary of the Board.

(2A) The Registrar shall be responsible for the general supervision of inspectors.

(3) The Registrar shall—

- (a) keep and maintain a Register of Licences, a Register of Pesticides and a Register of Toxic Chemicals;
- (b) enter in the registers such information as may be prescribed by Regulations;
- (c) give to the inspectors such information, instructions and directions as may be necessary for carrying out the purposes of this Act; and
- (d) perform such other duties as may be imposed upon him by this Act, or in so far as subsection (2) of this section applies, by the Board.

6. (1) The Minister may designate public officers to be—

- (a) analysts and inspectors according to their qualification;
- (b) medical examiners who shall be members of the Medical Board, or the Veterinary Registration Board,

Designation of
public officers
as analysts,
inspectors and
medical
examiners and
appointment of
other officers.
[7 of 2005].

for the purposes of this Act, and shall furnish every such analyst, inspector and medical examiner with a certificate of his designation as such.

(2) There may be appointed in the manner authorised by law such number of other officers as may be necessary for the purposes of this Act.

(3) The officers appointed under subsection (2) shall be public officers.

7. The Minister may whenever he considers it necessary cause to be secured the services of a consultant who shall be a person possessing specialised knowledge as to the use and effects

Securing
services of
consultant.

of controlled products or any class thereof for the purpose of advising the Minister or the Board in relation to any matter arising under this Act or the Regulations.

Powers and
duties of
inspectors.
[11 of 1986].

8. (1) Subject to subsections (2) and (3), an inspector may for the purpose of exercising any of his powers under this Act or the Regulations enter at any reasonable time—

(a) any vehicle—

- (i) in which an extermination is about to be, is being or has been carried out;
- (ii) in which a controlled product is about to be, is being or has been transported; or
- (iii) in which he has reasonable cause to believe a breach of this Act or the Regulations is about to be, is being or has been committed;

(b) any land or premises—

- (i) on which a controlled product is being or has been, or is about to be used, manufactured, sold, packaged or stored;
- (ii) which is being, or has been, or is about to be used for a purpose connected with the use, manufacture, sale, packaging, or storage of a controlled product;
- (iii) on which things required by the Regulations to be provided or done have been provided or done; or
- (iv) which he has reasonable cause to believe to be land or premises falling within subparagraph (i), (ii), or (iii).

(2) (a) Where an inspector has reasonable grounds to believe that an offence has been, is being, or is likely to be committed under this Act, he may before entering any vehicle, land or premises for the purpose of searching and confiscating any article therein, obtain a warrant issued by a Magistrate.

(b) Where premises or any part thereof, are used as a dwelling house the inspector shall obtain a warrant before entering those premises or as the case may be, that part of the premises used as a dwelling house.

(c) Before an inspector enters any place or vehicle in circumstances where he has not obtained a warrant, he shall produce to the occupier or person in charge of the place or vehicle, his certificate of designation, or some other duly authenticated document showing that he is an inspector.

(3) Where any item has been seized and detained for the purpose of an examination, and it is found that no offence has been committed under this Act, in relation to these goods, the goods shall be returned to the owner within a reasonable time thereafter.

(4) An inspector shall have power to do all or any of the following things for the purpose of the execution of this Act or the Regulations, that is to say:

- (a) if he considers it necessary, take with him when entering any vehicle, land or premises mentioned in subsection (1), a police officer, a medical practitioner, a public health inspector and any person who possesses expert knowledge of the use or effects of controlled products or any class thereof;
- (b) to require the production of, or to seize, inspect and examine, and to copy registers, records, or other documents kept for the purpose of, or require to be kept by the Regulations;
- (c) to make such examinations, inspections, investigations and inquiries as may be necessary to ascertain whether this Act and the Regulations are being complied with;
- (d) to require any person whom he finds in such vehicle or on such land or premises as are mentioned in subsection (1) to give such information as it is in his power to give as to who is the occupier thereof or the employer of workers employed to work thereon;
- (e) to examine, either alone or in the presence of any other person as the inspector thinks fit, with respect to the observance of the provisions of this Act or the Regulations, any person whom he finds in such vehicle or on such land or premises as are mentioned in subsection (1), or whom he

has reasonable cause to believe to be, or to have been within the preceding two months, employed thereon, and to require any such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; so, however, that no person shall be required under this provision to answer any question or to give evidence tending to incriminate himself;

- (f) to open and examine any package that on reasonable grounds he believes to contain any controlled product;
- (g) to seize and detain for such time as may be necessary any article by means of which, or in relation to which he reasonably believes any provision of this Act or the Regulations has been contravened;
- (h) to take, without payment, samples of any article where such article is being sold, used or transported or is in storage, and submit them to an analyst for analysis or examination; and
- (i) to take, without payment, but with the approval of the Comptroller of Customs and Excise, samples of any article when imported into Trinidad and Tobago but not delivered to the importer out of the charge of Customs, and submit them to an analyst for analysis or examination.

Analysis.

9. (1) Where an inspector submits to an analyst any sample obtained in accordance with section 8(4)(h) and (i) the analyst shall make an analysis or examination and issue to the inspector a certificate or report setting forth the results of his analysis or examination.

(2) In this section and in section 18(1), a reference to an inspector shall be construed so as to include a reference to a member of the Board referred to in section 4(2) and to a medical examiner.

Powers of
medical
examiner.

10. (1) A medical examiner shall have and may exercise in like manner all the powers conferred upon an inspector by this Act.

(2) A medical examiner may, with the oral or written consent of any person who he reasonably believes has been harmed by any controlled product or is exposed to any risk or harm by any controlled product, carry out a medical examination of that person and take samples of blood, urine, or any biological material from that person.

(3) A medical examiner may request any medical practitioner to assist him in dealing with poisoning suspected to have been caused by a controlled product.

11. (1) Any article seized by an inspector under this Act may, at the option of the inspector be kept or stored in the building or place where it is seized or be removed to any proper place.

Detention and
forfeiture of
articles seized.

(2) Where an article is seized under this Act, the inspector shall give to the owner or the person in whose possession the article was at the time of the seizure, written notice of the grounds upon which the article was seized and, where appropriate, specify in such notice what might reasonably be done to comply with the provisions of this Act and the Regulations.

(3) Subject to subsection (4)—

- (a) an inspector shall release any article seized by him under this Act when all the provisions of this Act and the Regulations with respect thereto have been complied with;
- (b) where an inspector seizes an article under this Act and the owner thereof or the person in whose possession the article was at the time of the seizure consents in writing to the destruction thereof the article shall thereupon be forfeited to the State and may be destroyed or otherwise disposed of as the Minister may direct on the advice of the Board or as prescribed by the Regulations.

(4) Where proceedings have been instituted in respect of a contravention of this Act or the Regulations the article seized shall not be released or destroyed before the proceedings are finally concluded.

Regulations.
[6 of 1993
7 of 2005].

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

- (a) prohibiting the manufacture, importation, exportation, sale, advertisement and use of any controlled product or any class of controlled products;
- (b) for controlling the manufacture, importation, exportation, method of packaging, labelling, transportation, advertisement, sale, and use of any controlled product or any class of controlled products;
- (c) for controlling the use of pesticides in agriculture generally, or in particular crops or pests, and for controlling the use of toxic chemicals in agriculture, the arts, commerce, industry, or for any domestic or other purposes;
- (d) for controlling the use of pesticides on produce during its storage or transportation;
- (e) for controlling the conditions under which controlled products are stored;
- (f) for protecting workers against the risk of poisoning by controlled products when working in connection with the use of controlled products or when working on land or in any premises on or in which controlled products have been, or are being used, stored or manufactured;
- (g) for protecting the interest of owners, occupiers, or users of land or premises adjacent to land or premises on or in which controlled products are used, stored, or manufactured;
- (h) prescribing the maximum permissible levels of any controlled product in any particular kind of produce at the time of marketing or sale, which in the case of food, shall not be inconsistent with any provision of the Food and Drugs Act or any Regulations made thereunder;
- (i) respecting the quantities of controlled products which may be imported or manufactured, the

Ch. 30:01.

types of packages in which controlled products may be imported, transported or sold, and as to the disposal of such packages after use, and as to the disposal of unwanted stocks of controlled products and of waste materials containing controlled products;

- (j) requiring the keeping of records by specified persons, the inspection of records, and the furnishing of returns by specified persons of the sales, stocks, and use or disposal of controlled products and other relevant information;
- (k) imposing restrictions on specified persons or conditions as to the purpose for which, the circumstances in which, or the methods by means of which any controlled product or any class of controlled products may be used, including restrictions or conditions involving a prohibition of the use thereof in particular circumstances;
- (l) prescribing the procedure for granting licences to operate as pest control operators and imposing restrictions and obligations on pest control operators and their employees;
- (m) imposing obligations on employers of workers employed to work as described in paragraph (f), and on such workers themselves and on other persons using or causing to be used any controlled product;
- (n) requiring the provision by employers, manufacturers, or workers, and the keeping in good order, and the production when required by an inspector, of protective clothing and equipment, of facilities for washing and cleaning, and of other things needed for protecting persons, clothing, equipment and appliances from contamination by controlled products, or for removing sources of contamination therefrom;
- (o) requiring the observance of precautions against poisoning by controlled products, including the use of things provided in accordance with the

Regulations, and the abstention from eating and drinking, and the use of tobacco in circumstances involving the risk of poisoning;

- (p) for securing intervals between or limitations of periods of exposure of workers to controlled products to minimise risks of poisoning;
- (q) requiring the observance of special precautions in the case of persons who by reason of their state of health, age, or other circumstances are subject to particular risks of poisoning by controlled products, or imposing in the case of persons so subject prohibitions whether temporary or permanent, or restrictions on employment for working as described in paragraph (f);
- (r) prescribing measures for investigating or detecting cases in which poisoning by controlled products has occurred or may reasonably be thought to have occurred, including the collection of samples, the making of analyses, and the carrying out of medical examinations, and of blood tests;
- (s) requiring the provision and keeping in good order and use of facilities for preventative and first aid treatment for poisoning by controlled products;
- (t) requiring the provision of, and submission to instruction and training in the use of things provided in pursuance of the Regulations and in the observance of precautions;
- (u) prescribing standards not inconsistent with any compulsory standard declared under the Standards Act for the composition, or any other property or method of analysis or test of controlled products, and setting limits as to the amount of controlled products that may be present in the air of premises where controlled products are used, manufactured, or stored, or in water or in waste material coming from such premises;
- (v) prescribing the manner and content of any advertisement of a controlled product;

Ch. 82:03.

- (w) prescribing the procedure for seeking registration of any controlled product, and the granting of licences by the Board for the importation, exportation or manufacture of any controlled product;
 - (x) regarding the powers and duties of analysts, inspectors and medical examiners and the sampling, seizure, detention and confiscation of articles and the disposal of articles that have been seized or confiscated;
 - (y) requiring the keeping by employers of records of the exposure of workers to controlled products and the keeping of records of medical examinations of workers handling or exposed to controlled products and providing for the availability of such records to workers whether or not still employed by the employer;
 - (z) requiring employers and medical practitioners to report to the Board cases of death, poisoning, injury, incapacity or illness caused by any controlled product;
 - (aa) requiring employers to warn workers orally and by printed notices of the hazards involved in handling controlled products and of the precautions to be taken;
 - (bb) prescribing forms for the purposes of this Act and the Regulations;
 - (cc) prescribing the fees to be paid on application for the grant or renewal of a licence or for the registration of a controlled product and for analytical or such other services in relation to pesticides and toxic chemicals;
 - (dd) prescribing anything authorised or required to be prescribed under this Act.
- (2) Regulations made under this section may—
- (a) where they relate to the control of the manufacturing, importation, exportation, packaging, labelling, transportation, advertisement,

sale and use of any controlled product or any class of controlled product, provide for the establishment of licensing procedure;

- (b) make different provisions to meet different circumstances, and in particular differences in composition, method of manufacture or use of controlled products dealt with and their poisonous effects under different conditions and on different classes of persons; and
- (c) provide for the exemption of persons or institutions concerned with scientific education or research in the field of pesticides and toxic chemicals, from the operation of all or any of the regulation where the controlled product is required for the purpose of education or research.

(3) Regulations made under this section shall be subject to negative resolution of Parliament.

(4) Except as provided in section 13, a person who contravenes the provisions of the Regulations is guilty of an offence and is liable on summary conviction to a fine of one thousand dollars and, if the offence in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable in respect thereof to a fine of one hundred dollars for each day on which the offence is so continued.

Offences and
penalties.
[11 of 1986
7 of 2005].

13. (1) A person is guilty of an offence who—

- (a) contravenes the provisions of this Act;
- (b) breaches any conditions subject to which a controlled product is registered or a licence was granted to him under the Regulations;
- (c) assaults, resists, intimidates or obstructs an inspector in the execution of his duties under this Act or the Regulations;
- (d) by any gratuity, bribe, promise or other inducement prevents or attempts to prevent an inspector from carrying out his duties under this Act or the Regulations;

- (e) fails to comply with any requirement imposed by an inspector under section 8;
- (f) conceals or prevents any person from appearing before or being examined by an inspector under section 8;
- (g) knowingly or recklessly makes any false or misleading statement either orally or in writing to any inspector engaged in exercising his powers under this Act or the Regulations;
- (h) fails to keep any record which he is required to keep by the Regulations;
- (i) wilfully makes a false entry in a register, record, return, or other document kept or furnished in pursuance of the Regulations, or wilfully makes use of such false entry; or
- (j) removes, alters or interferes in any way with any article seized under this Act without the authority of the inspector.

