

ANTIGUA AND BARBUDA



THE PESTICIDES AND TOXIC CHEMICALS ACT, 2008

No. 12 of 2008

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The Pesticides and Toxic Chemicals Act, 2008.

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The Pesticides and Toxic Chemicals Act, 2008.



[L.S.]

I Assent,

Louise Lake-Tack,
Governor-General.

31st December, 2008

ANTIGUA AND BARBUDA

THE PESTICIDES AND TOXIC CHEMICALS ACT, 2008

No. 12 of 2008

AN ACT to regulate the importation, storage, manufacture, sale, transportation, use and disposal of pesticides and toxic chemicals and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Pesticides and Toxic Chemicals Act, 2008, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

2. Interpretation

In this Act unless the context otherwise requires—

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

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

“analyst” (except in section 18(4)) means a person appointed as an analyst under section 7;

“antiseptic” means a substance or mixture of substances sold or represented principally for its germicidal or antimicrobial use on the skin of man or animals;

“article” includes—

- (a) any controlled product or any produce to which a controlled product is reasonably suspected to have been applied, or anything that may have been contaminated with that controlled product;
- (b) anything used for the manufacture, packing, storage, application, use or disposal of a controlled product; and
- (c) any labelling, packing or advertising material used for, or relating to, a controlled product;

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

“controlled product” means any pesticide or toxic chemical and includes any substance or product specified in Schedule 2;

“disinfectant” means a substance or mixture of substances sold or represented principally for its germicidal or antimicrobial action on inanimate objects;

“drug” means a 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;

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

“food” means food or drink for human consumption;

“importer” includes any person, whether owner, consignee agent or broker, who is in possession of an article which is brought into Antigua and Barbuda or who claims the possession, the custody or control of it;

“inspector” means a person appointed as an inspector under section 7;

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

“manufacture” includes the making, synthesizing, formulating and packaging of a controlled product and its preparation or compounding in a manner in which it is intended to be sold, marketed or distributed to the members of the public;

“manufacturer” means a person who manufactures a controlled product for his own use or for the use of others whether for profit or not;

“medical examiner” means a person appointed as a medical examiner under section 7;

“Minister” means the Minister with responsibility for Agriculture;

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

“pest” means an insect, rodent, bird, fish, mollusc, nematode, weed, fungus, bacterium, algae, virus, micro organism, or any other kind of plant or animal life that is injurious, troublesome or undesirable to any crop, stored produce, food, feed, wood, clothes, textiles, fabrics or any other inanimate objects or which are objectionable on the grounds of public health or hygiene;

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

“pesticide” means a substance which by itself, or in combination with other substances, is proposed, represented or used for destroying, controlling, repelling or mitigating plant or animal life which are considered pests but does not include an antiseptic, disinfectant, drug or preservative;

“prescribed” means prescribed by regulations made under this Act;

“preservative” means a substance which has been added to food in no greater quantity or concentration than is necessary to extend the period during which the food remains fit for human consumption;

“produce” means a crop grown for consumption or other use after severance from the

soil, and includes a produce used or which may be used in the composition of food or feed for domestic and farm animals, but does not include growing crops;

“prohibited substance” means a product or substance specified in Schedule 3;

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

“regulations” means regulations made under this Act;

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

“toxic chemical” means a disinfectant, and any other substance known to be poisonous, corrosive, irritating, sensitizing or harmful to human beings or animals but does not include an antiseptic, drug, pesticide or preservative;

“vehicle” includes any conveyance for use on land, any aircraft, and any vessel constructed or used for the purposes of carriage on, through or under water, of persons or property including air cushioned and amphibious vehicles, hydrofoil craft and hovercraft; and

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

3. Establishment and constitution of the Board

- (1) There is established the Pesticides and Toxic Chemicals Control Board.
- (2) The provision of Schedule 1 shall have effect in relation to the constitution and procedure of the Board.
- (3) The Minister may amend Schedule 1 by regulations.
- (4) The members of the Board shall be paid such fees as may be specified by the Minister in regulations.
- (5) Regulations made under subsection (3) or (4) shall be subject to negative resolution of the House.

4. Functions and duties of the Board

- (1) The Board shall—

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

(2) The Board shall perform its functions promptly and will make determinations, provide reports and certify pest control operators within a reasonable time of receiving applications or requests.

(3) Members of the Board shall have all the powers of an inspector under this Act and sections 12 and 16 shall be construed accordingly.

(4) The Minister shall designate a public officer to act as the secretary to the Board.

5. Registrar of Pesticides and Toxic Chemicals

(1) The Minister shall designate a public officer in the Ministry of Agriculture to be the Registrar of Pesticides and Toxic Chemicals under this Act.

