

LAWS OF GUYANA

PESTICIDES AND TOXIC CHEMICALS CONTROL ACT
CHAPTER 68:09

**Act
13 of 2000
Amended by**

13 of 2007

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1 – 203	1/2012

**Index
of
Subsidiary Legislation**

	Page
Pesticides and Toxic Chemicals Control (Furnishing of Particulars Relating to Pesticides and Toxic Chemicals) Order (O. 52/2000)	40
Pesticides and Toxic Chemicals Control (Prohibited Pesticides) Order (O. 21/2009)	41
Pesticides and Toxic Chemicals Control Regulations (Reg. 8/2004, 5/2007)	43

CHAPTER 68:09

PESTICIDES AND TOXIC CHEMICALS CONTROL ACT
ARRANGEMENT OF SECTIONS

SECTION

PART I
PRELIMINARY

1. Short title.
2. Interpretation.

PART II
GENERAL

3. Power of Minister to order the furnishing of particulars relating to composition, use effects and disposal of controlled products.

PART III
ESTABLISHMENT AND FUNCTIONS OF BOARD

4. Establishment of Pesticides and Toxic Chemicals Control Board.
5. Meeting and procedure of Board
6. Register of Pesticides and Toxic Chemicals.
7. Functions of the Board.
8. Power to delegate.
9. Power to appoint committees.
10. Appeals.

PART IV
REGISTRATION AND LICENCES

11. Registration of controlled products.
12. Licence to manufacture, import or export controlled products.
13. Licence to sell registered controlled products.
14. Registration of premises to store controlled products.
15. Regulating controlled products.
16. Application for registration, licence and authorisation.

LAWS OF GUYANA

SECTION

17. Suspension of registration, licence and authorisation and deletion of entry from register
18. Declaration by manufacturer and certificate in respect of imported or exported controlled products.
19. Prohibited pesticides.
20. Authorisation to sell restricted pesticides and registration of premises.
21. Prohibition on extermination for reward without licence.
22. Prohibited against various forms of misleading representation.
23. Maintenance of standard.

PART V ADMINISTRATION AND ENFORCEMENT

24. Staff of Board.
25. Experts
26. Appointment of analysts, inspectors and medical examiners.
27. Power of inspector to enter properties, examine, take samples, make copies of document and demand information.
28. Power of inspector regarding seizure of articles.
29. Power of inspector regarding importation.
30. Power of medical examiner.
31. Safety of workers.
32. Regulations.
33. Evidence of sufficiency of proof.
34. Offences and penalties.
35. Offences and corporations.
36. Jurisdiction.
37. Time limit on prosecutions.
38. Prosecution by inspector.

PART VI FINANCIAL PROVISIONS

39. Funds and resources of Board.

SECTION

40. Charging of fees by Board.
41. Account and Audit.
42. Exemption from tax, duty, etc.
43. Borrowing powers of Board.
44. Discharge of functions by Minister responsible for health.
45. Act binds the State.

CHAPTER 68:09

13 of 2000

[13 of 2007]

PESTICIDES AND TOXIC CHEMICALS CONTROL ACT

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

[1st OCTOBER, 2007]

Short title.

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

Interpretation.

2. In this Act –

“active ingredient” means any substance in a pesticide which acts on a pest so as to exterminate it;

“advertisement” includes any representation by any means whatever for the purpose of promoting directly or indirectly the distribution, use or disposal 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 appointed as an analyst under section 26;

“antiseptic” means any substance or mixture or 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) 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 4;

“container” means anything in which a controlled product is wholly or partly contained or packed;

“controlled product” means any pesticide or toxic chemical;

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

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

(a) diagnoses, treatment, mitigation, or prevention of

a disease, disorder, abnormal state of health or the symptoms thereof, in man or animal;

(b) restoring, correcting or modifying organic functions in man or animal;

“employer” means any person who employs a worker;

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

“food” includes any article manufactured, sold or represented for use as food or drink for man, and any ingredient that may be mixed with food or drink for any purpose whatever;

“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 extermination purposes;

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

c. 20:05

“inspector” means any person appointed as such under section 26 and includes an authorised person within the meaning of section 2 of the Environmental Protection Act;

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

“manufactured” includes the synthesizing, formulating, producing, preparing, mixing, packaging or

processing of a controlled product;

“manufacturer” means a corporation or entity in the public or private sector or any individual engaged in the business or function (whether directly or through an agent or through an entity controlled by or under contract with it) of manufacturing a controlled product;

“medical examiner” means any person so appointed under, section 26;

“Minister” means the Minister who is charged with responsibility for agriculture;

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

“pest” includes any insect, rodent , bird, fish, mollusc, nematode, fungus, weed, alga, micro-organism, virus, ectoparasites of man, ectoparasites or endoparasites of animals and any other kind of plant or animal life which is injurious, troublesome or undesirable to any crop, stored produce, feed, wood, textiles, or clothes, fabrics or other inanimate objects, which are objectionable from the point of view of public health or hygiene, and also anything which is undesirable under any enactment relating to pest control;