(2) In subsection (1), a reference to an inspector shall be construed so as to include a reference to a member of the Board referred to in section 4(2) and to a medical examiner.

- (3) A person guilty of an offence under this section is liable—
- (a) on summary conviction for a first offence to a fine of two thousand dollars or to imprisonment for six months or to both such fine and imprisonment, and for a subsequent offence to a fine of four thousand dollars or to imprisonment for twelve months or to both such fine and imprisonment;
 - (b) on conviction upon indictment to a fine of twenty thousand dollars or to imprisonment for three years, or to both such fine and imprisonment.

(4) A person convicted of an offence under this section may, in addition to any other penalty imposed, be disqualified for such period as the Court or Magistrate thinks fit, from obtaining a licence in respect of any activity relating to controlled products.

(5) No proceedings by way of indictment for an offence against this Act shall be commenced without the written consent of the Director of Public Prosecutions.

Offence by
corporation.

14. Where an offence against this Act is committed by a body corporate, any person who at the time of the commission of the offence was a director, manager, secretary or other officer thereof, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the contravention took place without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Jurisdiction.
[11 of 1986].

15. (1) A prosecution under this Act may be instituted, heard, tried, or determined in the Court in the district in which the offence was committed or in any place where the accused was apprehended.

(2) Where a person is found guilty of an offence against this Act the Court or Magistrate may, before proceeding to conviction, adjourn the proceedings to afford that person an opportunity to modify any article by means of or in relation to which the offence was committed, within such time as the Court or Magistrate may specify, to bring it into conformity with this Act and the Regulations.

(3) Where a person is convicted of an offence against this Act the Court or Magistrate may order that any article by means of or in relation to which the offence was committed or any article of a similar nature belonging to or in the possession of the defendant or found with such article, which the Court or Magistrate reasonably believes to be in contravention of this Act or the Regulations, be forfeited and upon such order being made, such article shall be forfeited to the State and may be destroyed or otherwise disposed of as the Minister may direct on the advice of the Board or as prescribed by Regulations.

Inspector may
prosecute.

16. An inspector may prosecute and conduct before a Court of summary jurisdiction any information, complaint or other proceeding for an offence against this Act.

17. A prosecution for a contravention of this Act or the Regulations may be instituted at any time within twelve months from the time when the subject matter of the prosecution arose.

Time limit on prosecution.

18. (1) Subject to this section—

- (a) a certificate of an analyst stating that he has analysed or examined an article or a sample submitted to him by an inspector and stating the results thereof; and/or
- (b) a certificate or report of a medical examiner,

Evidence and sufficiency of proof.

shall be admissible evidence in a prosecution for a contravention of this Act or the Regulations and shall be *prima facie* of the statements contained in the certificate.

(2) No certificate shall be received in evidence under subsection (1) unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced fourteen days' notice of such intention and a copy of the certificate.

(3) The party against whom a certificate of an analyst is produced under subsection (1), may, with leave of the Court or Magistrate, require the attendance of the analyst for the purpose of cross-examination.

(4) The Court or Magistrate may, where a request is made by a party to the proceedings, cause the part of any sample retained as prescribed by the Regulations for future comparison to be analysed or examined by an analyst, other than the analyst whose certificate is then before the Court or Magistrate.

19. (1) The expenses incurred in carrying this Act into operation shall be paid out of funds provided by Parliament for the purpose.

Financial provisions.

(2) Any sums received under or by virtue of this Act by the Comptroller of Accounts shall be paid into the general revenue and shall form part of the Consolidated Fund.

20. This Act binds the State.

Application to the State.

SUBSIDIARY LEGISLATION

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

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Definitions.

APPLICATION FOR REGISTRATION OF A PESTICIDE

3. Application for registration of a pesticide.
4. Form of application.

PUBLICATION OF NOTICE OF APPLICATION

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

**RIGHTS OF GROUNDS OF OBJECTION
TO REGISTRATION**

6. Right of objection to registration.

REGISTRATION OF A PESTICIDE

7. Registration.

REFUSAL TO GRANT APPROVAL FOR REGISTRATION

8. Refusal to grant registration.
9. Pesticide to be kept in safe place.

CERTIFICATE OF REGISTRATION

10. Contents of certificate of registration.
11. Validity of registration.

**AMENDMENT OF CONDITIONS OF REGISTRATION
AND CANCELLATION OF REGISTRATION**

12. Power of Board to amend conditions or cancel registration.

**RESEARCH PERMIT AND GENERAL
RESEARCH PERMIT**

13. Research permit.
14. General research permit.
15. Discretion of Board to refuse to issue permit.

APPLICATION FOR LICENCE TO IMPORT A PESTICIDE

16. Application for licence or renewal of licence to import a pesticide.

GRANT OF LICENCE TO IMPORT A PESTICIDE

17. Grant of licence or renewal of licence to import a pesticide.
18. Form of licence.
19. Refusal to grant licence.

VALIDITY OF LICENCE TO IMPORT A PESTICIDE

20. Validity of licence.

KEEPING OF RECORDS

21. Holder of licence to keep records.

**CANCELLATION OF LICENCE TO IMPORT
A PESTICIDE**

22. Cancellation of licence.
23. Appeals.
24. Minister to consult.
25. Mode of disposing of appeal.

PUBLICATION

26. Publications by the Board.

225/1987.
[6 of 1993].

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

made under section 12

Citation.

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

Definitions.

2. In these Regulations—

“accompanying instructions” means any document containing instructions for use, disposal or storage, that is supplied with a package of a pesticide;

“Act” means the Pesticides and Toxic Chemicals Act;

“active ingredient” means any substance in a pesticide claimed to act on a pest;

“appeal” means an appeal to the Minister pursuant to regulation 23;

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

“common name” in relation to an active ingredient means the name assigned to such an ingredient by the International Organisation for Standardisation (ISO) or the British Standards Institution (BSI) or assigned by the Board, or, if no name has been so assigned, the chemical name of the active ingredient;

“established pesticide” means a pesticide that was imported, manufactured, sold or used in Trinidad and Tobago before the coming into force of the Act;

“general research permit” means a permit issued by the Board under regulation 14;

“pest” has the meaning assigned to it under the Act, but does not include endoparasites of animals;

“physical form” in relation to a pesticide means the form of the pesticide such as emulsifiable concentrate, wettable powder, granule or any other form;

“research permit” means a permit issued by the Board under regulation 13.

APPLICATION FOR REGISTRATION OF A PESTICIDE

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

Application for registration of a pesticide.

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

Form of application.
[6 of 1993].

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

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

- (t) a certified copy of the certificate of registration or any similar document issued in the country of origin of the pesticide by a competent authority acceptable to the Board, and certified copies of the labels and accompanying instructions used in that country together with certified English translations thereof, where necessary, and if the pesticide is not sold in that country, the reason for it not being sold there shall be stated; and

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

(2) An application fee of seven hundred and fifty dollars for the registration of a pesticide shall be paid to the Comptroller of Accounts or to any Revenue Office and the receipt shall be submitted with the application.

(3) Every application shall be treated as confidential by the Board and shall be considered by the Board within one hundred and twenty (120) days of its receipt by the Registrar.

(4) Where an applicant supplies a certified copy of a certificate of registration or any similar document issued by a competent authority in a Commonwealth Caribbean country, the Board may if the application is accompanied by a copy of the conditions imposed on the sale or use of the pesticide in that country dispense with any or all the particulars required to be submitted under subregulation (1).

(5) Where an application is not accompanied by all the particulars required to be submitted by this regulation, the Board may give the applicant such time as it considers necessary to satisfy the requirements of this regulation.

PUBLICATION OF NOTICE OF APPLICATION

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

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

RIGHTS OF GROUNDS OF OBJECTION TO REGISTRATION

Right of
objection to
registration.

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

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

REGISTRATION OF A PESTICIDE

Registration.

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

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

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

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

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

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

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

REFUSAL TO GRANT APPROVAL FOR REGISTRATION

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

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

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

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

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

CERTIFICATE OF REGISTRATION

Contents of
certificate of
registration.

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

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

Validity of
registration.

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

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

AMENDMENT OF CONDITIONS OF REGISTRATION AND CANCELLATION OF REGISTRATION

Power of
Board to
amend
conditions
or cancel
registration.

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

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

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

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

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

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

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

RESEARCH PERMIT AND GENERAL RESEARCH PERMIT

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

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

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

(4) A research permit may—

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

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

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

General
research permit.

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

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

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

15. The Board may—

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

Discretion of Board to refuse to issue permit.

**APPLICATION FOR LICENCE TO IMPORT
A PESTICIDE**

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

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

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

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

L.R.O. 1/2009

GRANT OF LICENCE TO IMPORT A PESTICIDE

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

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

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

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

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

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

Form of licence.

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

Refusal to grant licence.

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

VALIDITY OF LICENCE TO IMPORT A PESTICIDE

Validity of licence.

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

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

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

KEEPING OF RECORDS

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

Holder of
licence to keep
records.

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

CANCELLATION OF LICENCE TO IMPORT A PESTICIDE

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

Cancellation of
licence.

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

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

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

38

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Pesticides (Registration and Import Licensing) Regulations

Appeals.

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

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

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

Minister to consult.

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

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

Mode of disposing of appeal.

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

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

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

PUBLICATION

Publications by the Board.

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

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

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

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

PESTICIDES (IMPORTATION) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Freight containers.
4. Documents necessary.
5. Warning marks.
6. Construction of packages.
7. Labelling and marking of packages.

SCHEDULE.

PESTICIDES (IMPORTATION) REGULATIONS

226/1987.

made under section 12

1. These Regulations may be cited as the Pesticides (Importation) Regulations. Citation.

2. In these Regulations—

Interpretation.

“dry bulk container” means a freight container for the carriage of solids in bulk without packaging;

“freight container” includes a tank container but does not include a vehicle;

“hazard class” means the class assigned to a pesticide formulation by the Trinidad and Tobago Bureau of Standards or by the Pesticides and Toxic Chemicals Control Board after consultation with the said Bureau;

“package” means an article in which a pesticide is placed for storage, transport, or sale by wholesale or retail and includes a bag, barrel, bottle, box, can, case, carton, crate, cylinder, drum, flagon, flask, jerrican, net, pail, sack, or tank and packaging has the corresponding meaning;

“placard” means a label bearing a warning mark that is not less than 250 millimetres long and 250 millimetres wide;

“shipping carton” means a package in which several retail packages containing pesticides are placed, and used for storage, transport, or display in retail trade;

“warning mark” means a mark or symbol placed on a dry bulk container, package or carton to indicate that the contents are hazardous or need special precautions in handling.

3. (1) A person who imports pesticides into Trinidad and Tobago by a freight container shall do so only by means of a freight container that is designed, constructed, tested, and used in accordance with— Freight containers.

(a) International Standards;

(b) rules of the International Maritime Organisation;

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

42

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Pesticides (Importation) Regulations

- (c) rules of the International Civil Aviation Organisation;
- (d) regulations or standards of the country of origin; or
- (e) relevant standards of the Trinidad and Tobago Bureau of Standards.

(2) The importer of a pesticide under this regulation shall as soon as he knows that the pesticide is ready for removal from the freight container give due notice to the Inspector, who shall as soon as possible thereafter examine the said container to determine whether it is contaminated.

(3) Where a freight container is found to be contaminated with a pesticide it shall be cleaned and decontaminated by the agent or importer to the satisfaction of the inspector who upon being satisfied that the container has been decontaminated shall issue to the importer or his agent a certificate of decontamination in the manner detailed in the Schedule.

Schedule.

(4) A person who does not comply with the requirements of subregulation (1) shall not be allowed to remove the pesticide from the container.

Documents
necessary.

4. (1) Shipments of pesticides imported into or exported from Trinidad and Tobago shall be accompanied by documents printed in the English Language clearly stating—

- (a) the common name of the active ingredient of the pesticide;
- (b) the percentage of the active ingredient;
- (c) the hazard class of the pesticide formulation;
- (d) any other hazard associated with the cargo; and
- (e) remedial action to be taken in case of emergency.

(2) The documents referred to in subregulation (1) shall be delivered by the importer to the Port Authority or Airports Authority through which the cargo or shipment of pesticide passes at least forty-eight hours before its arrival or export, so that the relevant Authority may ensure that safe and appropriate methods of handling, transport and storage are being used.

5. (1) Every freight container used for the transportation or storage of a pesticide shall be clearly marked with the warning marks in accordance with subregulation (2) and including marks indicating whether the pesticide is a toxic hazard.

Warning marks.

- (2) The warning marks used shall be in accordance with—
- (a) recommendations on the Transport of Dangerous Goods published by the United Nations;
 - (b) rules of the International Maritime Organisation for shipments by sea;
 - (c) rules of the International Civil Aviation Organisation for shipments by air;
 - (d) Appendix B of the Trinidad and Tobago Standard TTS 21 10 500 Part 8; or
 - (e) regulations or standards in foreign countries recognised as equivalent to or more stringent than the above,

and shall comply with such other written laws relating to transportation of dangerous materials.