(2) 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 required or permitted to be prescribed; and
- (c) perform such other duties as may be directed by the Board acting in accordance with this Act.

6. Licence to exterminate

(1) A person shall not engage in extermination for reward unless he is licensed as a pest control operator by the Board.

(2) A person shall not serve as an employee of a pest control operator for the purpose of carrying out an extermination, unless he complies with the regulations for the time being in force relating to employees of pest control operators.

(3) A person who contravenes the provisions of subsections (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 12 months, or to both.

7. Analysts, inspectors, medical examiners and others

(1) The Minister shall appoint suitably qualified persons to be—

- (a) analysts;
- (b) inspectors; and
- (c) medical examiners who shall be medical practitioners registered under the Medical Act, Cap. 269 or such other replacement legislation.

(2) An analyst, inspector or medical examiner appointed by the Minister shall be issued with a certificate of his designation.

(3) There may be appointed such number of other officers as may be necessary for the purposes of this Act.

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

8. Controlled product

The Minister may amend Schedule 2 by regulations after consultation with, or on the recommendation of, the Board.

9. Offences in regard to controlled products

(1) A person may register a pesticide or a toxic chemical in accordance with the regulations.

(2) A person shall not—

- (a) manufacture, import, sell, store in marketable quantities or transport a controlled product unless the product is registered as prescribed;
- (b) import a controlled product, unless he is the holder of an import licence obtained in the

prescribed manner;

- (c) store a controlled product in marketable quantities, unless the premises in which the controlled product is stored is registered as prescribed;
- (d) dispose of or transport a controlled product unless he does so in the prescribed manner;
- (e) carry on the business of a pest control operator without a licence issued under this Act; or
- (f) fail to observe a condition subject to which a controlled product is registered, a pest control operator's licence is issued, or premises for the storage of a controlled product are registered.

(3) In this section "marketable quantities" means larger quantities of the controlled product than would be reasonably necessary for the person's domestic or farm use.

(4) A person who contravenes any of the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 12 months, or to both, or on conviction on indictment to a fine and to imprisonment for a term not exceeding 3 years, or to both.

10. Regulation of prohibited substances

(1) The substances specified in the Schedule 3 shall be prohibited substances.

(2) The Minister may amend schedule 3 by regulations after consultation with, or on the recommendation of, the Board.

(3) Regulations made under subsection (2) may provide directions for the withdrawal from sale or use, and for the disposal, of any prohibited substance.

(4) A person shall not manufacture, import, sell, store or transport a prohibited substance.

(5) A person shall not dispose of a prohibited substance except in the prescribed manner.

(6) A person who contravenes subsections (4) or (5) commits an offence and is liable on summary conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 12 months, or to both, or on conviction on indictment to a fine and to imprisonment for a term not exceeding 3 years, or to both.

11. Powers of inspectors

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

(2) Subject to subsections (3) and (4) an inspector may for the purpose of exercising any of his powers under this Act enter at any reasonable time—

(a) a vehicle in which—

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

(b) a land or premises—

- (i) on which a controlled product is being or has been manufactured, packaged, stored or sold;
- (ii) which is being, or has been or is about to be used for a purpose connected with the use, manufacture, sale, packaging, storage or disposal of a controlled product; or
- (iii) which he has reasonable cause to believe to be land or premises falling within subparagraph (i) or (ii), or on which a breach of this Act has been committed.

(3) 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.

(4) Where premises or any part thereof are used as a dwelling house an inspector shall obtain a warrant before entering those premises or that part of the premises used as a dwelling house.

(5) An inspector may—

- (a) take with him when entering a vehicle, land or premises mentioned in subsection (1) a member of the police force, a medical practitioner, a public health inspector or any person who possesses expert knowledge of the use or effects of controlled products or of any class thereof;
- (b) require the production of, or seize, inspect and examine, and copy registers, records, or other documents kept under this Act and the regulations;

- (c) make such examination, inspection, investigation and enquiries as may be necessary to ascertain whether the provision of this Act and the regulations are being complied with;
- (d) 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 he may have concerning the owner or occupier thereof or the employer of workers employed to work thereon;
- (e) question, in the presence of such other person as the inspector may think fit, 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 have been employed thereon within the preceding two months;
- (f) open and examine any package that he reasonably believes to contain a controlled product;
- (g) seize and retain, subject to section 14, for such time as may be necessary any article which he reasonably suspects is being held, stored or used in contravention of this Act or the regulations;
- (h) take, without payment, samples of any substance or articles where such substance or articles are being sold, used, transported or in storage, and submit the samples to an analyst for analysis or examination; and
- (i) take, without payment and subject to the approval of the Comptroller of Customs and Excise, samples of any article imported into Antigua and Barbuda but not delivered to the importer and submit the samples to an analyst for analysis and examination.