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

“pesticide” means any substance or mixture of substances intended for preventing, destroying or controlling any pest, including vectors of human animal disease, unwanted species of plants or animal causing harm during or otherwise interfering with the production, processing, storage, transport, or marketing of food,

agricultural and industrial commodities, wood or wood products, or animal feedstuffs or which may be administered to animals for the control of insects, arachnids or other pests in or on their bodies but the term does not include any antiseptic, disinfectant or drug;

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

“prohibited pesticide” means any pesticide of which the effects on the environment, plants, animals or human beings are considered by the Minister to be dangerous to justify its use, and which is so specified in the regulations;

“Registrar” means any person designated to be Registrar of Pesticides and Toxic Chemicals under section 6;

“regulations” means regulations made by the Minister under section 32;

“restricted pesticide” means any pesticide specified as such in the regulations or any pesticide so specified in the list of restricted pesticides of the Food and Agriculture Organisation;

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

“toxic chemical” means any disinfectant or any other substance known to be poisonous, corrosive, irritating, capable of causing a sensitive reaction or harmful to man or animal that is used in agriculture, the arts, commerce or industry, or for any domestic or other purpose, other than any antiseptic, drug or pesticide;

LAWS OF GUYANA

10

Cap. 68:09 *Pesticides and Toxic Chemicals Control*

“vehicle” includes any aircraft, container or vessel;

“worker” means a person employed in the use and handling of controlled products.

PART II GENERAL

Power of Minister to order the furnishing of particulars relating to composition use effects and disposal of controlled products.

3. (1) For the purpose of enabling him to exercise his functions under functions under this Act, the Minister may, by order, require every person who at the date of the order, or at any subsequent time carries on a business which includes the manufacture, importation, sale or use and disposal of a substance of any class specified in the order to furnish to the Registrar, within such time as may be so specified, such particulars as may be so specified of the composition and use of any such substance, which in the course of that business, are used, or sold for use, in the preparation of controlled products.

(2) Without prejudice to the generality of subsection (1), an order made thereunder may require the following particulars to be furnished in respect of any substance, that is to say –

- (a) particulars of the composition and physical and chemical properties of the substance;
- (b) particulars of the manner in which the substance is used or proposed to be used in the preparation of controlled products;
- (c) particulars of any investigations carried out by or to the knowledge of the person carrying on the business in question, for the purpose of determining whether and to what

extent the substance, or any product formed when the substance is used as aforesaid, is injurious to, or in any other ways affects health;

- (d) particulars of any investigations or inquiries carried out by or to the knowledge of the person carrying on the business in question for the purpose of determining the cumulative effect on the health of a person consuming the substance in ordinary quantities.

(3) Any person who, without the previous consent in writing of the person carrying on the business in question, discloses particulars furnished in accordance with an order under this section, or information relating to any individual business obtained by means of such particulars, except -

- (a) in accordance with directions of the Minister so far as may be necessary for the purpose of this Act; or
- (b) for the purpose of any proceedings for an offence under this Act or of any report of such proceedings, shall be guilty of an offence.

(4) Where a person who is an adult has been poisoned by a controlled product it shall be his duty, if the poisoning was not fatal, and the duty of every adult member of his household, to report such poisoning to the Chief Agricultural Officer or the Chief Medical Officer and failure to do so shall be an offence punishable on summary conviction by a fine of fifteen thousand dollars and imprisonment for two months.

LAWS OF GUYANA

12

Cap. 68:09 Pesticides and Toxic Chemicals Control

PART III ESTABLISHMENT AND FUNCTIONS OF BOARD

Establishment
of Pesticides
and Toxic
Chemicals
Control Board.

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

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

- (a)** a representative of the Environmental Protection Agency;
- (b)** representatives of the Ministries of Agriculture and Health and Labour;
- (c)** such number of persons, including representatives from non-governmental organizations or private sector agencies as the Minister thinks fit.

(3) The number of members of the Board shall not exceed seven.

(4) In respect of each member of the Board referred to in subsection (2)(a) to (c), the Minister may appoint an officer from the respective institution, as an alternative member, to act instead of the member at any meeting of the Board.

(5) The members of the Board shall be appointed by the Minister for such period not exceeding two years as may be specified in their letters of appointment and the membership of the Board as first constituted and every change in the membership thereof shall be notified in the

Gazette.

(6) The Minister shall appoint the Chairman of the Board.

(7) The deputy Chairman shall be elected from members of the Board referred to in subsection (2).

(8) The remuneration and other terms and conditions of appointment of members of the Board shall be such as may be determined by the Minister.

(9) 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.

(10) The Minister may, after consultation with the Chairman, give the Board directions of a general character as to the policy to be followed in the performance of any of its functions, and the Board shall give effect to such directions.

(11) The Board shall provide such facilities to the Minister as will enable him to verify any information furnished in pursuance of this section.