6. Packages which are used for the import, export, transport, storage or sale of pesticides shall be designed, constructed, tested and used in accordance with—

Construction of packages.

- (a) recommendations on the Transport of Dangerous Goods published by the United Nations; or
- (b) International Standards; or
- (c) rules of the International Maritime Organisation; or
- (d) rules of the International Civil Aviation Organisation; or
- (e) Trinidad and Tobago Standards; or
- (f) regulations or standards in foreign countries recognised as equivalent to or more stringent than the above.

Labelling and
marking of
packages.

7. (1) Packages other than shipping cartons and retail packages which contain a pesticide shall be labelled with—

- (a) the common name in English of the active ingredient of the pesticide;
- (b) the percentage of the active ingredient in the pesticide;
- (c) the appropriate warning marks in accordance with regulation 5(2);
- (d) a statement that the package should not be stored or transported in close proximity to food, feeds, or any substance intended for consumption by humans or animals.

(2) Shipping cartons and retail packages containing prepackaged pesticides for retail sale shall be labelled with—

- (a) the common name in English of the active ingredient of the pesticide;
- (b) the percentage of the active ingredient in the pesticide;
- (c) the hazard class of the pesticide or of the pesticide formulation;
- (d) the appropriate warning marks in accordance with regulation 5(2);
- (e) a statement that the carton should not be stored or transported in close proximity to food, feeds or any substance intended for consumption by humans or animals; and
- (f) instructions for proper storage.

SCHEDULE

[Regulation
3(4)].

**FORM OF CERTIFICATE OF DECONTAMINATION OF
FREIGHT CONTAINER**

I certify that, after inspection on (date)
the freight container bearing the identification marks:

(owner code)

(serial number)

(country code)

(other marks)

which had been contaminated has been
decontaminated to my satisfaction.

(Signature)

Inspected under the Pesticides and Toxic Chemicals Act.

**PESTICIDES (LICENSING OF PREMISES)
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.

PART I

LICENSING

3. Licensing of premises.
4. Application for licence.
5. Application period.
6. Inspection of premises.
7. Grant of licence.
8. Licence in respect of classes of pesticides.
9. Display of licence.
10. Publication by Registrar.
11. Cancellation or variation of licence.
12. Notice of cancellation or variation of licence.
13. Appeals from decision of Board.

PART II

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

14. Licensed premises.
15. Construction of premises.
16. Disposal of waste.
17. First Aid.
18. Licence with limitation.
19. Storage area.

REGULATION

PART III

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

20. Construction of premises.

FIRST SCHEDULE.

SECOND SCHEDULE.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

48

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

227/1987.
[6 of 1993].

PESTICIDES (LICENSING OF PREMISES) REGULATIONS

made under section 12

Citation.

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

Interpretation.

2. In these Regulations—

“Act” means the Pesticides and Toxic Chemicals Act;

“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.

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.

Application for licence.
[6 of 1993].

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 four 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.

Application 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.

Form B.
Schedule.

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 Class 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.

Display of
licence.

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

Form C.
First Schedule.

- (a) on the outside of the premises a notice in the form and manner as prescribed in Form C of the First Schedule hereto;

Form B.
First Schedule.

- (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 licenses 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.

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.

Notice of cancellation or variation of licence.

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.

Appeals from decision of Board.

(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

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

Licensed premises.

15. Premises shall be constructed as follows:

Construction of premises.

- (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

Second
Schedule.

Class 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.

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.

Licence with limitation.

(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.

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.

Storage area.

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

(Regulation 4).

(To be submitted in duplicate)

APPLICATION FOR LICENCE OF PREMISES

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)

*Cross out which do/does not apply.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

56

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Pesticides (Licensing of Premises) Regulations

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

Signed
Applicant
Date

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 20.....

.....
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 — LICENCE FOR PREMISES

These premises, situate at

.....

and owned/leased by

.....

are licensed as from 20.....

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, 1987.

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”

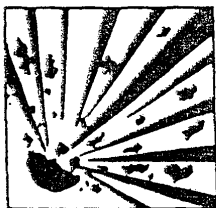
“These premises are licensed for the sale by retail of class () pesticides/licence

Number”

L.R.O. 1/2009

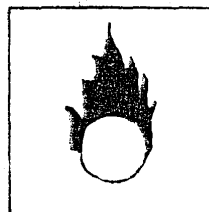
SECOND SCHEDULE

WARNING MARKS AND PHRASES



B-1

EXPLOSIVE



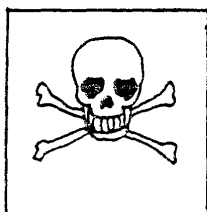
B-2

OXIDIZING



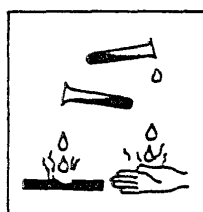
B-3

EASILY FLAMMABLE



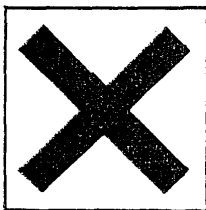
B-4

TOXIC



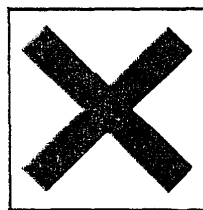
B-5

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).

**PESTICIDES AND TOXIC CHEMICALS (FEES FOR
ANALYSES AND INSPECTION SERVICES) REGULATIONS**

74/1993.

made under section 12(1)(cc)

1. These Regulations may be cited as the Pesticides and Toxic Chemicals (Fees for Analyses and Inspection Services) Regulations. Citation.

2. The fees detailed in the Second Column hereunder, are chargeable by the Board for services detailed in the First Column, that are performed at the request of members of the public: Fees.

PESTICIDE ANALYSES

							<i>Fees</i>
							\$ ¢
Organochlorine pesticides in water (extraction/GC/ECD)	...	...	...	...	...	...	25 00
Organochlorine pesticides in water (extraction/florisil clean-up/GC/ECD)	...	...	...	...	...	...	50 00
Organophosphorus pesticides in water (extraction/GC/FPD)	...	...	...	...	...	...	25 00
Organophosphorus pesticides in water (extraction/column clean-up GC/FPD)	...	...	...	...	...	...	50 00
Organochlorine and organophosphorus pesticides in water (extraction/column clean-up/GC/ECD/FPD)	...	...	...	...	...	...	40 00
Organochlorine and organophosphorus pesticides in water (extraction/column clean-up/GC/ECD/FPD)	...	...	...	...	...	...	80 00
Paraquat in water (ion exchange/colorimetric)	...	...	...	...	...	...	20 00
Diuron in water (distillation/GC/ECD)	...	...	...	...	...	...	50 00
Total Phosphorus in water (colorimetric)	...	...	...	...	...	...	25 00
Organochlorine pesticides in vegetables (extraction/clean-up/GC/ECD)	...	...	...	...	...	...	70 00
Organophosphorus pesticides in vegetables (extraction/clean-up/GC/FPD)	...	...	...	...	...	...	70 00
Organochlorine and organophosphorus pesticides in vegetables (extraction/clean-up/GC)	...	...	...	...	...	...	120 00
Paraquat in vegetables (ion exchange/colorimetric)	...	...	...	...	...	...	25 00
Diuron in vegetables (distillation/GC/ECD)	...	...	...	...	...	...	50 00
Padan in vegetables (reduction/GC/FPD)	...	...	...	...	...	...	50 00
Pyrethroids in vegetables (extraction/clean-up/GC/ECD)	...	...	...	...	...	...	70 00
Pesticide formulation analysis	...	...	...	...	...	...	50 00
Metals in water—iron, copper, lead, zinc—each metal (AAS)	...	...	...	...	...	...	50 00
TECHNICAL ADVICE (on analytical/technological/chemical matters)	...	...	...	...	...	...	50 00

L.R.O. 1/2009

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

60

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Pesticides and Toxic Chemicals (Fees for Analyses and Inspection Services) Regulations

TOXICOLOGICAL ANALYSES

					<i>Fees</i>
					\$ ¢
Cholinesterase in blood (buffer/pH determination)	...	...	...	...	20 00
Blood alcohol level (direct/GC/FID)	...	...	...	...	30 00
Kerosene identification (direct/GC/FID)	...	...	...	...	25 00
Kerosene identification/spot test (direct)	...	...	...	...	10 00
Disinfectant identification (direct/GC/FID)	...	...	...	...	25 00
Disinfectant identification (direct/spot test)	...	...	...	...	10 00
Carbon Monoxide in blood (UV)	...	...	...	...	25 00
Cyanide identification (colorimetric)	...	...	...	...	25 00
Therapeutic levels of Dilantin, Carbamazepine, Phenobarbitone (direct/HPLC)	...	...	...	...	50 00
General drug screen (extraction/UV)	...	...	...	...	25 00
Aspirin/Salicylate levels (trinders/UV)	...	...	...	...	50 00
Acetaminophen levels (ppt/UV)	...	...	...	...	30 00
Dilantin levels (extraction/UV)	...	...	...	...	50 00
Diazepam levels (extraction/UV)	...	...	...	...	30 00
Amitriptyline levels (CeSo4/UV)	...	...	...	...	40 00
Heavy metals (reinsh/screen)	...	...	...	...	20 00
Serum copper (ppt/AAS)	...	...	...	...	50 00
Serum zinc (ppt/AAS)	...	...	...	...	50 00
Serum iron (ppt/AAS)	...	...	...	...	50 00
Serum lithium (ppt/AAS)	...	...	...	...	50 00
Serum magnesium (ppt/AAS)	...	...	...	...	50 00
Lead in blood/1 ppm detected limit (extraction/AAS)	...	...	...	...	70 00
Mercury in urine (CVT/AAS)	...	...	...	...	70 00
Paraquat screen in urine/blood /st.contents (dithionite/colour)	...	...	...	...	10 00
Paraquat levels in urine /blood /st.contents (ion exchange resin/UV)	...	...	...	...	25 00
Organophosphate pesticide screen (spot test)	...	...	...	...	10 00
Organophosphate identification (TLC or GC/FPD)	...	...	...	...	20 00
General pesticide screen (TLC)	...	...	...	...	20 00
Rodenticide screen (extraction/UV)	...	...	...	...	25 00

Payment of Fees.

3. Fees charged under these Regulations are payable to the Comptroller of Accounts, or to any District Revenue Office, and the receipt for payment of such fees shall be submitted with the request for the services required.

TOXIC CHEMICALS REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATIONS

PART I

PRELIMINARY

1. Citation.
2. Interpretation.

PART II

GENERAL

3. Prohibition of import, export, manufacture, use, etc.
4. Registered toxic chemicals.

PART III

REGISTRATION OF NEW CHEMICALS

5. Requirement for registration of toxic chemicals.
6. Application for registration of new toxic chemical.
7. Form of application.
8. Registration of toxic chemical.
9. Refusal to grant approval for registration.
10. Refusal to grant registration.
11. Certificate of Registration.
12. Validity of registration.
13. Amendment of conditions of registration and cancellation of registration.
14. Research permit and general research permit.
15. General research permit.
16. Discretion of Board to refuse to grant permit.

ARRANGEMENT OF REGULATIONS—*Continued*
REGULATIONS

PART IV

**REGISTRATION OF PREMISES FOR STORAGE OF
TOXIC CHEMICALS FOR THE PURPOSE OF SALE,
PACKAGING OR MANUFACTURING**

17. Requirement for premises to be registered.
18. Inspection of premise.
19. Grant of registration.
20. Cancellation or variation of registration.
21. Notice of cancellation or variation of Toxic Chemical (Premises)
Registration Certificate.

PART V

**REQUIREMENTS FOR PREMISES REGISTERED FOR
THE STORAGE OF MARKETABLE QUANTITIES OF
TOXIC CHEMICALS FOR THE PURPOSE OF SALE,
PACKAGING OR MANUFACTURING**

22. Registered premises.
23. Construction of premises.
24. Disposal of waste.
25. First Aid.
26. Storage and storage areas.
27. Directions on handling, use and storage.
28. Variation of directions.

PART VI

MANUFACTURE OF TOXIC CHEMICALS

29. Approval required to manufacture or use a toxic chemical.
30. Determination of hazard.
31. Decision of Registrar.
32. Additional directions for safety.
33. Form of approval.
34. Revocation of approval.

PART VII

IMPORT OF TOXIC CHEMICALS

- 35. Import of toxic chemical.
- 36. Validity of licence.
- 37. Application for permit to draw down on import licence.
- 38. Import licence to be entered in Register of Licences.
- 39. Importer to keep records.
- 40. Cancellation of import licence.
- 41. Freight containers.
- 42. Documents necessary.

PART VIII

EXPORT OF TOXIC CHEMICALS

- 43. Export of toxic chemicals.
- 44. Validity of export licence.
- 45. Exporter to keep records.
- 46. Cancellation of export licence.
- 47. Applicability of Part XII to export.

PART IX

APPEALS

- 48. Appeals.
- 49. Minister to consult.
- 50. Mode of disposing of appeals.

PART X

PACKAGING OF TOXIC CHEMICALS

- 51. Construction of packages.
- 52. Labelling and marking of packages.