(5) Where an item has been seized and retained for the purpose of examination or analysis, and it is found that no offence has been committed under this Act in relation to those goods, they shall be returned to the owner as soon as practicable.

(6) A person who—

- (a) resists or obstructs an inspector in the execution of his duties under this Act;
- (b) conceals a person, or prevents a person from appearing before, or being examined by, an inspector under this section;
- (c) knowingly or recklessly makes a false or misleading statement to an inspector engaged in his duties under this Act; or
- (d) removes, alters or interferes with an article seized under this section without the authority of an inspector,

commits an offence and is liable on summary conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 12 months, or to both, or on conviction on indictment to a fine and to imprisonment for a term not exceeding 3 years, or to both.

12. Analysis

Where an inspector submits to an analyst a sample in accordance with section 11(5)(h) or (i) the analyst shall analyse or examine the sample and issue to the inspector, within a reasonable time, a certificate or report of his analysis or examination.

13. Medical examiners

(1) A medical examiner shall have and may exercise in like manner all powers conferred upon an inspector by this Act, and sections 12 and 16 shall be construed accordingly.

(2) A medical examiner may, with the oral or written consent of any person whom he has cause to suspect has been harmed by a controlled product or has been exposed to risk or harm by a 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 another medical practitioner to assist him in dealing with a case of poisoning suspected to have been caused by a controlled product.

14. Detention and forfeiture of articles seized

(1) An article seized by an inspector under this Act may at his discretion be kept or stored in the building or place where it was seized or be removed to any place which he considers sufficiently secure for the purpose of storing such article.

(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 found at the time of the seizure, written notice of the grounds upon which the article was seized and shall, where appropriate, specify in such notice what is to be done to comply with this Act and the regulations.

(3) Subject to subsection (4)—

- (a) an inspector shall release any article seized by him under this Act when the relevant provisions of this Act and the regulations with respect to that article have been complied with; and
- (b) where an inspector seizes an article under this Act and the owner thereof or the person in whose possession or control the article was found 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 prescribed by the regulations or as the Minister may, on the advice of the Board direct.

(4) Where legal proceedings have been instituted in respect of a contravention of this Act or the regulations, the article seized shall not except with the approval of the Court be released or destroyed before the proceedings are finally determined.

15. Regulations

(1) The Minister may make regulations for carrying into effect the provisions of this Act and in particular, without prejudice to the generality of the foregoing—

- (a) for controlling and prohibiting the manufacture, importation, method of packaging, labelling, transportation, advertisement, sale, storage and use of any controlled product or any class of controlled products;
- (b) for controlling the use or application of pesticides in agriculture generally, or in particular crops or pests, or on produce during its storage, transportation or disposal, and for controlling the use of toxic chemicals in agriculture, the arts, sciences, commerce, industry, or for any domestic or other purposes;
- (c) 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;
- (d) for protecting the interests of owners, occupiers, and users of land or premises in the vicinity of other land or premises on or in which controlled products are used, stored or manufactured;
- (e) prescribing the maximum permissible levels of any controlled products in any particular kind or produce at the time of marketing or sale;
- (f) respecting the quantities of controlled products which may be imported or manufactured, the types of packages in which controlled products may be imported, transported or sold, and the disposal of such packages after use, unwanted stocks of controlled products of waste materials containing controlled products;
- (g) requiring the keeping of records by specified persons, the inspection of records, and the furnishing of returns by specified persons of the sales, stocks, use and disposal of controlled products and other relevant information;
- (h) imposing restrictions on specified persons or conditions as to the purpose for which, the circumstances in which, and the methods by means of which, a controlled product may be used, including restrictions or conditions involving a prohibition of the use thereof in

- particular circumstances;
- (i) prescribing the procedure for granting licences to operate as pest control operators and imposing restrictions and obligations on pest control operators and their employees including medical or other examinations which pest control operators and their employees may be required to undergo, and fixing the amount and type of insurance to be carried by pest control operators;
 - (j) imposing obligations on employers of workers employed to work as described in paragraph (c), and on such workers themselves and on other persons using or causing to be used any controlled product;
 - (k) 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 from removing sources of contamination therefrom;
 - (l) 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;
 - (m) for securing intervals between or limitations of periods of exposure of workers to controlled products to minimise risks of poisoning;
 - (n) 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, and imposing, in the case of such persons, prohibitions or restrictions on employment for working as described in paragraph (c);
 - (o) 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;
 - (p) requiring the provision and keeping in good order and safe storage of necessary antidotes and use of facilities for preventative and first aid treatment for poisoning by controlled products;
 - (q) prescribing standards not inconsistent with any compulsory standard declared;
 - (r) prescribing the manner and content of any advertisement of a controlled product;

- (s) prescribing the procedure for seeking registration of any controlled product, and the granting of licences by the Board for the importation or manufacture of any controlled product;
- (t) 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;
- (u) 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;
- (v) requiring employers and medical practitioners to report to the Board cases of death, poisoning, injury, incapacity or illness caused by a controlled product;
- (w) 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; and
- (x) specifying a kind or type of plant or animal life either as a pest, or which is not to be considered a pest, for the purposes of this Act.