(12) A member of the Board appointed under subsection (2) (c) may resign his office at any time by giving notice in writing to the Minister through the Chairman.

Meetings and procedure of Board.

5. (1) The Minister may take regulations to regulate the procedure and business of the Board, including the intervals at which the meetings of the Board shall be held and the quorum for its meetings.

(2) Subject to the provisions of this Act, the Board may regulate its own procedure and business and may make rules for that purpose.

LAWS OF GUYANA

Registrar of
pesticides and
Toxic
Chemicals.

(3) Any minutes made of a meeting of the Board shall, if duly signed by the Chairman of the Board or other person presiding at the meeting, without further proof of any other matter or thing, be receivable in all legal proceedings as *prima facie* evidence of the proceedings of the Board of which the minutes have been made and of the meetings of the Board, in respect of the proceedings of which the minutes have been so made, having been duly convened and held.

6. (1) The Minister shall, for the purpose of this Act, by notification in the *Gazette*, appoint the Registrar of Pesticides and Toxic Chemicals who in consultation with the Board, may engage such other employees as he thinks necessary for the proper carrying out of the provisions of this Act at such remuneration and on such terms and conditions as he thinks fit.

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

(3) The Registrar shall –

- (a) keep and maintain such registers as the Board deems necessary, including registers of all licences issued under this Act;
- (b) enter in the registers kept by him such information as may be specified by the Board or prescribed by regulations;
- (c) give the inspectors and analyst such information as may be necessary for carrying out the purposes of this Act;
- (d) and perform such other duties as may

be assigned to him by the Board.

Functions of the
Board
[13 of 2007]

(4) The Board shall pay the Registrar such remuneration and allowances as the Minister thinks fit.

7. (1) The functions of the Board shall be –

- (a) to register pesticides and toxic chemicals;
- (b) to license person to import, export or manufacture registered pesticides and toxic chemicals;
- (c) to authorise persons to sell restricted pesticides;
- (d) to register premises in which a restricted pesticide may be sold;
- (e) to license pest control operators;
- (f) to consider and determine applications made pursuant to this Act and to deal with all aspects of the importation, exportation, manufacture, transportation, storage, packaging, preparation for sale, sale, use and disposal of pesticides and toxic chemicals and to advise the Minister on all matters in relation thereto;
- (g) to advise the Minister on matters relevant to the making of regulations under this Act, and to monitor the implementation of these regulations;
- (h) to furnish such returns as the Minister

LAWS OF GUYANA

16

Cap. 68:09 Pesticides and Toxic Chemicals Control

may from time to time require;

- (i) to promote education and public awareness on the use of and attendant dangers to health of a controlled product;
- (ia) to provide information and advice as is required to fulfill Guyana's obligations under international agreements;
- (ib) to oversee Guyana's implementation of International agreements.
- (j) to exercise and perform such other functions conferred upon it by or under this Act;
- (k) with the approval of the Minister, to make such provision as it thinks appropriate for the payment of pension, gratuity, or other allowances in respect of the service of its officers and other employees on their retirement therefrom.

(2) In subsections (1)(ia) and (ib), "international agreements" means international agreements to which Guyana is a party concerning the manufacture, importation, exportation, transportation, storage, sale, use or disposal of pesticides or toxic chemicals.

Power to
delegate.

8. (1) Where under this Act any power, duty or authority is granted to or vested in the Minister, he may in writing, subject to the approval of the President, delegate that power, duty or authority to the Chief Executive Officer of the Environmental Protection Agency or any officer or officers of the Ministry, subject to such limitations, restrictions,

conditions and requirements as the Minister may set out in the delegation.

(2) The Board may, with the approval of the Minister, delegate to any of its members the power and authority to carry out on its behalf such of its function as the Board may determine.

Power to appoint committees.

9. (1) The Board may appoint such committees as it thinks fit.

(2) A committee appointed by the Board under subsection (1) may consist only of the members of the Board or may consist of such members and other persons.

Appeals.

(3) Subject to the provisions of this section, the constitution, functions and procedure of a committee appointed under subsection (1) by the Board, shall be determined by the Board.

(4) Where persons, not being members of the Board, are members of a committee appointed under subsection (1), the Board may pay such persons such remuneration or allowances as the Board thinks fit.

Registration of controlled products.
[13 of 2007]

Licence to manufacture, import or export controlled products.
[13 of 2007]

Licence to sell registered

PART IV
REGISTRATION AND LICENCES

11. No person shall manufacture, or import, export, advertise, sell, use, store or transport any controlled product unless such product is register in the prescribed manner.

12. No person shall manufacture, or import any registered controlled product unless he first obtains in the prescribed manner a licence to manufacture, import or export

controlled products.

as the case may require, that product, and shall comply with such conditions as may be stipulated in the license.

Registration of premises to store controlled products.

13. Any person wishing to sell a registered controlled product shall obtain from the Board a licence entitling him to sell registered controlled products, and shall comply with such conditions as may be stipulated in the licence.