PART XI

TRANSPORT OF TOXIC CHEMICALS

- 53. Date of entry.
- 54. Transport routes.
- 55. Transportation of toxic chemicals.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

64

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

ARRANGEMENT OF REGULATIONS—*Continued*
REGULATIONS

PART XII

WARNING MARKS

- 56. Requirement to have warning marks.
- 57. Warning marks for transportation and storage.

PART XIII

MISCELLANEOUS

- 58. Records of sale and distribution of toxic chemicals.
- 59. Fees.
- 60. Amendment to Schedules.
- 61. Commencement.

SCHEDULE I—TOXIC INDUSTRIAL CHEMICALS.

SCHEDULE II—CONTROLLED CHEMICALS.

SCHEDULE III—HIGHLY TOXIC CHEMICALS.

SCHEDULE IV—TOXIC CHEMICALS AND PRECURSORS USED IN THE
MANUFACTURE OF CHEMICAL WEAPONS.

SCHEDULE V—FORMS.

SCHEDULE VI—WARNING MARKS.

SCHEDULE VII—QUOTA TOXIC CHEMICALS.

TOXIC CHEMICALS REGULATIONS

161/2007

made under section 12

PART I

PRELIMINARY

1. These Regulations may be cited as the Toxic Chemicals Regulations. Citation.

2. In these Regulations—

Interpretation.
[254/2007].

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

“controlled chemical” means a substance listed in Schedule II; Schedule II.

“highly toxic chemical” means a substance listed in Schedule III which is characterised by a high risk of carcinogenic or teratogenic effects; Schedule III.

“manufacture” includes preparing, synthesizing, reacting, mixing, diluting or formulating in relation to the use, production or packaging of a toxic chemical;

“manufacturer” means a person who manufactures a toxic chemical for his own use or for sale;

“package” means any movable container used to transport, store, sell by wholesale or retail or to dispense a toxic chemical;

“pipeline” means any pipe, tube or conduit which contains a toxic chemical;

“Registrar” means the Registrar of Pesticides and Toxic Chemicals Control referred to in the Pesticides and Toxic Chemicals Act;

“storage container” means any fixed tank, reservoir, reactor, receptacle or other fixed container used in connection with a toxic chemical;

“toxic chemical” means any chemical, other than a pesticide, antiseptic, disinfectant, drug or preservative, which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals, and includes all such chemicals irrespective of their origin or method of production or use;

L.R.O. 1/2009

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

66

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

“toxic industrial chemical” means a substance listed in Schedule I whose toxicity is higher than that of highly toxic chemicals for which there is less carcinogenic or teratogenic risk; and
“workplace” includes a factory, warehouse, shop, farm, laboratory or educational establishment.

PART II

GENERAL

Prohibition of import, export, manufacture, use, etc.

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

Registered toxic chemicals Schedules I, II, III, IV and VII.

4. (1) The Toxic Chemicals listed in Schedules I, II, III, IV and VII are deemed to be registered for the purpose of the Act.

(2) The Minister may by Order amend Schedules I, II, III, IV and VII.

PART III

REGISTRATION OF NEW CHEMICALS

Requirement for registration of toxic chemicals.

5. A person who wishes to import or manufacture a toxic chemical not listed in Schedules I through IV and Schedule VII shall apply to the Board for the registration of that toxic chemical.

Application for registration of new toxic chemical.

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

Form of application Schedule V. Form A.

- 7.** (1) An application under regulation 6 shall—
- (a) be made in the form set out as Form A of Schedule V;
 - (b) contain the following information:
 - (i) the existing or proposed trade name of the toxic chemical;
 - (ii) the common names and chemical names of the toxic chemical;
 - (iii) the names and addresses of the manufacturer, agent and importer;

- (iv) information of the stability in storage of the toxic chemical;
- (v) the recommended conditions of storage and form of package;
- (vi) information on the oral, dermal and inhalation toxicity of the toxic chemical and any active ingredient present therein;
- (vii) information on hazards to persons using or handling the toxic chemical and precautions, equipment, protective clothing and facilities recommended to prevent the exposure of those persons to those hazards and information on measures to guard against flammable toxic chemicals;
- (viii) a statement indicating the physical form of the toxic chemical and information relative to each physical form;
- (ix) full details of first aid and medical treatment which may be effectively used in cases of suspected poisoning by the toxic chemical;
- (x) a copy or a draft of the labels and any accompanying instructions which are to be used in connection with the toxic chemicals;
- (xi) information on hazards which the toxic chemical may pose to domestic animals, bees, fishes, birds and other wildlife and adverse effects on soil, air and water;
- (xii) information on methods of safe disposal of waste toxic chemicals and any containers in which the toxic chemical was stored;
- (xiii) information on decontamination of spillages;

- (xiv) a certified copy of the certificate of registration or any similar document issued in the country of origin of the toxic chemical by a competent authority acceptable to the Board, and certified copies of the labels and accompanying instructions used in that country together with certified English translations, where necessary, and if the toxic chemical is not sold in that country, the reason for it not being sold there shall be stated; and
 - (xv) such other particulars as the Board may require; and
- (c) be accompanied by a non-refundable application fee of seven hundred and fifty dollars.

(2) Every application shall be treated as confidential by the Board and shall be considered by the Board within one hundred and twenty days of its receipt by the Registrar.

(3) Where an applicant supplies a certified copy of a Certificate of Registration or any similar document issued by a competent authority of another country, the Board may, if the application is accompanied by a copy of the conditions imposed on the sale or use of the toxic chemical in that country, dispense with any or all other particulars required to be submitted under subregulation (1).

(4) Where an application is not accompanied by all the particulars required to be submitted by this regulation, the Board may give the applicant such time as it considers necessary to satisfy the requirements of this regulation.

Registration of
toxic chemical.

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

(2) Where the Board grants approval for the registration of a toxic chemical, the Registrar shall assign a registration number for use in connection with the toxic chemical.

(3) Where a toxic chemical is registered under subregulation (2), the Registrar shall issue to the applicant a Certificate of Registration of the toxic chemical.

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

(5) A Toxic Chemical Registration Certificate shall be in the form set out as Form B of Schedule V.

Form B.

(6) A duly authenticated certificate of the Board is conclusive evidence of registration of a toxic chemical.

9. (1) The Board may refuse to grant approval for the registration of a toxic chemical where in its opinion—

Refusal to grant approval for registration.

- (a) the application is not accompanied by all the particulars or samples required to be submitted under regulation 7;
- (b) the application contains information that is misleading, false, deceptive or likely to deceive or create an erroneous impression on the Board;
- (c) the person applying for the registration has failed to comply with the conditions subject to which any toxic chemical is registered;
- (d) the toxic chemical is not shown to be safe or efficacious when used as recommended;
- (e) the use of the toxic chemical is likely to constitute a hazard to public health, domestic animals, bees, fishes, birds or other wildlife or produce adverse effects to soil, air and water; or
- (f) the toxic chemical, or any residue thereof, is so persistent that it may result in a long-lasting pollution of the water or land on which it is used.

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

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

70

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

Refusal to grant registration.

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

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

Certificate of registration.

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

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

Validity of registration.

12. The registration of a toxic chemical shall remain valid notwithstanding a change in any or all of the following:

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

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

Amendment of conditions of registration and cancellation of registration.

(2) Where the Board is satisfied under subregulation (1) that—

- (a) the use of a toxic chemical is likely to endanger public health or to be dangerous to domestic animals, bees, fishes, birds, or other wildlife or produce adverse effects to soil, air and water;
- (b) information which was misleading, false, deceptive or likely to deceive or create an erroneous impression on the Board was submitted in support of an application for registration and on the basis of which the toxic chemical was registered; or
- (c) the toxic chemical is significantly less efficacious than was made to appear in the application,

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

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

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

(5) Prior to the cancellation of registration under this regulation, the Board shall notify the initial applicant of such cancellation and publish a Notification of such cancellation in the *Gazette* and in at least one newspaper in daily circulation in Trinidad and Tobago.

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

Research
permit and
general
research permit.

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

(2) An application for a research permit and a general research permit shall be—

Form C.

- (a) made in the form set out as Form C in Schedule V;
- (b) addressed to the Board and submitted through the Registrar; and
- (c) accompanied by non-refundable fee of seven hundred and fifty dollars.

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

(4) A research permit may be—

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

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

- (a) satisfactory evidence of the competence of the person proposing to do the research;
- (b) satisfactory evidence of the research facilities available to him;

- (c) a dossier upon completion of the research;
- (d) information regarding the uses to which the toxic chemical may be put; and
- (e) any other information it considers necessary.

(6) A research permit shall be in the form set out as Form D in Schedule V.

Form D.

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

General research permit.

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

(2) The provisions of subregulations (3) and (4) of regulation 14 apply to a general research permit issued under subregulation (1).

16. The Board may—

Discretion of Board to refuse to grant permit.

- (a) refuse to issue a research permit to any person or a general research permit to a government department or any other department, institution or organisation on the grounds of non-compliance with any condition of a research permit or a general research permit, which was previously issued to that person, government department, or other department, institution or organisation;
- (b) cancel or amend a research permit or a general research permit if it is satisfied that any information given to the Board was misleading, false, deceptive or likely to create an erroneous impression on the Board;

- (c) refuse to issue a research permit or a general research permit, if, in its opinion, the use of the toxic chemical is likely to constitute a hazard to public health, domestic animals, bees, fishes, birds and other wildlife, and to produce adverse effects to soil, air and water.

PART IV

REGISTRATION OF PREMISES FOR STORAGE OF TOXIC CHEMICALS FOR THE PURPOSE OF SALE, PACKAGING OR MANUFACTURING

Requirement for premises to be registered.

- 17.** (1) No person may store for the purpose of—
- (a) sale by wholesale;
 - (b) packaging; or
 - (c) manufacturing,

toxic chemicals in marketable quantities except in premises registered by the Board for the storage of toxic chemicals.

(2) The owner or occupier of any premises who desires to store marketable quantities of toxic chemicals on that premises for the purpose of sale, packaging or manufacturing shall before doing so, apply to the Board for the premises to be registered.

Form E.

(3) An application under subregulation (2) shall be made in the form set out as Form E of Schedule V.

(4) An application under this regulation shall be accompanied by a non-refundable fee of three hundred dollars and shall include—

- (a) the name and address of the applicant;
- (b) the type of toxic chemicals which will be manufactured, stored or sold at the premises; and
- (c) the number of persons to be employed at the premises, their names and where applicable, their qualifications.

(5) The owner or occupier of premises used for the storage of marketable quantities of toxic chemicals for the

purpose of sale, packaging or manufacturing before the commencement of these Regulations, may apply to the Registrar for the premises to be registered within one hundred and twenty days in the manner prescribed.

18. (1) Where an application for the registration of premises 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 registration of the premises until the alterations are satisfactorily completed.

19. (1) Where the Board is satisfied that the premises in relation to an application made under this regulation is suitable to be used for the storage of marketable quantities of toxic chemicals for the purpose of sale, packaging or manufacturing and meet the requirements of these Regulations, it may register the premises for such purpose and issue a Toxic Chemical (Premises) Registration Certificate for a period of three years and attach such condition to the registration of the premises as it deems necessary.

Grant of
Registration.

(2) A Toxic Chemical (Premises) Registration Certificate issued under subregulation (1) shall be in the form set out as Form F of Schedule V.

Form F.

20. Where the owner or occupier of premises registered under the Act has been convicted of an offence under the Act or these Regulations, the Board may direct the Registrar to cancel or vary any Toxic Chemical (Premises) Registration Certificate issued in respect of those premises.

Cancellation or
variation of
registration.

Notice of
cancellation or
variation of
Toxic Chemical
(Premises)
Registration
Certificate.

21. Notice of cancellation or variation of a Toxic Chemical (Premises) Registration Certificate 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.

PART V

**REQUIREMENTS FOR PREMISES REGISTERED FOR
THE STORAGE OF MARKETABLE QUANTITIES OF
TOXIC CHEMICALS FOR THE PURPOSE OF SALE,
PACKAGING OR MANUFACTURING**

Registered
Premises.

22. Premises referred to in Part IV which are registered for the storage of marketable quantities of toxic chemicals for the purpose of sale, packaging or manufacturing, shall be constructed in accordance with the requirements of regulations 23 to 28.

Construction of
Premises.

23. 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 toxic chemicals shall be clearly defined and shall be separated from other areas and sections of the premises which shall be identifiable by permanent signs, and the appropriate warning marks contained in Schedule VI fixed above their entrances;
- (d) buildings shall be of sound materials and shall be constructed in such a way as to minimize contamination of adjacent premises;
- (e) floors shall be capable of being easily cleaned;
- (f) the sales area shall be separated from areas used for mixing, formulating or repackaging toxic

Schedule VI.

chemicals so as to minimize the movement of toxic chemicals, 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 and 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; and
- (l) eye fountains with a regular supply of clear water shall be available at all times.

24. (1) Waste materials containing toxic chemicals shall be destroyed or disposed of by a method specified by the Registrar so as to prevent any risk to the public or the environment.

Disposal of waste.