(2) Regulations made under this Act may—

- (a) provide for the establishment of licensing procedure when they relate to the control of the manufacture, importation, packaging, labelling, transportation, advertisement, sale or use of any controlled product or any class of controlled products;
- (b) prescribe forms and fees for the purposes of this Act and the Regulations; and
- (c) provide for the exemption of persons or institutions concerned with scientific research in the field of pesticides and toxic chemicals.

(3) Regulations under this Act may—

- (a) make different provision in relation to different cases or circumstances;
- (b) apply in respect of particular persons or particular cases or particular classes of persons or particular classes of cases, and define a class by reference to any circumstances whatsoever; and
- (c) contain such transitional, consequential, incidental or supplementary provisions as appear

to the Minister to be necessary or expedient for the purposes of the regulations.

(4) Regulations made under this Act may create an offence punishable on summary conviction by a fine not exceeding \$25,000 or imprisonment for a term not exceeding 1 year, or both.

16. Offences by corporations

(1) Where a body corporate is guilty of an offence under this Act, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in such capacity,

he, as well as the body corporate, commits the offence and is liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

17. Evidence and sufficiency of proof

(1) Subject to this section, in a prosecution for a contravention of this Act or the regulations a certificate from an analyst stating that he has analysed or examined an article or a sample submitted to him by an inspector, or a certificate or a report from a medical examiner, shall be admissible in evidence without further proof of the contents therein,.

(2) A certificate or report shall not be received in evidence under subsection (1) unless the party intending to produce it has given the party against whom it is intended to be used fourteen days’ notice of such intention and a copy of the certificate.

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

(4) Where the capability for performing the analysis does not exist within Antigua and Barbuda the Minister may approve of the analysis being done by a qualified analyst outside Antigua and Barbuda and subsections (1) (2) and (3) shall apply to the certificate of such analyst.

18. Record keeping and reporting

(1) Any person who holds a licence or permit issued under this Act shall keep and maintain

such documents as may be prescribed at his place of business or at any other prescribed place and shall—

- (a) produce the prescribed documents to the Board on request; and
- (b) prepare, from those documents, periodic reports in a prescribed form and send the to the Registrar at the prescribed intervals.

(2) A person who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 12 months, or to both.

19. Confidentiality

(1) A person shall not, without the written consent of the person from whom they were obtained—

- (a) communicate any information or the contents of any document obtained in accordance with this Act or the regulations to any other person except the person from whom they were obtained;
- (b) allow any information or the contents of any document obtained in accordance with this Act or the regulations to be so communicated; or
- (c) allow any other person except the person from whom they were obtained to have access to any document obtained in accordance with this Act or the regulations,

except for the purpose of enforcement of this Act or in accordance with any other statutory provision.

(2) A person who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 12 months, or to both.

20. Notice of non-compliance

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

(2) A notice issued under subsection (1) shall—

- (a) specify the nature of the non-compliance;
- (b) include a request for voluntary compliance;
- (c) specify the steps which should be taken to achieve compliance; and

(d) specify the date by which compliance should be effected.

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

21. Right of Appeal

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

22. Penalties

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

23. Immunity

An inspector, medical examiner, analyst or member of the Board shall not be liable in damages for anything done or omitted in the discharge or purported discharge of any function under, or authorised by or under, this Act unless it is shown that the act or omission was in bad faith.

24. Indemnity

The Government shall indemnify a member of the Board, inspector, analyst or medical examiner against all claims, damages, costs, charges or expenses incurred by him in the discharge or purported discharge of his functions or duties under this Act and the regulations except claims, damages, costs, charges or expenses caused by his bad faith, and any sums payable under this section shall be paid out of the Consolidated Fund.

25. Application to the State

This Act binds the Crown.

26. Repeal

The Pesticides Control Act, Cap. 325 is repealed.

Section 3

SCHEDULE 1

Constitution of the Pesticides and Toxic Chemicals Control Board

1. The Board shall consist of such number of members, but not exceeding nine (9), appointed by the Minister, representing relevant interest groups in Antigua and Barbuda including but not limited to the following—

- (a) medical and health services;
- (b) agricultural services;
- (c) plant and animal health services;
- (d) trade and customs services;
- (e) bureau of standards;
- (f) chemistry and scientific services;
- (g) legal counsel; and
- (h) environmental services.