Regulating controlled products.
[13 of 2007]

14. (1) No person shall store a controlled product in marketable quantities, unless the premises in which the controlled products are stored, is registered as prescribed.

(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 reasonable be necessary for his domestic use.

15. No person shall manufacture, import, export, handle, use, store in marketable quantities, dispose of or transport a controlled product unless the person does so in the prescribed manner and where there is available an antidote for the controlled product or an antidote therefor has been manufactured such person can make available the antidote when necessary.

Application for registration, licence and authorisation.
[13 of 2007]

16. (1) Every application for the registration of a controlled product, for a licence to manufacture, import, export or sell a registered controlled product, for a permit to purchase or use a controlled product, for authorisation to sell a restricted pesticide, for registration of the premises in which such restricted pesticide, may be sold, or in which a controlled product is stored in marketable quantities or for registration as a pest control operator, shall be made on the prescribed form and be accompanied by the relevant prescribed fee. Subject to the provisions of this Act, the Board may grant any such application on such terms and conditions as it thinks fit, may refuse any such application, and may at any time after an application has been granted, revoke any licence,

certificate, authorisation or permit issued pursuant to that application, but before any such licence, certificate, authorisation or permit is revoked, the holder thereof shall be given a reasonable opportunity of making representations.

(2) The Registrar shall issue to every person whose application made pursuant to this section is granted, the appropriate licence or certificate of registration or authorisation or permit as the case may require, in the prescribed form.

Suspension of registration, licence and authorisation and deletion of entry from register.

17. (1) If any person who has obtained any registration, licence, authorisation or permit pursuant to this Act, is found upon enquiry by the Board to have procured such registration, license, authorisation or, permit as the case may be, as a result of any misleading, false or fraudulent representation, the Board may after investigations, either suspend that registration, license, authorisation or permit, as the case may be, for a period not exceeding one year or direct the Registrar to delete the relevant entry from the appropriate register:

Provided that the holder of such registration, licence, authorisation or permit is given a reasonable opportunity of making representations before any such suspension or direction to delete is effected.

(2) The Board may at any time, if necessary direct any entry which has been deleted from a register pursuant to subsection (1) to be reinstated.

(3) The Board may, as soon as practicable after –

- (a) any registration, licence, authorisation or permit has been suspended or deleted from a register; or
- (b) the re-instatement of any registration, licence, authorisation or permit which

was deleted from a register, cause notice of the appropriate fact to be published in the *Gazette*.

(4) Whenever any registration, licence, authorisation or permit is deleted from a register, the Board may in writing require the person to whom such registration, license, authorisation or permit had been granted to return to the Registrar the relevant certificate of registration, licence, and authorisation or permit as the case may be, and such person shall comply with the requirement.

Declaration by manufacturer and certificate in respect of imported or exported controlled products.
[13 of 2007]

18. (1) The Minister may order that the manufacturer of any controlled product shall furnish a declaration in the prescribed form that the product in question as manufactured by him has been made in accordance with all requirements of this Act, and any person who fails to comply with any such order is guilty of an offence.

(2) Except as provided by the regulations, no controlled product shall be imported into Guyana unless the product wholly conforms to the law of the country in which it was manufactured or produced and is accompanied by a certificate from the regulatory Agency in the prescribed form and manner that the article does not contravene any known requirement of the law of that country.

(3) Except as provided by the regulations, no controlled product shall be exported from Guyana unless the product wholly conforms to the law of Guyana and is accompanied by a certificate from the Board in the form determined by the Board that the product does not contravene any known requirement of Guyana.

Prohibited pesticides.
[13 of 2007]

19. (1) The Minister may, by order made after consultation with the Board, specify either or both of following for the purposes of this Act-

(a) pesticides that shall not be imported

into or used in Guyana;

- (b) pesticides that shall not be exported from Guyana.

(2) The Minister may, by order from time to time, after consultation with the Board amend any order made under subsection (1).

(3) An order made under this section may provide for the withdrawal from sale or use, and for the disposal of, any pesticide specified in the order.

Authorisation
to sell
restricted
pesticides and
registration of
premises.

20. (1) No person shall sell restricted pesticide unless

—

- (a) he is authorised in the prescribed manner to do so;
- (b) the premises in which the sale is carried out has been registered in the prescribed manner for the purpose; and
- (c) the sale is carried out in accordance with other requirements as may be prescribed.

(2) The Minister shall, by order, after consultation with the Board specify the restricted pesticides.

Prohibition on
extermination
for reward
without licence.

21. (1) No person shall engage in or perform or offer to perform an extermination for reward unless he is licensed as a pest control operator by the Board in the prescribed manner or, subject to subsection (2), is an employee of such operator.

(2) No person shall serve as an employee of a pest control operator for the purpose of carrying out extermination unless he complies with the regulations being in force relating

to employees of pest control operators.

Prohibition
against various
forms of
misleading
representation.