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

(3) Covered dustbins and other receptacles for waste and spillage shall be made of materials able to resist corrosion by toxic chemical waste and shall be made sufficiently secure to discourage the removal of waste material by unauthorised persons and to prevent spillage of toxic chemicals.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

78

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

First Aid.

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

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

Storage and storage areas.

26. (1) The storage areas and shelf areas for packages of toxic chemicals to be sold shall be effectively and conspicuously separated from the storage areas and shelf areas used for all foods or animal feeds, pharmaceuticals, cosmetics and non-pharmaceuticals intended for use by humans.

(2) Toxic chemicals referred to in Schedule I, II, III, IV, or VII shall be securely stored by the importer, exporter, manufacturer or user and all quantities received or removed from stores shall be recorded and signed for by the person responsible for the keeping of the stores.

(3) Access to the stores referred to in subregulation (2) shall be limited to authorised persons who are aware of the hazards of the toxic chemicals and who have been trained in the appropriate safety procedures needed to handle the toxic chemicals.

(4) The premises in which toxic chemicals are stored shall, in addition to conforming with other written laws relating to land development, be designed to resist high winds, floods and unauthorised access.

Directions on use, handling and storage.

27. (1) The Registrar may issue directions requiring the manufacturer, his agent or the person in charge of a workplace to take the following precautions for the use of, handling or storing a toxic chemical:

- (a) display appropriate warning signs with information about the precautions and methods of handling and use to be observed in connection with the toxic chemical;
- (b) provide suitable protective clothing and equipment for the use of workers engaged in the use, handling or storage of the toxic chemical;

- (c) advise in writing, of the manner of use, handling or storage of the toxic chemical so as to prevent any hazard to the health of workers, the public, or the environment;
- (d) provide such equipment as is necessary to contain, neutralize and remove any toxic chemical that is accidentally spilt, discharged or allowed to escape;
- (e) advise in writing, of the manner in which wastes, used storage containers or packages, damaged machines or apparatus are to be disposed of;
- (f) report to the Registrar at intervals set by the Registrar, the quantity of the toxic chemicals listed in Schedule I, II, III, IV or VII that is stored on the premises;
- (g) inform the Commissioner of Police, the Chief Fire Officer, the Director of disaster preparedness in the Office of the Prime Minister and the Ministry with responsibility for health, that a toxic chemical referred to in Schedule I, II, III, IV or VII is used, handled or stored on the premises and indicate the parts of the premises where it is stored or used; or
- (h) request the employer to arrange annual medical examination of workers in the workplace with the appropriate investigation.

(2) Notwithstanding subregulation (1), the Registrar may issue general directions to manufacturers, wholesalers, retailers and users of toxic chemicals referred to in Schedule I, II, III, IV or VII concerning the precautions to be taken when such toxic chemical is used, handled or stored in the workplace.

28. Where directions have been issued by the Registrar under regulation 27, they may be varied according to the particular conditions and circumstances of the workplace and the use or methods of handling or storage employed therein.

Variation of
directions.

PART VI

MANUFACTURE OF TOXIC CHEMICALS

Approval
required to
manufacture or
use a toxic
chemical
Form G.

29. (1) A person who intends to manufacture a toxic chemical, or to use a toxic chemical as an input, ingredient or part of a manufacturing process of another chemical, shall apply to the Registrar for his prior approval to do so in the form set out as Form G of Schedule V.

(2) A person who applies for approval under subregulation (1) shall pay the application fee of \$750.00 and provide the Registrar with the following information:

- (a) address of the premises where manufacture or use as a part of a manufacturing process is intended;
- (b) manufacturing processes to be applied;
- (c) chemical name, common name and formula of the toxic chemical to be manufactured or to be used as a part of a manufacturing process;
- (d) trade name or brand under which sale of the toxic chemical is proposed;
- (e) type of packaging and labelling to be used;
- (f) precautions to be used to protect workers, the public and the environment against toxic effects;
- (g) hazards associated with toxic chemicals and the precautions to be taken;
- (h) methods of analysis of toxic chemicals and their detection in air, soil, water or biological materials; and
- (i) methods proposed to be used for the disposal of wastes, effluents or materials which may be contaminated by toxic chemicals.

Determination
of hazard.

30. The Registrar may require a manufacturer to provide any additional information which may assist in determining the hazard that may be caused to man or animal or to the environment if a toxic chemical is used as a part of a manufacturing process, manufactured, or transported in Trinidad and Tobago.

31. (1) Subject to subregulation (2), the Registrar shall consider the information provided under regulations 29 and 30 and may—

Decision of
Registrar

- (a) approve the manufacture of the toxic chemical as proposed;
- (b) approve the use of the toxic chemical in the manufacturing process of another toxic chemical;
- (c) approve the manufacture of the toxic chemical subject to conditions additional to, or different from those proposed; or
- (d) reject the application.

(2) Where an application for approval to manufacture or use a toxic chemical as a part of a manufacturing process is made under regulation 29, the Registrar shall approve the application where he is satisfied that the manufacturer is capable of complying with the requirements or conditions which will reasonably ensure that the toxic chemical will not cause harm to humans, animals or to the environment.

(3) Where the Registrar rejects an application he shall provide the applicant with the reasons in writing, for so doing.

32. Regulation 31 shall not apply to a laboratory operated by an institution recognised by the Registrar as a *bona fide* institution for education purposes or established for carrying out research or testing on toxic chemicals, but such institution shall be subject to any directions that the Registrar may issue on safety and other measures to be adopted in the course of its activities.

Additional
directions for
safety.

33. (1) The Registrar shall grant approval to the applicant under regulation 31, in the form set out as Form H of Schedule V.

Form of
approval.
Form H.

(2) An approval under subregulation (1) may contain conditions to be observed by the manufacturer that are peculiar to the particular toxic chemical.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

82

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

Revocation of approval.

34. Where approval has been granted by the Registrar under regulation 31, and the Registrar subsequently receives information that the toxic chemical for which approval was granted has a particular hazard that was not known at the time approval was given, the Registrar may amend or revoke the approval.

PART VII

IMPORT OF TOXIC CHEMICALS

Import of toxic chemical.

35. (1) No person shall import a toxic chemical listed in Schedule I, II, III, IV or VII unless he holds a licence and where applicable, a permit to so import issued under these Regulations.

Form I.

(2) Subject to subregulation (6) where a person wishes to import a toxic chemical referred to in Schedule I, II, III, IV or VII, he shall apply to the Board, in the form set out as Form I of Schedule V, for a licence to import the toxic chemical.

- (3) An application under subregulation (2) shall contain—
- (a) the name, place of business and the nature of business of the applicant;
 - (b) the name and address of the manufacturer;
 - (c) the trade name of the toxic chemical;
 - (d) the quantity of the toxic chemical which is to be imported during the life of the licence; and
 - (e) such other particulars as the Board may require.

(4) An application under this regulation shall be accompanied by a non-refundable application fee of two hundred dollars.

(5) Where the Board is satisfied that an applicant under subregulation (2) meets the requirements of the Act and these Regulations, it may grant an import licence to the applicant for the importation of the toxic chemical and attach such conditions to the licence as it considers necessary.

(6) The Board may on application by an importer, allow any toxic chemical listed in Schedule VII to be imported into Trinidad and Tobago in such quantity as determined by the Registrar.

(7) The Registrar in determining the quantity of a toxic chemical under subregulation (6) that may be imported in any given year shall refer to the amount that the applicant uses or sells in any given year.

(8) Where the amount of the quota on a licence is expended the quota may be increased on application to the Board.

(9) An import licence granted under this regulation shall be in the form set out as Form J of Schedule V.

Form J.

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

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

(11) Subregulation (10) does not preclude the Registrar from requiring of an importer any other information relevant to the importation or distribution of a toxic chemical referred to in Schedule I, II, III or IV.

(12) The Registrar shall not grant approval to import a toxic chemical referred to in subregulation (1), unless satisfactory details are provided by the importer.

(13) Where the Board decides not to grant or renew a licence to import a toxic chemical, it shall as soon as practicable thereafter, inform the applicant of its decision and the reasons thereof.

36. (1) Subject to subregulation (2), a licence to import a toxic chemical—

Validity of
licence.

- (a) listed under Schedule I, II, III or IV shall be valid for a period of three years or for such lesser period as the Board may determine;

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

84

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

(b) listed under Schedule VII shall be valid for a period of one year,

and may be renewed from time to time on such conditions as the Board considers necessary.

(2) A licence to import a toxic chemical shall remain valid notwithstanding a change in any or all of the following:

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

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

Application for permit to draw down on import licence.

37. (1) Prior to the importation of a toxic chemical under Schedule VII for which a licence is granted under regulation 35, the importer shall provide the Registrar with—

- (a) all information required by regulation 29(2)(a), (b), (c), (d), (f), (g) and (i);
- (b) information as to the means of transport to be used;
- (c) the estimated date of arrival of the toxic chemical; and
- (d) such other information as the Registrar may require.

Form K.

(2) Notwithstanding the issuance of a licence under section 35, where a person wishes to draw down from the total quantity approved on an import licence for the purpose of a particular entry, he shall apply to the Board for a permit to import the draw down, in the form set out as Form K of Schedule V.

Import licence to be entered in Register of Licences.

38. Where the Board grants a licence to import a toxic chemical, the Registrar shall enter particulars of the licence in the Register of Licences.

Importer to keep records.

39. The holder of a licence to import a toxic chemical shall keep records showing—

- (a) the quantity of the toxic chemical he has imported;

- (b) the date of importation of the toxic chemical;
- (c) the name and address of the manufacturer of the toxic chemical; and
- (d) such other information as the Board may require.

40. (1) Subject to subregulation (2), the Board may cancel a licence to import a toxic chemical—

Cancellation of
import licence.

- (a) upon breach of a condition subject to which the import licence was granted;
- (b) where the holder of the import licence contravenes any provision of the Act or the Regulations;
- (c) where the Board is satisfied that information which was misleading, false or deceptive or likely to deceive or create an erroneous impression on the Board was submitted in support of the import licence and on the basis of which the import licence was granted or renewed;
- (d) upon failure of the importer to keep up-to-date import records in accordance with regulation 39;
- (e) where the licensee has been convicted of an offence in any country relating to the manufacture of—
 - (i) illicit drugs; or
 - (ii) chemical weapons; and
- (f) for any other reason where the Board thinks it proper to do so.

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

41. A person who imports a toxic chemical into Trinidad and Tobago by a freight container shall do so only by means of a freight container that is designed, constructed, tested, and used in accordance with—

Freight
containers.

- (a) International Standards;

- (b) the rules of the International Maritime Organisation;
- (c) the rules of the International Civil Aviation Organisation; or
- (d) regulations or standards of the country of origin; and
- (e) relevant standards of the Trinidad and Tobago Bureau of Standards.

(2) The importer of a toxic chemical under this regulation shall, as soon as he knows that the toxic chemical is ready for removal from the freight container, give due notice to the Inspector, who shall as soon as possible thereafter, examine the said container to determine whether it is contaminated.

(3) Where a freight container is found to be contaminated with a toxic chemical it shall be cleaned and decontaminated by the agent or importer to the satisfaction of the inspector who, upon being satisfied that the container has been decontaminated, shall issue to the importer or his agent a certificate of decontamination in the manner set out as on Form L of Schedule V.

Form L.

(4) A person who does not comply with the requirements of subregulation (1), shall not be allowed to remove the toxic chemical from the container.

Documents
necessary.

42. (1) Shipments of toxic chemicals imported into Trinidad and Tobago shall be accompanied by documents printed in the English language clearly stating—

- (a) the common name of the active ingredient of the toxic chemicals;
- (b) the percentage of the active ingredient;
- (c) the hazard class of the toxic chemicals formulation;
- (d) any other hazard associated with the cargo; and
- (e) remedial action to be taken in case of emergency.

(2) The documents referred to in subregulation (1) shall be delivered by the importer to the Port Authority or Airports Authority through which the cargo or shipment of toxic chemicals passes at least forty-eight hours before its arrival so that the relevant Authority may ensure that safe and appropriate methods of handling, transport and storage are being used.

PART VIII

EXPORT OF TOXIC CHEMICALS

43. (1) A person who proposes to export a toxic chemical referred to in Schedule I, II, III, IV or VII shall apply to the Board in the form set out as Form M of Schedule V for a licence to export each shipment of the toxic chemical.

Export of toxic chemicals.

Form M.

(2) An application under subregulation (1) shall contain—

- (a) the name, place of business and the nature of business of the applicant;
- (b) the name and address of the manufacturer,
- (c) the trade name of the toxic chemical; and
- (d) such other particulars as the Board may require.

(3) Where the Board is satisfied that the exporter meets the requirement of the Act and these Regulations it may grant the exporter a licence to export the toxic chemical.

(4) A licence for the export of a toxic chemical shall be in the form set out as Form J of Schedule V and shall be accompanied by a non-refundable application fee of two hundred dollars.

(5) Before exporting a chemical for which a licence is granted under subregulation (1), the exporter shall provide to the Registrar—

- (a) information as to the means of transport to be used;
- (b) the estimated date of export of the toxic chemical;

- (c) the name of the importing country; and
- (d) such other information as may be required by the Registrar.

(6) The Board shall not grant approval to export a toxic chemical referred to in subregulation (1), unless satisfactory details are provided by the exporter.