2. (1) The Minister shall appoint one of the members to be chairman of the Board.

(2) The Minister may appoint any person to act temporarily in the place of a member of the Board when a member is absent from Antigua and Barbuda or is for any other reason unable to carry out the functions of a member or attend a meeting of the Board.

(3) A person appointed under paragraph 2(b) shall not continue to carry out the functions of a member of the Board if the substantive member has notified him that he is about to assume or resume those functions.

3. (1) The members of the Board appointed by the Minister under paragraph 1 shall be appointed for such period not exceeding 3 years as the Minister shall in the appointment determine and upon expiry an appointment such appointed members shall be eligible for re-appointment.

(2) The Minister may at any time revoke the appointment of any member of the Board.

(3) The appointment and the termination of office of a member of the Board, whether by death, resignation, removal, effluxion of time or otherwise, shall be published in the *Gazette*.

4. The Minister may grant leave of absence to a member of the Board and may appoint a person to act in the place of that member.

5. Decisions of the Board shall be by a majority of votes and, in the case of an equality of votes on any question at a meeting, the chairman shall have an additional vote.

6. The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Board may determine.

7. (1) The chairman shall preside at the meetings of the Board and where the chairman is temporarily absent from any meeting the members present may elect one of themselves to act as chairman for that meeting.

(2) The chairman shall at any time call a special meeting to be held within seven days of a written requisition for that purpose addressed to him by any two members of the Board or by the Minister.

(3) The quorum shall comprise two thirds of the members of the Board including the chairman.

8. All documents made by, and all decisions of, the Board may be signified under the hand of the chairman or any member of the Board authorised to act in that behalf or by the Secretary of the Board.

9. (1) If a member of the Board has any pecuniary interest, direct or indirect, in any contract, proposed contract, licence or other matter and is present at a meeting of the Board at which the contract, proposed contract, licence or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract, proposed contract, licence or other matter or vote on any question with respect to it and shall be excluded from the meeting for the duration of the consideration, discussion and voting procedure.

(2) If any person fails to comply with the provisions of subparagraph (1) he shall be guilty of an offence and liable —

(a) on summary conviction to a fine not exceeding \$25,000 or imprisonment for a term not exceeding 1 year, or both; or

(b) on conviction on indictment to a fine or imprisonment for a term not exceeding 5 years, or both,

unless he proves that he did not know that the contract, proposed contract, licence or other matter in which he had a pecuniary interest was the subject of consideration at that meeting.

(3) A disclosure under subparagraph (1) shall be recorded in the minutes of the Board.

(4) No act or proceeding of the Board shall be questioned on the ground that a member of the Board has contravened this paragraph.

10. (1) For the purposes of paragraph 9, a member of the Board shall be treated, subject to the following provisions of this paragraph and to paragraph 11, as having indirectly a pecuniary interest in a contract, proposed contract, licence or other matter if —

- (a) he or any nominee of his is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the licence or other matter under consideration; or
- (b) he is a partner, or is in the employment of a person with whom the contract was made or is proposed to be made, or who has a direct pecuniary interest in the licence or other matter under consideration; or
- (c) he, or any partner of his is a professional adviser to a person who has a direct or indirect pecuniary interest in a contract, proposed contract, licence or other matter.

(2) Subparagraph (1) does not apply to membership of or employment under any public body.

(3) In the case of married persons the interest of one spouse shall be deemed for the purpose of paragraph 9 to be also the interest of the other.

11. (1) Paragraph 9 does not apply to an interest in a contract, proposed contract, licence or other matter which a member of the Board has as a member of the public or to an interest in any matter relating to the terms on which the right to participate in any service is offered to the public.

(2) Where a member of the Board has an indirect pecuniary interest in a contract, proposed contract, licence or other matter by reason only of a beneficial interest in securities of a company or other body, and the nominal value of those securities does not exceed \$5,000 or one-thousandth of the total nominal value of the issued share capital of the company or other body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-thousandth of the total issued share capital of that class, paragraph 9 shall not prohibit him from taking part in the consideration or discussion of the contract, proposed contract, licence or other matter or from voting on any question with respect to it, without prejudice, however, to his duty to disclose his interest.

12. Subject to this Schedule, the Board shall have the power to regulate its own proceedings.

13. The validity of any proceedings of the Board shall not be affected by any vacancy in its member-

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ship or any defect in the appointment of any of its members.