22. (1) Any person who packages, labels, treats, processes, sells or advertises any controlled product in a manner that is false, misleading or deceptive, or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit, or safety, or is inconsistent with the information supplied to the Board at the time of the application for registration, is guilty of an offence.

(2) A product that is not labelled or packaged as required by the regulations, or is labelled or packaged contrary to the regulations shall be deemed to be labelled or packaged contrary to subsection (1).

Maintenance of
standard.

23. Where a standard has been prescribed for a controlled product any person who labels, packages, sells or advertised any article in such a manner that it is likely to be mistaken for such product, is unless the article complies with the prescribed standard, guilty of an offence.

PART V

ADMINISTRATION AND ENFORCEMENT

Staff of Board.

24. The Board may employ at such remuneration and on such other terms and conditions as it thinks fit such officers and other employees as the Board deems necessary for the purpose of carrying out its functions.

Experts.

25. The Board may, at any time, retain the services of experts and other professional persons (including consultants) having specialized knowledge relevant to the Board's functions and may pay such persons such remuneration in respect thereof as the Board, with the approval of the Minister may determine.

Appointment of
analysts,
inspectors and
medical
examiners.

26. (1) The minister may appoint such number of fit and proper persons to be analysts, inspectors and medical examiners for the purpose of this Act and notice of any such

appointment shall be published in the *Gazette* and shall be officially and judicially noticed.

(2) The Minister shall furnish every person appointed by him under subsection (1) with a certificate of his appointment.

Power of
inspector to
enter properties,
examine, take
samples, make
copies of
documents and
demand
information.

27. (1) Any 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;

any land or premises –

- (i) in which an extermination is about to be, is being or has been carried out;
- (ii) on which a controlled product is being or has been, or is about to be used, manufactured, sold, packaged, stored, kept for sale or disposed of;
- (iii) which is being, or has been, or is about to be used for a purpose connected with the

LAWS OF GUYANA

- use, manufacture, sale, packaging, or storage of a controlled product;
- (iv) on which things required by the regulations to be provided or done have been provided or done; or
- (v) which he has reasonable cause to believe to be land or premises falling within subparagraph (ii), (iii) or (iv) and may make such examinations and enquires as he may deem necessary;
- (c) open and examine any receptacle or package found in any premises or vehicle mentioned in paragraphs (a) and (b) that he reasonably believes contain any controlled product;
- (d) examine any books, documents or other records found in any place mentioned in paragraphs (a) and (b) which on reasonable grounds he believes contain or are likely to contain any information relevant to the enforcement of this Act and make copies thereof or extracts therefrom.
- (e) seize and detain for so long as may be necessary for the purpose of any examination, investigation, trial or inquiry, any article by means of or in relation to which he reasonably believes any provision of this Act has been contravened;
- (f) take without payment samples of any

article where such article is being sold, used or transported or is in storage, and submit them to any analyst for analysis or examination;

- (g) take without payment, samples of any article when imported into Guyana but not delivered to the importer out of the charge of the Customs and Excise Department and submit them to an analyst for analysis or examination.

(2) For the purpose of subsection (1) the expression “article to which the Act applies” includes –

- (a) any pesticide of toxic chemical;
- (b) anything used for the manufacture, formulation, package or storing thereof, and any labelling or advertising material.

(3) An inspector on entering a vehicle, land or premises pursuant to subsection (1) shall if so required, produced his certificate of appointment to the person in charge thereof.

(4) An inspector may, 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, public health inspector and any person who possesses expert knowledge of the use or effects of pesticides and toxic chemicals.

(5) The owner or person in charge of any land, premises or vehicle entered by an inspector pursuant to subsection (1), and every person found therein, shall give the

LAWS OF GUYANA

26

Cap. 68:09 Pesticides and Toxic Chemicals Control

inspector all reasonable assistance in their power and shall furnish him such information in their possession as he may reasonably require.

(6) Any person who-

- (a) fails to comply with subsection (5);
- (b) obstruct an inspector in the carrying out of his duties under this Act;
- (c) knowingly makes any false or misleading statement either verbally or in writing to any inspector engaged in carrying out his duties under this Act; or
- (d) removes, alters or interferes in any way with any article seized under this Act without the authority of an inspector, is guilty of an offence.

(7) (a) An inspector may submit an article seized by him or any sample there from or any sample taken by him to an analyst for analysis or examination;

- (b) Where an analyst has made an analysis or examination he shall issue to the inspector a certificate or report setting forth the results of his analysis or examination.

Power of
inspector
regarding
seizure of
articles.

28. (1) Any article seized under this Act may at the option of an inspector be kept or stored in the building or place where it was seized or may at the direction of an inspector be removed to any other proper place.

(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 be reasonably be done to comply with the provisions of this Act and the regulations.

(3) A notice under subsection (2) shall be given to the person or each of the persons entitled to receive the same by delivering it personally to such person or sending it by registered post to his usual place of abode or business premises, or, if the usual place of abode or business premises of such person is not known or if the person refused to receive the notice, by publishing the notice in one newspaper having daily circulation in Guyana.