(7) Where the Board decides not to grant or renew a licence to export a toxic chemical, it shall as soon as practicable thereafter, inform the applicant of its decision and the reasons thereof.

(8) Subregulation (6) does not preclude the Registrar from requiring of an exporter any other information relevant to the export of a toxic chemical referred to in Schedule I, II, III, IV or VII.

Validity of
export licence.

44. A licence to export a toxic chemical shall remain valid notwithstanding a change in any or all of the following:

- (a) the trade name of the toxic chemical; and
- (b) the name and address of the consignee or the manufacturer,

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

Exporter to
keep records.

45. The holder of a licence to export a toxic chemical shall keep records showing—

- (a) the quantity of the toxic chemical he has exported;
- (b) the date of export of the toxic chemical;
- (c) the name and address of the manufacturer of the toxic chemical;
- (d) the name of the consignee to whom the toxic chemical is to be exported; and
- (e) such other information as the Board may require.

Cancellation of
export licence.

46. (1) Subject to subregulation (2), the Board may cancel a licence to export a toxic chemical—

- (a) upon breach of a condition subject to which the licence to export a toxic chemical was granted;

- (b) where the holder of the licence to export a toxic chemical contravenes any provision of the Act or the Regulations;
- (c) where the Board is satisfied that information which was misleading, false or deceptive or likely to deceive or create an erroneous impression on the Board was submitted in support of the licence to export a toxic chemical and on the basis of which the licence to export a toxic chemical was granted or renewed;
- (d) upon failure of the exporter to keep up-to-date export records in accordance with regulation 45;
- (e) where the licensee has been convicted of an offence in any country relating to the manufacture of—
 - (i) illicit drugs; or
 - (ii) chemical weapons; and
- (f) for any other reason where the Board thinks it proper to do so.

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

47. Part XII shall apply to all containers used for the export of toxic chemicals.

Applicability of Part XII to export.

PART IX

APPEALS

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

Appeals.

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

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

90

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

(3) 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 documents that the Minister may require.

Minister to consult.

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

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

Mode of disposing of appeals.

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

(2) Where the Board refuses to grant a licence under these Regulations or the Minister confirms such a decision of the Board, the appellant is not precluded from making a new application in respect of the same toxic chemical.

PART X

PACKAGING OF TOXIC CHEMICALS

Construction of packages.

51. Packages which are used for the import, export, transport, storage or sale of toxic chemicals shall be designed, constructed, tested and used in accordance with—

- (a) recommendations on the Transport of Dangerous Goods published by the United Nations;
- (b) International Standards;
- (c) rules of the International Maritime Organisation; or
- (d) rules of the International Civil Aviation Organisation; or
- (e) regulations or standards in foreign countries recognised as equivalent to or more stringent than the above; and
- (f) Trinidad and Tobago Standards.

Labelling and marking of packages.

52. (1) Packages other than shipping cartons and retail packages which contain a toxic chemical shall be labelled with—

- (a) the common name in English of the active ingredient of the toxic chemical;

- (b) the concentration of the toxic chemicals;
 - (c) the appropriate warning marks in accordance with Part XII;
 - (d) a statement or warning mark that the package should not be stored or transported in close proximity to food, feeds, or any substance intended for consumption by humans or animals.
- (2) Shipping cartons and retail packages containing prepackaged toxic chemicals for retail sale shall be labelled with—
- (a) the common name in English of the active ingredient of the toxic chemicals;
 - (b) the concentration of the toxic chemicals;
 - (c) the hazard class of the toxic chemicals or of the toxic chemicals formulation;
 - (d) the appropriate warning marks in accordance with Part XII;
 - (e) a statement that the carton should not be stored or transported in close proximity to food, feeds or any substance intended for consumption by humans or animals;
 - (f) instructions for proper storage; and
 - (g) any other information required by the Board.

PART XI

TRANSPORT OF TOXIC CHEMICALS

53. Where the Registrar approves the importation or exportation of a toxic chemical referred to in Schedule I, II, III, IV or VII the importer or exporter shall inform the authority controlling the port of entry that the shipment is expected to arrive or depart and shall provide the authority with a copy of the relevant approval granted under these Regulations. Date of entry.

54. Before removing the shipment of a toxic chemical referred to in Schedule I, II, III, IV or VII from a port, the importer, exporter, manufacturer or shipping agent shall inform— Transport routes.

- (a) the Transport Commissioner that the shipment will be removed, indicating the date

and time during which public transport routes will be used; and

(b) the Commissioner of Police, Chief Fire Officer, Director of Disaster Preparedness in the Office of the Prime Minister, and the Ministry with responsibility for health of—

- (i) the nature of the shipment;
- (ii) the means and route of transport;
- (iii) the place where it is destined to be stored, used or manufactured; and
- (iv) the appropriate means for handling the material in case of accident or emergency,

who may give such directions in accordance with regulation 55, as they see fit.

Transportation
of toxic
chemicals.

55. (1) Where toxic chemicals are transported in bulk, they shall be transported in packages or containers which are constructed, handled and labelled in accordance with the recommendations of the United Nations Economic and Social Council on the Transport of Dangerous Goods, the International Civil Aviation Organisation or the International Maritime Organisation.

(2) The owner of every vehicle used to transport toxic chemicals shall ensure that—

- (a) there is attached thereto prominent warning signs as required by Part XII indicating that the load which is carried is hazardous; and
- (b) the driver and operators of the vehicle understand the procedures to be used in emergencies or accidents, to minimise the risks from exposure to these chemicals.

(3) The Transport Commissioner or the Commissioner of Police may require that vehicles transporting toxic chemicals—

- (a) be escorted;

- (b) follow a specified route;
- (c) travel at a specified speed; or
- (d) travel during specified hours or days,

to minimise the risk of accident to the vehicle and hazards to the public.

PART XII

WARNING MARKS

56. All containers used to hold toxic chemicals whether for the purpose of sale, storage, transport or manufacture shall have affixed to it the appropriate warning marks set out in Schedule VI.

Requirement to have warning marks. Schedule VI.

57. (1) Every freight container and every bulk unit used for the transportation or storage of a toxic chemical shall be clearly marked with the warning marks in accordance with subregulation (2) and including marks indicating whether the toxic chemicals is a toxic hazard.

Warning marks for transportation and storage.

- (2) The warning marks used shall be in accordance with—
 - (a) recommendations on the Transport of Dangerous Goods published by the United Nations;
 - (b) rules of the International Maritime Organisation for shipments by sea;
 - (c) rules of the International Civil Aviation Organisation for shipments by air;
 - (d) Appendix B of the Trinidad and Tobago Standard TTS 21 10 500 Part 8; or
 - (e) regulations or standards in foreign countries recognised as equivalent to or more stringent than the above,

and shall comply with such other written laws relating to transportation of dangerous materials.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

94

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

PART XIII

MISCELLANEOUS

Records of sale
and distribution
of toxic
chemicals.

58. (1) Where an importer or manufacturer sells or distributes a toxic chemical, he shall record the quantity sold or distributed and inform the Registrar of the name and address of the place where the toxic chemical is to be stored, used or manufactured.

(2) Records of transactions in toxic chemicals referred to in Schedule I, II, III, IV or VII shall be kept securely by the importer, exporter or manufacturer, for a period of not less than five years.

Fees.

59. (1) Fees payable under these Regulations shall be paid to the Comptroller of Accounts or to any Revenue Officer and the receipt shall be submitted with the application.

(2) The provisions of these Regulations requiring the payment of fees shall not apply to the State.

Amendment to
Schedules.

60. The Minister may amend the Schedules from time to time by Notice published in the *Gazette* and in at least two newspapers in daily circulation in Trinidad and Tobago.

Commencement.

61. These Regulations shall come into effect on 1st September, 2007.

SCHEDULE I

(Regulations 2, 4, 5, 26, 27, 35, 36, 43, 53, 54 and 60).

TOXIC INDUSTRIAL CHEMICALS

1. Acetaldehyde
2. Acetates (ethyl, propyl, isopropyl, butyl and amyl)
3. Acrolein
4. Acrylamide
5. Acrylates (methyl, ethyl, butyl and isobutyl)
6. Acrylonitrile
7. Amines (diethylamine, isopropanolamine, triethylamine)
8. Ammonium chloride
9. Ammonium thioglycollate
10. Aniline
11. Benzyl alcohol
12. Butane
13. Butanols
14. Calcium carbide
15. Cadmium and its compounds
16. Carbon dioxide
17. Carbon disulphide
18. Carbon monoxide
19. Carbon tetrachloride
20. Chlorine
21. Chlorobenzene
22. Chloropicrin
23. Copper and its compounds
24. Cresol (cresylic acid)
25. Cyclohexane
26. Cyclohexanone
27. Cumene (isopropylbenzene)
28. Diacetone alcohol
29. Dichloro ethane
30. 1,1-Dichloro-1-fluoroethane
31. Dichloropropane
32. Dichloropropene
33. Diethyl phthalate
34. Dimethylamine solutions
35. Dioctyl phthalate
36. Diphenylmethane diisocyanate
37. Epichlorhydrin
38. Ethyl acetate
39. Ethyl benzene

SCHEDULE I—Continued

TOXIC INDUSTRIAL CHEMICALS

40. Ethyl glycol
41. Ethylene dibromide
42. Ethylene dichloride
43. Ethylene glycol
44. Ethylene oxide
45. Fluorides
46. Formaldehyde
47. Formamide
48. Formic acid
49. Gasoline
50. Glycol ethers
51. Glycol ethers acetates
52. Heptane
53. Hexamethylene diisocyanate
54. Hexane
55. Hydrazine
56. Hydrogen peroxide (40% to 80%)
57. Hypochlorites (sodium and potassium)
58. Isobutyl alcohol
59. Isoprene (inhibited)
60. Isopropyl acetate
61. Isopropyl alcohol
62. Isopropyl benzene
63. Kerosene
64. Lead and its compounds
65. Maleic anhydride
66. Mercury and its compounds
67. Methacrylates
68. Methacrylic acid (inhibited)
69. Methanol
70. Methylisobutyl carbinol
71. Methylene chloride
72. Naphthalene
73. Naphthenic Acid and its salts
74. Nickel and its compounds
75. Nitric acid
76. N-Nitrosodiethanolamine
77. Pentachlorophenol and sodium pentachlorophenate
78. Pentane

79. Pentanols
80. Perchloroethylene
81. Petroleum ethers (spirit)
82. Petroleum jelly
83. Phenols
84. Phenylmercuric compounds
85. Phosphonic acid
86. Phosphoric acid
87. Picric acid
88. Propane
89. Propanols
90. Propylene glycol
91. Propylene oxide
92. Selenious acid, selenates and selenites
93. Sodium metabisulphite
94. Sodium nitrate
95. Sodium nitrite
96. Styrene
97. Sulphonic acid
98. Tetrachloroethylene
99. Tetrahydrofuran
100. Tin and its compounds
101. Toluene diisocyanate
102. Tributyltin oxide
103. Tricalcium phosphate
104. 1, 1, 1-Trichloroethane
105. Trichloroethylene
106. Triethanolamine
107. Trisodium phosphate
108. Turpentine
109. Urea
110. Vinyl acetate monomer
111. Vinyl chloride
112. White spirits
113. Xylenes
114. Zinc and its compounds.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

98

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

(Regulations 2, 4, 5, 26, 27, 35, 36, 43, 53, 54 and 60).

SCHEDULE II

CONTROLLED CHEMICALS

1. Acetic acid
2. Acetic anhydride
3. Acetone
4. N-acetylanthranilic acid and its salts and esters
5. Ammonia
6. Ammonium hydroxide
7. Ammonium nitrate
8. Anthranilic acid and its salts and esters
9. Benzaldehyde
10. Benzene
11. Benzyl chloride
12. Benzyl cyanide
13. Chloroform
14. Ethyl alcohol
15. Ethylamine and its salts
16. Ethyl ether
17. Hydroiodic acid
18. Hydrochloric acid
19. Iodine
20. Isosafrol
21. Methylamine and its salts
22. Methylene chloride
23. 3,4-Methylenedioxyphenyl-2-propanone
24. Methyl ethyl ketone (2-Butanone)
25. Methyl isobutyl ketone
26. Nitroethane
27. Phenylacetic acid and its salts and esters
28. Phenyl-2-propanone
29. Piperidine and its salts
30. Piperonal
31. Potassium carbonate
32. Potassium hydroxide
33. Potassium permanganate
34. Propionic anhydride
35. Radioactive substances of high activity or long half life
36. Safrole
37. Sodium carbonate
38. Sodium hydroxide
39. Sodium sulfate
40. Sulfuric acid
41. Toluene

SCHEDULE III
HIGHLY TOXIC CHEMICALS

(Regulations 2, 4, 5, 26, 27, 36, 43, 53, 54 and 60).