SCHEDULE 2**CLASS 1 A EXTREMELY HAZARDOUS PESTICIDES**

A-3-1	Fonofos
Acrylonitrile	
Aldicarb	Isodrin
Aluminium phosphide	Isobenzen
Carbophenothion (80% emulsifiable concentrate)	Mecarbam
Chlorfenvinphos	Mercuric chloride
Chloropicrin	Methyl bromide (bromemethane)
Coumachlor	Mevinphos (20% emulsifiable concentrate)
Coumarin	
Crimidine	Oxamlyl
Demephion – O + demephion –S (demephion)	Paraquat
Demeton –O + demeton –S (demeton) (50% emulsifiable concentrate)	Parathion
Dichlorvos	Parathion –methyl (80% emulsifiable concentrate)
Dicrotophos	Phorate
Difenacoum	Phosphamidon
Dimefox	
Disulfoton	Red squill
Endrin (24% emulsifiable concentrate)	Schradan (60% emulsifiable concentrate, 30% emulsifiable concentrate)
EBN	Sodium fluoroacetate
Ethion	TEPP (20% emulsifiable concentrate)
	Terbufos (15% granules)
	Thionazin (49% emulsifiable concentrate)
Fensulfothion	

A4

CLASS 1b (HIGHLY HAZARDOUS PESTICIDES)

(50% wettable powder)	
Demeton – S-methyl (50% emulsifiable concentrate)	Mecarban (40% emulsifiable concentrate, 68% wettable powder)
Dialifor	Medionoterb acetate
Dieldrin (20% emulsifiable concentrate)	Methidathion (40% emulsifiable concentrate, 20% emulsifiable concentrate)
DNOC	Monocrotophos
Dinoseb acetate (50% emulsifiable concentrate)	Methomyl
Dinobuton (50% wettable powder)	Mevinphos (5% emulsifiable concentrate)
Dioxathion (40% emulsifiable concentrate)	Mexacarbate (22% emulsifiable concentrate)
Diphacinone	Morphothion
Disulfoton (10% granules)	Nicotine (90% emulsifiable concentrate)
	Omethoate (dimethoate-met) (80%, 50% emulsifiable concentrate)
Endosulfan (35% emulsifiable concentrate)	Paraquat compounds (20% to 25% solutions)
Endothal – sodium (20% aqueous solution)	Parathion (20% emulsifiable concentrate)
Endothion (50% emulsifiable concentrate)	Parathion-methyl (40% emulsifiable concentrate)
Endrin (50% wettable powder)	Phenkapton
EPN (25% emulsifiable concentrate, 25% wettable powder)	Phenylmercury acetate
Ethion (80% emulsifiable concentrate, 40% emulsifiable concentrate)	Phorate (5% granules)
Ethoprophos	Phosalone
	Phosphamidon (50% wettable powder, 20% emulsifiable concentrate)
Fenamiphos (30%, 40% spray concentrate, 15% and 40% granules)	Phosfolan (25% emulsifiable concentrate)
Fensulfothion (25%, wettable powder, 10% dust, 5% granules)	Protothoate (20%, 40% emulsifiable concentrate, 40% wettable powder)
Fonofos (10% granules)	Protothoate (20%, 40% emulsifiable concentrate, 40% wettable powder)
Isodrin (50% wettable powder, 25% emulsifiable concentrate)	Thiometon (25% emulsifiable concentrate)
Isofenphos Z (emulsifiable concentrate granules)	Thionazin (10% granules, 5% granules)
	Triamiphos (25% wettable powder)
Lead arsenate	Trichloronat (20% emulsifiable concentrate)
Leptophos (emulsifiable concentrate, wettable powder, granules and dust)	
	Zinc phosphide

A-4.1	Carbofuran
Acrolein	Carbophenothion (40% emulsifiable concentrate, 25% wettable powder)
Aldrin (30% emulsifiable concentrate)	Carbophenothion methyl analogue
Aldicarb (10% granules)	Chlorfenvinphos (32% seed dressing, 24% emulsifiable concentrate)
Aminocarb (75% wettable powder)	Chlorpyrifos (35% emulsifiable concentrate)
Azinphos – methyl (25% wettable powder, 20% emulsifiable concentrate)	Coumatetralyl
Azinphos-ethyl	Crotoxyphos
Bendiocarb	
Binapacryl (40% emulsifiable concentrate)	Demephion – O + demephion - S (demephion) (30% emulsifiable concentrate)
Calcium arsenate	Demeton – O, demeton – S – methyl (‘demoton)