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

Power of
inspector
regarding
importation.
[13 of 2007]

29. (1) An inspector has the right to examine any customs entries of controlled products imported or to be exported from Guyana and to take samples thereof and to submit the samples to any analyst for analysis or examination.

(2) In any case where the samples are taken such products shall not be delivered to the importer or exporter (as the case may be) until the analyst has reported upon the samples taken.

(3) In the case of a product to be imported into Guyana –

- (a) if it appears from the report of the inspector or analyst that the sale or use of product in Guyana would contravene this Act, the product shall not be admitted into Guyana;

- (b) otherwise the product shall, subject to any other law, be admitted into Guyana.

(3A) In the case of a product to be exported from Guyana to another country –

- (a) if it appears from the report of the inspector analyst that exportation of the product to the country concerned is not authorised by an export licence issued by the Board, the product shall not be exported from Guyana; and
- (b) otherwise, the product shall, subject to any other law, be permitted to be exported to that country.

(4) An inspector shall release any article seized by him under this Act with respect thereto have complied with.

(5) Where an inspector has seized 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 to the destruction thereof the article shall therefrom be forfeited to the State and may be destroyed or otherwise disposed of as the Minister may direct on the advice of the Board.

(6) Where a person has been convicted of an offence against this Act, the court may order that all articles in respect of which the offence was committed be forfeited to the State and may be destroyed or otherwise disposed of as the Minister may direct on the advice of the Board.

Power of
medical
examiner.

30. (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 a 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

Safety of workers.

31. (1) Where it appears to the Board that any controlled product at the place of employment of any workers is likely to cause risk of bodily injury to him, the Board may serve on the employer a notice in writing specifying the measures which should be adopted to remove the risk of bodily injury and requiring the measures to be carried out before a date to be specified in the notice.

(2) The Board may in writing give directions to any employer –

- (a) to exhibit by notice before a specified date, in a conspicuous manner at his place of business, a warning that controlled products are likely to cause poisoning, or bodily injury, or explosions, and the notice shall be in such form as may be specified by the Board;
- (b) to take such special precautions as it may deem necessary to protect workers who because of their state of health, age or other circumstances are subject to particular risks of poisoning by controlled products;
- (c) to provide periodical medical examinations of workers as

prescribed by regulations.

(3) All medical examiners and other medical practitioners shall submit to the Board on a quarterly basis reports on the treatment of patients for poisoning (accidental and deliberate) by pesticides and toxic chemicals.

Regulations.
[13 of 2007]

32. The Minister may make regulations for carrying the purposes and provisions of this Act into effect, and in particular, but without prejudice to the generality of the foregoing, may make regulations –

- (a) prohibiting or controlling the manufacture, importation, exportation, method of packaging, labelling, transportation, advertisement, sale, use and disposal of any controlled product;
- (b) for controlling the use of pesticides in agriculture generally, or in particular, on crops or pests, and for controlling the use of toxic chemicals in agriculture, the arts, commerce, industry, or for any domestic or other purposes;
- (c) for controlling the pesticides on produce during its storage or transporting;
- (d) for controlling the conditions under which controlled products are stored;
- (e) 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 or in which controlled products have been or are being used, stored or manufactured;
- (f) for protecting the interest of owners, occupiers, or users of land or premises adjacent to land or premises on or on which controlled products are used, stored or manufactured;
 - (g) for protecting persons against the risk of poisoning or other injury by controlled products;
 - (h) prescribing the maximum permissible level of any controlled product in any particular kind of produce at the time of marketing or sale;
 - (i) respecting the quantities of controlled products which may be imported, exported, or manufactured and the 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 waste materials containing controlled products;
 - (j) requiring the keeping and inspection of records and the furnishing of returns of sales, stocks, and the use or disposal of controlled products and other relevant information;

LAWS OF GUYANA

32

Cap. 68:09 Pesticides and Toxic Chemicals Control

- (k) restricting or prohibiting the use of particular controlled products or classes of controlled products;
- (l) imposing restriction and obligations on pest control, operators;
- (m) imposing duties on employees or workers, on the worker themselves and on others using controlled products;
- (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 from contamination by controlled products, or for removing sources of contamination therefrom;
- (o) prescribing the manner and contents of any advertisement of a controlled product;
- (p) prescribing the method of packaging and labelling of any controlled product;
- (q) requiring the provision and keeping in good order and use of facilities for preventative and first aid treatment for poisoning by controlled products;
- (r) requiring employers to provide, and the necessity for workers to submit to,

instruction and training in the use of any machine, apparatus or facility provided in the pursuance of this Act;

- (s) requiring employers to report to the Board cases of death, poisoning, injury, incapacity, or illness caused by any controlled product;
- (t) prescribing standards and setting limits to the amount of controlled product that may be present in the air of premises where controlled products are used, manufactured, sold or stored, or in water or in waste material coming from such premises;
- (u) requiring the observance of precautions against poisoning by controlled products, including the abstention from eating, drinking, and the use of tobacco in circumstances involving the risk of poisoning;
- (v) for securing intervals between or limitation of periods if exposure of workers to controlled products to minimise risks of poisoning;
- (w) requiring importers, exporters, manufacturers and distributors to provide education and training for the safe use of controlled products; and
- (x) regarding any other matter which is required to be prescribed under this Act.