1. Arsenic and its compounds
2. Asbestos and related compounds
3. Benzidine
4. Benzoic acid, 3-amino-diazotized
5. Beryllium and its compounds
6. Bis (2-chloroisopropyl) ether
7. Bromine
8. Chromium and its compounds
9. Crocidolite
10. Cyanides
11. Dianisidine
12. Dimethyl sulphate
13. "Dioxin" (chlorinated dibenzodioxins, chlorinated dibenzofurans)
14. Fluorine
15. Hydrocyanic acid
16. Hydrofluoric acid
17. Hydrogen sulphide
18. Lead Arsenate
19. Methyl isocyanate
20. 1-Naphthylamine
21. 2-Napthalamine
22. 2,4-Pentanedione
23. Organic phosphates (other than pesticides)
24. p-Phenylenediamine
25. Phosphine
26. Phosphorus and its compounds
27. Polybrominated biphenyls (PBBs)
28. Polychlorinated biphenyls (PCBs)
29. Polychlorinated terphenyls (PCTs)
30. Plutonium and its compounds
31. Tetra-ethyl lead
32. Tetra-methyl lead
33. Thallium and its compounds
34. Trifluoroethane
35. Tris (2,3 dibromopropyl) phosphate
36. o-Toluidine

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

100

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

(Regulations 2, 4, 5, 26, 27, 35, 36, 43, 53, 54 and 60).

SCHEDULE IV

**TOXIC CHEMICALS AND PRECURSORS USED IN THE
MANUFACTURE OF CHEMICAL WEAPONS**

PART A

Toxic Chemicals

1. O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates
e.g., Sarin: O-Isopropyl methylphosphonofluoridate
Soman: O-Pinacolyl methylphosphonofluoridate
2. O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) Phosphoramidocyanidates
e.g., Tabun: O-Ethyl N, N-dimethyl phosphoramidocyanidate
3. O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts
e.g., VX: O-Ethyl S-2 diisopropylaminoethyl methyl phosphonothiolate
4. Sulfur mustards: 2-Chloroethylchloromethylsulfide Mustard gas:
Bis(2-chloroethyl)sulphide Bis(2-chloroethylthio)methane
Sesquimustard: 1, 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(2-chloroethylthioethyl)ether
5. Lewisites: Lewisite 1:2-Chlorovinyl dichloroarsine
Lewisite 2: Bis(2-chlorovinyl) chloroarsine
Lewisite 3: Tris(2-chlorovinyl)arsine
6. Nitrogen mustards:
HN1 Bis(2-chloroethyl) ethylamine
HN2: Bis(2-chloroethyl) methylamine
HN3: Tris(2-chloroethyl) amine
7. Saxitoxin
8. Ricin

9. Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts
10. PFIB: 1, 1, 3, 3, 3-Pentafluoro-2-(trifluoromethyl)-1-propene
11. BZ: 3-Quinuclidinyl benzilate(*)
12. Phosgene: Carbonyl dichloride
13. Cyanogen chloride
14. Hydrogen cyanide
15. Chloropicrin: Trichloronitromethane

PART B

Precursors

1. Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides
e.g., DF: Methylphosphonyldifluoride
2. O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O2-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
3. Chlorosarin: O-Isopropyl methylphosphonochloridate
4. Chlorosoman: O-Pinacolyl methylphosphonochloridate
5. Chemicals, except those listed at Nos. 1 to 4 above, containing a phosphorus Atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms
e.g. Methylphosphonyl dichloride
Dimethyl methylphosphonate

Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate
6. N, N-Dialkyl (Me, Et, n-Pr or i or Pr) phosphoramidic dihalides
7. N, N-Dialkyl (Me, Et, n-Pr or i - Pr) N, N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidates
8. Arsenic trichloride
9. 2, 2-Diphenyl-2-hydroxyacetic acid

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

102

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

10. Quinuclidin-3-ol
11. N, N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts
12. 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
13. N, N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts
14. Thiodiglycol: Bis(2-hydroxyethyl)sulfide
15. Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol
16. Phosphorus oxychloride
17. Phosphorus trichloride
18. Phosphorus pentachloride
19. Trimethyl phosphite
20. Triethyl phosphite
21. Dimethyl phosphite
22. Diethyl phosphite
23. Sulfur monochloride
24. Sulfur dichloride
25. Thionyl chloride
26. Ethyldiethanolamine
27. Methyldiethanolamine
28. Triethanolamine

SCHEDULE V

FORM A

(Regulation 7).

REPUBLIC OF TRINIDAD AND TOBAGO

PESTICIDES AND TOXIC CHEMICALS ACT, CH. 30:03

Toxic Chemicals Regulations, 2007

Application for Registration of Toxic Chemical

(To be submitted in duplicate)

Name of Applicant

Address of Applicant

I/We

.....

hereby apply to the Pesticides and Toxic Chemicals Control Board for the registration of:

Please answer only those sections that are applicable

	Section I—Identity		REF. TO DOC.
1.1	Common name		
1.2	Chemical name		
1.3	Name in IUPAC, ISO		
1.4	Empirical formula		
1.5	Structural formula		
	Section II—Information about the product		
2.1	Is the toxic Chemical, or its production process currently covered by patents? If so, give reference		
2.2	Name, address and country of origin of supplier		
2.3	Name and address of importer		
	Section III—Use of the Product		
3.1	Use of the toxic chemical in production. State in which production process this toxic chemical is to be used Please provide detailed information of such process		

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

104

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

SCHEDULE V—Continued

	Section III—Use of the Product— Cont'd		REF. TO DOC.
3.2	Quantity of the toxic chemical to be used at any one time in the production process		
	Section IV—Packaging and Labelling of Product		
4.1	Indicate the type of packaging in which the Toxic Chemical can be imported, sold and stored		
	Section V—Disposal		
5.1	Method of destruction, neutralization and recommended procedure for dealing with spillages on land or in water including decontamination and dispersal		
5.2	Please indicate a safe method of disposal for the toxic chemical that would cause minimal contamination and damage to the environment		
	Section VI—Safety Advice		
6.1	Hazards associated with the toxic chemical and precaution to be taken when handling, storage and transportation Please indicate any special requirements		
6.2	Is there any disaster or emergency preparedness plan for chemical accidents?		
	Section VII—Physical, Chemical and Technical Properties of Product		
7.1	Physical state of product inflammability, etc		
7.2	Is the product explosive, inflammable, irritating, oxidizing		
7.3	Acidity or alkalinity		

	Section VII—Physical, Chemical and Technical Properties of Product—Continued		REF TO DOC.
7.4	Density (for liquids)		
7.3	Particle size (powder or dust)		
7.6	Corrosive properties		
7.7	Method of analyses		
7.8	Brief description of the production process of the toxic chemical, if known		
7.9	Melting point, sublimation point, decomposition temperature (degrees Celsius):		
7.10	Vapour pressure (Pa 25 degrees Celsius)		
7.11	Boiling point (degrees Celsius):		
7.12	Density D_4^{20} :		
7.13	Surface Tension (at 25°C) N/m		
7.14	Water solubility mg/l (25°C):		
7.15	Partition co-efficient n-octanol/water		
7.16	Solubility in organic solvents		
7.17	Hydrolysis stability in:		
	(a) Water		
	(b) Acid		
	(c) Alkali		
7.18	Stability in air		
7.19	Thermo-stability and effect of light		
7.20	Flashpoint (°C)		
7.21	Flammability in accordance with the definitions given in UN, TTS, ISO documents		
7.22	Oxidizing effect		
7.23	Product of combustion or Pyrolysis		
7.24	Specific gravity		
7.25	Colour, odour		
7.26	Other characteristics known to applicant		

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

106

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

SCHEDULE V—Continued

	Section VIII—Toxicological Data		REF TO DOC.
8.1	Acute oral toxicity	LD ₅₀ mg/kg (mammals)	
8.2	Acute dermal toxicity	LD ₅₀ mg/kg (mammals)	
8.3	Acute toxicity by inhalation	LD ₅₀ mg/kg (mammals)	
8.4	Skin irritation		
8.5	Irritation to eyes		
8.6	Chronic toxicity		
8.7	Carcinogenic effect		
8.8	Mutagenic effect		
8.9	Other studies on mutagenicity		
8.10	Studies on teratogenicity		
8.11	Neuro-toxicity		
8.12	Sensitization		
8.13	Human toxicity. Experience gained in the production process, by use in practice, or by poisoning case		
8.14	Antidote and first-aid measures		
8.15	Symptoms, specific signs of poisoning. Information on reported cases		
8.16	Please submit the following with this application— Technical Data Sheet Safety Data Sheet		
8.17	Are there any restrictions on its use? If yes, state the restrictions		
8.18	Is the Toxic Chemical sold and used in the country of origin? If not, give reason		

N.B.—Every application shall be treated as confidential by the Board.

Note: A copy of draft of the labels and accompanying instructions and a certified copy of the certificate of registration or similar document issued in the country of origin are to be submitted.

.....
Signature of applicant

.....
Date

FORM B

(Regulation 8).

REPUBLIC OF TRINIDAD AND TOBAGO

PESTICIDES AND TOXIC CHEMICALS ACT, CH. 30:03

Toxic Chemicals Regulations 2007

CERTIFICATE OF REGISTRATION OF A TOXIC CHEMICAL

Name of Applicant
(Surname first, if a person)

Address of Applicant
.....

This is to certify that the following Toxic Chemical is registered by the Pesticides and Toxic Chemicals Board for use in Trinidad and Tobago.

Dated day of 20

TRADE NAME OF TOXIC CHEMICAL

PHYSICAL FORM IN WHICH IT MAY BE MANUFACTURED, STORED, SOLD OR USED:

.....
.....

<i>Common Name of Toxic Chemical</i>	<i>Percentage</i>
.....	

NAME OF MANUFACTURER

ADDRESS OF MANUFACTURER

REGISTRATION NUMBER

HAZARD CLASS OF TOXIC CHEMICAL

CONDITION SUBJECT TO WHICH REGISTRATION IS GRANTED

OTHER INFORMATION

..... <i>Registrar, Pesticides and Toxic Chemicals</i>	 <i>Date</i>
---	----------------------

L.R.O. 1/2009

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

108

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

(Regulation
14).

FORM C

REPUBLIC OF TRINIDAD AND TOBAGO

PESTICIDES AND TOXIC CHEMICALS ACT, CH. 30:03

Toxic Chemicals Regulations, 2007

APPLICATION FOR A RESEARCH PERMIT

I/We of
(Name of applicant)

.....
(Address of applicant)

wish to apply for a research permit under which I/We will use
(Name of Toxic Chemical)

a toxic chemical, for research purposes.

.....
Name of Applicant

.....
Date

FORM D

[Regulation
14(6)].

REPUBLIC OF TRINIDAD AND TOBAGO

PESTICIDES AND TOXIC CHEMICALS ACT, CH. 30:03

Toxic Chemicals Regulations, 2007

RESEARCH PERMIT

..... of
(Name of applicant) (Address of applicant)

is permitted to use the following toxic chemicals for the purpose of conducting research

at
(Address where research is to be conducted)

.....
Registrar, Pesticides and Toxic Chemicals

.....
Date

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

110

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

(Regulation
17).

FORM E

REPUBLIC OF TRINIDAD AND TOBAGO

PESTICIDES AND TOXIC CHEMICALS ACT, CH. 30:03

Toxic Chemicals Regulations, 2007

APPLICATION FOR REGISTRATION OF PREMISES

(To be submitted in duplicate)

Name of applicant
(Surname first, if a person)

Address of applicant

Address of premises to be registered

.....

I/We

.....

(Owner/occupier)

hereby apply to the Pesticides and Toxic Control Board for the above premises to be registered to be used for the storage of toxic chemicals under Schedule I*, Schedule II*, Schedule III*, Schedule IV*, and Schedule VIII* for the purpose of sale*, packaging* or manufacture*.

Do the premises in respect of which the application is made conform to the requirements of Part III of the Toxic Chemicals Regulations, 2007? 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.

The receipt for the prescribed fee of \$ is submitted with this application.

Signed

Date

FOR USE BY THE BOARD

A licence is hereby granted to
to store toxic chemicals for the purpose of sale*, packaging* or manufacture* in Schedule I*,
Schedule II*, Schedule III*, Schedule IV* and Schedule VII* for a period of
.....

Dated this day of, 20.....

.....
Registrar, Pesticides and Toxic Chemicals

(STAMP)

*Cross out which do/does not apply.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

112

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

(Regulation
19(2)).

FORM F

REPUBLIC OF TRINIDAD AND TOBAGO

PESTICIDES AND TOXIC CHEMICALS ACT, CH. 30:03

Toxic Chemicals Regulations, 2007

**THE TOXIC CHEMICALS (PREMISES) REGISTRATION
CERTIFICATE**

The premises situate at

.....

and owned/leased by

.....

are registered as from

for the period of one year for the storage* of toxic chemicals in Schedule I*, Schedule II*, Schedule III*, Schedule IV* and Schedule VII* for the purpose of sale*, packaging* or manufacturing*.

Licence No.

.....

Registrar, Pesticides and Toxic Chemicals

*Cross out which do/does not apply.

FORM G

(Regulation
29).

REPUBLIC OF TRINIDAD AND TOBAGO

PESTICIDES AND TOXIC CHEMICALS ACT, CH. 30:03

Toxic Chemicals Regulations, 2007

**APPLICATION FOR APPROVAL FOR MANUFACTURE OF
OR USE OF A TOXIC CHEMICAL FOR MANUFACTURE**

I of
(Surname first, if a person) (Address of applicant)

wish to apply to have the following toxic chemical registered by the Pesticides and
Toxic Chemicals Control Board for use in Trinidad and Tobago.