PART 111**CLASS C PRODUCT****A-5 Class II (Moderately hazardous) pesticides**

A-5-1	Chlordane (50% emulsifiable concentrate)
The following moderately hazardous substances and products	Chordecone (50% wettable powder)
Aldrin (50% wettable powder)	Chlordimeform
Ailidochlor (40% emulsifiable concentrate)	Chlorfenvinphos (5% dust)
Aminocarb (50% wettable powder)	Chlormequat chloride (40% aqueous solution)
Amidithion (30% emulsifiable concentrate)	Chlorobenzilate (50% emulsifiable concentrate)
Azinphos-methyl (5% dust)	Chlorpyrifos (50% wettable powder)
	C ₈ H ₁₁ O ₃ PS*. (10% granules, 25% emulsifiable concentrate, 25% wettable powder)
Bensulide (40% wettable powder)	Cruformate (25% emulsifiable concentrate)
Benquinox	2,4-D
Binapacryl (25% wettable powder)	dazomet (85% dust)
Bromophos-ethyl (80% emulsifiable concentrate)	2, 4-D8 (40% emulsifiable concentrate)
Bromoxynil (20% emulsifiable concentrate)	DDT
BPMC (50% emulsifiable concentrate)	di-allate (40% emulsifiable concentrate)
Bufencarb (10% granules) aa	dementon –S – methyl (25% emulsifiable concentrate)
Carbaryl	diazinon (60% emulsifiable concentrate)
Carbophenothion (2% dust)	dibromochloropropane
Carbophenothion dimethyl analogue (40% emulsifiable concentrate)	dichloropropane – dichloropropane mixture
Cartap	dichloropropene
	dichlofluanid
	dieldrin (50% wettable powder)
	dimethoate

dimexano
dinoseb acetate (40% wettable powder)
dinoterb acetate (25% wettable powder)
dioxacrab (5% powder, 50% wettable powder, 40% liquid concentrate)
diquat compounds (20% solution)
disulfoton (5% granules)
drazoxolon (40% aqueous suspension)

edifenphos (30%, 40% and 50% emulsifiable concentrate 1.5%, 2% and 2.5% dust)
EDB (ethylene dibromide)
Endrin (5% granules, 2% dust)
Ethion (25% wettable powder)
Ethoatemethyl (40% emulsifiable concentrate, 25% wettable powder)

Fenitrothion (50% emulsifiable concentrate)
Fentin compounds (60% wettable powder)
Formothion (25% emulsifiable concentrate)
Fonofos (5% granules)

HCH (BHC) (dusts, wettable powder, oil solutions)
Heptachlor

Ioxynil octanoate
Isaphos (320% and 50% emulsifiable concentrate, 3%, 5%, 10% and 20% granules)
Isodrin (5% granules, 2% dust)

Lindane (99% gamma-HCH) (50% wettable powder, 20% emulsifiable concentration)

Malathion (50% emulsifiable concentrate)
MCPA (50% emulsifiable concentrate)
Mecarbam (25% dust)
Mecoprop (50% solution)
Medinotarb acetate (25% wettable powder)
Methidathion (40% wettable powder)
Methiocarb (75% wettable powder)
Methomyl (10% granules)

Mexacarbate (25% wettable powder)
Morfamquat dichloride (20% solution)

Parathion (5% dust)
PCP
Pentachlorophenol (10% emulsifiable concentrate)
Phenkaption (20% emulsifiable concentrate)
Phenthoate
Phosalone (35% emulsifiable concentrate, 30% wettable powder)
Phosmet (50% wettable powder, 30%, 20% emulsifiable concentrate)
Pirimicarb (50% wettable powder)
Pirimiphos- ethyl (25%, 50% emulsifiable concentrate, 10% granules)
Profenfos (50%, 40% emulsifiable concentrate)

Opoxur (50% wettable powder, 20% emulsifiable concentrate)
Quinalphos (20%, 25% emulsifiable concentrate)
Rotenone

Sodium fluoride
Sulfallate (40% emulsifiable concentrate)
2,4,5-T (80%, 50% 40% emulsifiable concentrate)
terbumeton
thiazafluron (50%, 80% wettable powder)
thiometon
thiram (780% wettable powder)
tri-allate (40% emulsifiable concentrate)
toxaphene (60% emulifiable concentrate, 40% wettable powder, 20% granules)
triazophos (40% emulsifiable concentrate, 30% wettable powder)
tricamba
trichlorfon (50% emulsifiable concentrate)
tridimorph (75% emulsifiable concentrate)