Evidence and sufficiency of proof.

33. (1) A certificate of an analyst stating that he has

examined or analysed an article or sample for the purposes of this Act and stating the result of his examination or analysis, or a certificate or report or a medical examiner shall be admissible in evidence in a prosecution for a contravention of this Act and shall be *prima facie* evidence of the statements contained in the certificate; if in any such proceeding an analyst is called an expert, the party calling him shall, unless the magistrate otherwise expressly orders, pay all costs occasioned by his having been so called.

(2) Proof that a package containing any article to which this Act applies bore a name or address purporting to be the name or address of the person by whom it was manufactured or packaged is *prima facie* evidence in a prosecution for an offence against this Act that the article was manufactured or packaged by the person whose name or address appeared on the package.

(3) In a prosecution for an offence against this Act, a copy of any document or record or an extract therefrom certified to be a true copy by the inspector who made it pursuant to section 27 (1) (d) is receivable in the proceeding as *prima facie* evidence of the contents thereof.

(4) In a prosecution for an offence against this Act it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent has been prosecuted for the offence; and for the purposes of this subsection, any person selling or ostensibly employed to sell shall be presumed to be employed to sell.

Offence and
penalties.

[13 of 2007]

34. (1) A person is guilty of an offence-

- (a) manufactures, imports, or exports, sells or uses a controlled product in contravention of this Act or the regulations;

- (b) assaults, resists, intimidates, obstructs, or prevents an inspector in the execution of his duties under this Act or the regulations;
- (c) by an gratuity, bribe, promise or other inducement prevents or attempts to prevent an inspector from carrying out his duties under this Act or regulations;
- (d) removes, alters or interferes in any way with any articles seized under this Act without the authority of an inspector;
- (e) fails to comply with any requirements imposed by an inspector under section 27;
- (f) operates as pest control operator in contravention of the regulations, or in breach of any condition subject to the regulations, or in breach of any condition subject to which a licence was granted to him under the regulations;
- (g) fails to keep any record which he is required to keep by the regulations;
- (h) wilfully makes a false entry in register, record, return or other document kept or furnished in pursuance of the regulations, or wilfully makes the use of such false entry;
- (i) being an inspector or other office designated or appointed under this

Act he accepts or solicits any bribe in connection with any matter arising in the performance of any function with any of his functions pursuant to this Act;

- (j) conceals or prevents any person from appearing before an inspector under section 27;
- (k) knowingly or recklessly makes any false or misleading statement either orally or in writing to any inspector engaged in exercising his power under this Act or the regulations;
- (l) contravenes any provisions of this Act or the regulations.

(2) Any person who commits an offence against this Act is liable –

- (a) on summary conviction for a first offence to a fine of not less than five thousand dollars and to imprisonment for three months, and for a subsequent offence to a fine not less than twenty-five thousand dollars and not more than two hundred thousand dollars and to imprisonment for six months;
- (b) on conviction upon indictment to a fine of not less than fifty thousand dollars and not more than five hundred thousand dollars and to imprisonment for six months;

(3) 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 of magistrate thinks fit.

Offences by corporation.

35. Where an offence against this Act is committed by a body corporate, any person who at the time of 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.

36. A prosecution for an offence against the Act may be instituted, heard, tried or determined in the place in which the offence was committed or the subject matter of the prosecution arose or in any place which the accused is apprehended or happens to be.

Time limit on prosecutions.

37. A prosecution for a contravention of this Act or the regulations may be instituted at any time within six months from the time the subject matter of the prosecution arose.

Prosecution by inspector.

38. An inspector may institute proceedings under this Act before a court of summary jurisdiction and has power to conduct any proceedings, so constituted by him.

PART VI

FINANCIAL PROVISIONS

Funds and resources of Board.

39. The funds and resources of the Board shall consist of –

(a) such sums as may be provided to the Board by or under an appropriation

law;

- (b) such fees as may be charged by the Board for services rendered by it;
- (c) such moneys or other assets as may accrue to or vest in the Board by way of grants, subsides, bequests, donations or gifts; and
- (d) all other sums or property which may in any manner be received by, or become payable to, or be vested in the Board in the performance of its functions or in respect of any matter incidental thereto.

Charging of fees
by the Board.

40. The Board may charge fees for any services rendered by it under this Act.

Account and
audit.

41. (1) The Board may for the purpose of carrying out its functions under this Act, open and operate any current savings account or any type of account with any banks in Guyana.

(2) The Board shall keep accounts of its transaction to the satisfaction of the Minister and the accounts shall be audited annually by an auditor appointed by the Minister.