TRADE NAME OF TOXIC CHEMICAL

Physical form in which it may be stored for the purpose of manufacture, packaging,
sale or use

.....

<i>Common Name of Active Ingredients in Toxic Chemical</i>	<i>Percentage</i>
.....	
.....	

NAME OF MANUFACTURER

ADDRESS OF MANUFACTURER

REGISTRATION NUMBER

HAZARD CLASS OF FORMULATION

CONDITIONS SUBJECT TO WHICH REGISTRATION IS GRANTED

.....

OTHER INFORMATION

.....

.....
Signature of applicant

.....
Date

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

114

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

(Regulation
33).

FORM H

REPUBLIC OF TRINIDAD AND TOBAGO

PESTICIDES AND TOXIC CHEMICALS ACT, CH. 30:03

Toxic Chemicals Regulations, 2007

**APPROVAL FOR MANUFACTURE OF OR USE OF A
TOXIC CHEMICAL FOR MANUFACTURE**

NAME OF APPLICANT

(Surname first, if a person)

ADDRESS OF APPLICANT

.....
This is to certify that the following toxic chemical is registered by the Pesticides and
Toxic Chemicals Control Board for use in Trinidad and Tobago.

Dated day of ,20

TRADE NAME OF TOXIC CHEMICAL

Physical form in which it may be stored for the purpose of manufacture, packaging,
sale or use

.....

Common Name of Active Ingredients in Toxic Chemical

Percentage

.....

.....

NAME OF MANUFACTURER

ADDRESS OF MANUFACTURER

REGISTRATION NUMBER

HAZARD CLASS OF FORMULATION

CONDITIONS SUBJECT TO WHICH REGISTRATION IS GRANTED

.....

OTHER INFORMATION

.....

.....
Registrar, Pesticides and Toxic Chemicals

FORM I

[Regulation
35(2)].

REPUBLIC OF TRINIDAD AND TOBAGO

PESTICIDES AND TOXIC CHEMICALS ACT, CH. 30:03

Toxic Chemicals Regulations, 2007

**APPLICATION FOR APPROVAL TO IMPORT A TOXIC
CHEMICAL**

1. NAME OF APPLICANT
(Surname first, if a person)

2. ADDRESS OF APPLICANT

3. NATURE OF BUSINESS: (Tick where appropriate)

☐ IMPORTER

☐ WHOLESALER

☐ RESEARCH

☐ RETAILER

☐ OTHER

I/We hereby apply to the
Registrar for a licence to import the following Toxic Chemicals:

FULL NAME OF TOXIC CHEMICAL

QUANTITY OF TOXIC CHEMICAL

YEARLY USAGE OF TOXIC CHEMICAL

NAME OF MANUFACTURER

ADDRESS OF MANUFACTURER

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

5. I/We declare that the particulars provided in this application are correctly and
fully stated.

Signed
Signature of applicant

.....
Date

L.R.O. 1/2009

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

116

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

(Regulations 35
and 43).

FORM J

REPUBLIC OF TRINIDAD AND TOBAGO

PESTICIDES AND TOXIC CHEMICALS ACT, CH. 30:03

Toxic Chemicals Regulations, 2007

APPROVAL TO IMPORT/EXPORT A TOXIC CHEMICAL

A licence is hereby granted to

..... to import/export the following toxic chemicals for
a period of

Dated this day of, 20

TRADE NAME OF TOXIC CHEMICAL(S)

PHYSICAL FORM IN WHICH IT MAY BE IMPORTED, EXPORTED, STORED,
SOLD OR USED

.....

.....

REGISTRATION NUMBER OF TOXIC CHEMICAL

CONDITIONS SUBJECT TO WHICH LICENCE IS GRANTED

.....

.....

OTHER INFORMATION

.....

LICENCE NO

.....
Registrar, Pesticides and Toxic Chemicals

N.B. (i) A copy of this licence must be attached to the Customs Entry or Bill of Sight
and delivered to the Pesticides and Toxic Chemicals Inspector stationed at
Customs when an application is made for clearance at Customs.

(ii) Importers are required to provide a copy of the Invoice or Bill of Sight of
the toxic chemical they are importing and deliver it to the Pesticides and
Toxic Chemicals Inspector at Customs when an application is made for
clearance at Customs.

FORM K

(Regulation
37).

REPUBLIC OF TRINIDAD AND TOBAGO

PESTICIDES AND TOXIC CHEMICALS ACT, CH. 30:03

Toxic Chemicals Regulations, 2007

**APPLICATION TO DRAW DOWN FROM TOXIC
CHEMICALS IMPORT LICENCE**

1. Name of importer
2. Licence Number and maximum amount of toxic chemicals which may be imported
under licence and which may be drawn down on each import
.....
3. Exporter in country of origin
(Name and address)
4. Other operator/agent
(Name and address)
5. Ultimate consignee
6. Toxic Chemical to be imported:
(a) Number of units (b) Weight/volume of each unit
(c) HS Number (d) Invoice Number
(e) % of mixture
7. Date of entry envisaged
8. Customs office where import authorisation will be lodged
.....
9. Point of entry into Trinidad
10. Point of exit from exporting country
11. Means of transport
12. Itinerary
13. **Declaration by applicant or where appropriate authorised representative:**
I declare that all the particulars
provided on the application are correctly stated.
Name:
Representing:
(Applicant)
Signature: Date:

L.R.O. 1/2009

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

118

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

14. *(For completion by Customs office where import authorisation is lodged).*

Number of Customs import authorisation

(Stamp)

.....

15. Registrar, Pesticides and Toxic Chemicals Control Board.

Signature:

Registrar

Date:

(Stamp)

16. Confirmation of entry into Trinidad and Tobago

(For completion by Customs at point of entry)

Date of entry:

Signature of Officer:

Date:

(Stamp)

FORM L

(Regulation
41).

REPUBLIC OF TRINIDAD AND TOBAGO

PESTICIDES AND TOXIC CHEMICALS ACT, CH. 30:03

Toxic Chemicals Regulations, 2007

**FORM OF CERTIFICATE OF DECONTAMINATION OF
FREIGHT CONTAINER**

I certify that, after inspection on
(date)

the freight container bearing identification marks:

Owner code

Serial number

Country code

Other Marks

Which had been contaminated has been
decontaminated to my satisfaction.

(Signature)

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

120

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

(Regulation
43).

FORM M

REPUBLIC OF TRINIDAD AND TOBAGO

PESTICIDES AND TOXIC CHEMICALS ACT, CH. 30:03

Toxic Chemicals Regulations, 2007

APPLICATION FOR EXPORT OF TOXIC CHEMICAL

1. Name of applicant
2. Address of applicant
3. Importer in country of destination:
4. Date of dispatch envisaged:
5. Other operator/agent
6. Ultimate consignee:
7. Nature of business:

☐ Exporter
☐ Research

☐ Wholesaler
☐ Other

I/We hereby apply to the
Registrar for a licence to export the following toxic chemicals:

..... (Full name of toxic chemical to be exported)	
..... (Number of Units)	 (Weight/Volume)
..... (HS Number)	 (% mixture)
..... (Invoice Number)	

8. The receipt for the prescribed fee of \$ is submitted with this application.

9. Declaration by applicant:

I/We declare that all the
particulars provided in this application are correctly and fully stated.

Name:
(Applicant)

Representing:

Signature:

Date:

10. (For completion by Customs where export declaration is lodged)

Number of Customs export

Signature of Officer

(Stamp)

11. Registrar, Pesticides and Toxic Chemicals.

Signature

(Registrar)

Date

(Stamp)

12. Confirmation of exit from Trinidad and Tobago.

(for completion by Customs at point of exit)

Date of exit:

Signature of Officer:

Date:

(Stamp)

(Regulation 56).

SCHEDULE VI

WARNING MARKS

Class 1



Explosive

Class 2



Poison Gas

Class 3



Flammable Liquid

Class 4



Flammable Solid

Class 4



Dangerous when wet

Class 5



Oxidizer

Class 6



Poison-Inhalation Hazard

Class 6



Poison

Class 7



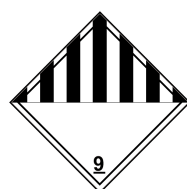
Radioactive-White I

Class 8



Corrosive

Class 9



Miscellaneous

SCHEDULE VII

(Regulations 2, 4, 5, 26, 27, 35, 36, 43, 53, 54, and 60).

QUOTA TOXIC CHEMICALS

1. O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et n-Pr or i-Pr)-phosphonofluoridates
e.g., Sarin: O-Isopropyl methylphosphonofluoridate
Soman: O-Pinacolyl methylphosphonofluoridate
2. O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N, N-dialkyl (Me, Et, n-Pr or i-Pr) Phosphoramidocyanidates
e.g., Tabun: O-Ethyl N, N-dimethyl phosphoramidocyanidate
3. O-Alkyl (H or ($\leq C_{10}$, incl. cycloalkyl) S-2dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts
e.g., VX: O-Ethyl S-2 diisopropylaminoethyl methyl phosphonothiolate
4. Sulfur mustards:- 2-Chloroethylchloromethylsulfide Mustard gas:
Bis(2-chloroethyl)sulphide Bis(2-chloroethylthio)methane
Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane 1,3-Bis(2-chloroethylthio)-n-propane, 4-Bis(2-chloroethylthio)-n-butane
1,5-Bis(2-chloroethylthio)-n-pentane Bis(2-chloroethylthiomethyl) ether O-Mustard: Bis(2-chloroethylthioethyl)ether
5. Lewisites: Lewisite 1:2-Chlorovinylchloroarsine
Lewisite 2:Bis(2-chlorovinyl)chloroarsine,
Lewisite 3:Tris(2-chlorovinyl)arsine
6. Nitrogen mustards:
HN1: Bis(2-chloroethyl)ethylamine
HN2: Bis(2-chloroethyl)methylamine
HN3: Tris(2-chloroethyl)amine
7. Saxitoxin
8. Ricin
9. Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl]
phosphorothiolate and corresponding alkylated or protonated salts
10. PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene

SCHEDULE VII—Continued

11. BZ: 3-Quinuclidinyl benzilate(*)
12. Phosgene: Carbonyl dichloride
13. Cyanogen chloride
14. Hydrogen cyanide
15. Chloropicrin: Trichloronitromethane
16. Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides
e.g., DF: Methylphosphonyldifluoride
17. O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O2-dialkyl (Me, Et, n-Pr or i-Pr)-amienoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts
e.g., QL: O-Ethyl O-2-diisopropylaminoethyl methylphosphonite
18. Chlorosarin: O-Isopropyl methylphosphonochloridate
19. Chlorosoman: O-Pinacolyl methylphosphonochloridate
20. Chemicals, except those listed at Nos. 1 to 4 above, containing a phosphorus Atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms
e.g., Methylphosphonyl dichloride
Dimethyl methylphosphonate

Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate
21. N, N-Dialkyl (Me, Et, n-Pr or i - Pr) phosphoramidic dihalides
22. N, N-Dialkyl (Me, Et, n-Pr or i -Pr) N, N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates
23. Arsenic trichloride
24. 2, 2-Diphenyl-2-hydroxyacetic acid
25. Quinuclidin-3-ol
26. N, N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts
27. 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

28. N, N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts
29. Thiodiglycol: Bis(2-hydroxyethyl)sulfide
30. Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol
31. Phosphorus oxychloride
32. Phosphorus trichloride
33. Phosphorus pentachloride
34. Trimethyl phosphite
35. Triethyl phosphite
36. Dimethyl phosphite
37. Diethyl phosphite
38. Sulfur monochloride
39. Sulfur dichloride
40. Thionyl chloride
41. Ethyldiethanolamine
42. Methyldiethanolamine
43. Triethanolamine
44. Acetic acid
45. Acetic anhydride
46. Acetone
47. N-acetylanthranilic acid and its salts and esters
48. Ammonia
49. Ammonium hydroxide

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

126

Chap. 30:03

Pesticides and Toxic Chemicals

[Subsidiary]

Toxic Chemicals Regulations

SCHEDULE VII—Continued

50. Ammonium nitrate
51. Anthranilic acid and its salts and esters
52. Benzaldehyde
53. Benzene
54. Benzyl chloride
55. Benzyl cyanide
56. Chloroform
57. Ethyl alcohol
58. Ethylamine and its salts
59. Ethyl ether
60. Hydroiodic acid
61. Hydrochloric acid
62. Iodine
63. Isosafrol
64. Methylamine and its salts
65. Methylene chloride
66. 3,4-Methylenedioxyphenyl-2-propanone
67. Methyl ethyl ketone (2-Butanone)
68. Methyl isobutyl ketone
69. Nitroethane
70. Phenylacetic acid and its salts and esters
71. Phenyl-2-propanone
72. Piperidine and its salts

- 73. Piperonal
 - 74. Potassium carbonate
 - 75. Potassium hydroxide
 - 76. Potassium permanganate
 - 77. Propionic anhydride
 - 78. Radioactive substances of high activity or long half life
 - 79. Safrole
 - 80. Sodium carbonate
 - 81. Sodium hydroxide
 - 82. Sodium sulfate
 - 83. Sulfuric acid
 - 84. Toluene
 - 85. Xylenes
-