PART IV
CLASS D PRODUCT

A-6.1**Class III (Slightly Hazardous) Pesticides**

1. The following slightly hazardous substances and products

A-6-1	Diphenamid
Acephate (75% soluble powder)	Dithianon (75% wettable powder)
Alachlor (40% emulsifiable concentrate, 15% granules)	Dodine (80% wettable powder)
Aldrin (5% dust)	DSMA
Allethrin	Endosulfan (5% dust)
Ametryn	Ethion (4% dust)
Amitraz (20% emulsifiable concentrate, 50% wettable powder)	Fenithrothion (40% wettable powder)
Aminotriazole (amitrole)	Isoprocab
Barban (50% wettable powder)	Malathion (50% wettable powder)
Binapacryl (4% dust)	Metaldehyde
Bioallethrin (d-trans allethrin)	Metham-sodium
Bromofenoxin (50% wettable powder)	Mirex
Bromophosethyl (25% wettable powder)	MAMA
$C_5H_{12}NS_8$ (Evisect)	Nicotine (11% smokes)
Chlordecone (10% dust)	Paraquat compounds (5% granules)
Cyanodenphos	Parathion (1% dust)
Cyanophos	Propachlor (65% wettable powder)
DDT (50% wettable powder, 50% emulsifiable concentrate)	Ryanie
Desmetryne	Tebuthiuron (80% wettable powder)
Diazinon (40% wettable powder)	Trichlorfon (80% wettable powder)
Dichlofluanid (50% wettable powder)	Trichloranat (5% wettable powder)
Dicofol	
Dimethoate (20% wettable powder)	

PART V
Unclassified Pesticides
CLASS E PRODUCT

3-2.1

1. The following unclassified substances and products—

Jodfenphos	Prometryn
Lenacil	Propazine
Linuron	Propham
	Propineb
	Pyrazon
Maleic hydrazide	Pyridinitril
Mancozeb	
Maneb	Quinazamid
Mebenil	Quassia
Methabenzthiazuron	Quintozene
Metiram	
methiuron	Resmethrin
methoprotryne	
methoxychlor	Salicylanilide
metobromuron	Aecbuumeton
Metolachlor	Siduron
Metribuzin	Simazine
Monalide	Streptomycin salts
	Sulphur
Naphthalene	
2-Naphthoxyacetic acid	Tecnazene
1-Naphthylacetic acid	Terbacil
Neburon	Terbuthylazine
Nitrofen	Terbutryn
	Tetrachlorvinphos
Oxine-copper	Triadefon
Oxycarboxin	Tetramethrin
Oxytetracycline	Tetrasul
	Thiabendazole
Pentanochlor	Thiophanate
Phenmidipham	Thiophanate-methyl
Phenothrin	Trifluralin
Picloram	
Profluralin	Zineb
Prometon	

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Aluminum ammonium sulphate
Aluminum sulphate
Ammonium sulphamate
Anilazine
Anthraquinone
Asulam
Atrazine
Aziprotryne
Azobenzene

Benazolin
Benfluralin
Benodanil
Benomyl
Benzoprop
Benzoximate
Bifenox
Bioresmethrin
Biphenyl
Bromacil
Bromophos
Bromopropylate
Buturon
Butylate

Camphor
Captafol
Captan
Carbetamide
Carboxin
Chloramben
Chloranil
Chlorbenside
Chlorbromuron
Chlorbufam
Chlorefenson
Chloroneb
Chlorpropham

Chlorthalmethyl
Chlorthalldimethyl
Chlorothalonil
Chlorotoluron
Chloropropylate
Chloroxuran
Cufraneb

Dalapon
Daminozide
Dicamba
Dichlobenil
1,4-dichlorobenzene dichlorophen
Didoran (ditranil)
Diflubenzuron
Dimethirimol
Dimethrin
Dinitroamine (dinitramine)
Diuron
Dodemorph
Dodicin

Ethephon
Ethirimol

Fenuron
Ferrbam
Fluometuron
Fluodifen
Fluorenol
Folpet
Gibberellic acid
Griseofulvin
Glyphosate

Hexachlorobenzene

Iodofenphos
Iron (2 +) sulphate
Isonoruron

SCHEDULE 3
PROHIBITED PRODUCTS

aldicarb (Temik)
aldrin
azinphos-ethyl (Gusathion A)
azinphos-methyl (Gusathion M. Guthion)
chlordane
DDT
demeton (Systox)
dicotophos (Bidrin)dieldrin
dimefox (Pestox XIV)
DNOC
endrin
EPNB
fensulfothion (Dasanit, Terracur P)
fluenetil (Lambrol)
fonofos (Dyfonate)
Gophacide

HCH Lindane
Heptachlor
hexachlorobenzene
mirex
parathion
parathion-methyl
pentachlorophenol ACP
phorate (Thimet)
scradan
sulfotep
TEPP
thionazin (Nemofos, Zinophos)
toxaphene
Zectran

Passed the House of Representatives on the 28th
day of August, 2008.

Passed the Senate on the 29th day of
October, 2008.

D. Gisele Isaac-Arrindell,
Speaker.

McKenzie Frank,
President.

T. Thomas,
Acting Clerk to the House of Representatives.

T. Thomas,
Acting Clerk to the Senate.