(3) The members, officers and other employees of the Board shall grant to the auditor appointed under subsection (2) access to all books, documents, cash and securities of the Board and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Board.

c. 73:01.

(4) For the removal of doubt it is hereby declared

Exemption from tax, duty etc.
c.81:01
c. 82:02
c. 80:02

that the provisions of this section are without prejudice to the powers of the Auditor General under the Financial Administration and Audit Act to audit the accounts of the Board.

Borrowing powers of Board.

Discharge of functions by Minister responsible for Health.

Act binds the State

42. (1) The Board shall be exempt from the payment of income tax under the Income Tax, Import or export duties of customs under the Customs Act, and consumption tax under Consumption Tax Act.

(2) The Minister responsible for finance may, by order, which shall be subject to affirmative resolution of the National Assembly exempt the Board from payment wholly or partly of any tax or duty, not being a tax or duty referred to in subsection (1) or rate, levy or other charge payable under any written law for the time being in force.

43. The Minister responsible for finance may, by order, which shall be subject to affirmative resolution of the National Assembly exempt the Board from payment wholly or partly of any tax or duty, not being a tax or duty referred to in subsection (1) or rate, levy or other charge payable under any written law for the time being in force.

44. Where in this Act a function of the Minister or the Board also properly falls within the functions of the Minister responsible for health or a public officer in the Ministry of Health, such functions may, in cooperation with the Minister or the Board and with the approval of the President, be discharged By the Minister responsible for health or a public officer in his ministry.

45. This Act binds the State.

LAWS OF GUYANA

40

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Control (Furnishing of Particulars Relating to Pesticides and Toxic Chemicals) Order

O. 52/2000

PESTICIDES AND TOXIC CHEMICALS CONTROL (FURNISHING OF PARTICULARS RELATING TO PESTICIDES AND TOXIC CHEMICALS) ORDER

made under section 3(1)

Citation.

1. This Order may be cited as the Pesticides and Toxic Chemicals Control (Furnishing of Particulars Relating to Pesticides and Toxic Chemicals) Order.

Furnishing of particulars.

2. Every person who carries on a business which includes the manufacture, importation, sale or use and disposal of any pesticide or toxic chemical shall furnish to the Registrar of Pesticides and Toxic Chemicals on or before April 30, 2001, such particulars as specified hereunder –

- (a) chemical name;
- (b) trade name;
- (c) type of pesticide or toxic chemical;
- (d) name and address of manufacturer;
- (e) chemical composition;
- (f) physical composition;
- (g) formulations;
- (h) target organisms;
- (i) directions for use;
- (j) recommended crops;
- (k) toxicity;

LAWS OF GUYANA

Pesticides and Toxic Chemicals Control **Cap. 68:09**

41

[Subsidiary]

Pesticides and Toxic Chemicals Control (Prohibited Pesticides) Order

- (l) material safety data sheet from manufacturer.
-

PESTICIDES AND TOXIC CHEMICALS CONTROL (PROHIBITED PESTICIDES) ORDER

made under section 19(1)

1. This Order may be cited as the Pesticides and Toxic Chemicals Control (Prohibited Pesticides) Order.

2. The following pesticides shall not be imported into or used in Guyana—

- (a) Aldrin;
- (b) Captafol;
- (c) Chlordane;
- (d) Chlordimeform;
- (e) Chlorobenzilate;
- (f) Dieldrin;
- (g) Dinoseb;
- (h) Endrin;
- (i) Fluoroacetamide;
- (j) Heptachlor;
- (k) Hexachlorobenzene;

LAWS OF GUYANA

42

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Control (Prohibited Pesticides) Order

- (l) Lindane;
 - (m) Mercuric Chloride;
 - (n) Methyl Parathion;
 - (o) Mirex;
 - (p) Mixed Isomers of Hexachlorocyclohexane;
 - (q) Parathion
 - (r) Pentachlorophenol;
 - (s) Phosphamidon;
 - (t) Toxaphene;
 - (u) Tributyltin;
 - (v) 1-2-Dibromoethane;
 - (w) 2,4,5-T and its salt and esters.
-

reg. 8/2004,
5/2007

PESTICIDES AND TOXIC CHEMICALS REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

PART I

PRELIMINARY

1. Citation.
2. Interpretation.

PART II

**PESTICIDE AND TOXIC CHEMICAL REGISTRATION AND
CLASSIFICATION PROCEDURE**

3. Pests.
4. Products that are not pesticides because they are not for use against pests.
5. Products that are not pesticides because they are not deemed to be used for a pesticidal effect.
6. Pesticide products required to be registered.
7. Minimum risk pesticides.
8. Emergency exemption.
9. Export and trans-shipment.

REGULATION

10. Transportation for disposal.
11. Existing stocks of a formerly registered pesticide or toxic chemical.
12. Transferral between registered establishments.
13. Board classification.
14. Prohibited pesticide or toxic chemical.
15. Restricted pesticide or toxic chemical.
16. Unconditional pesticide or toxic chemical.
17. Conditional pesticide or toxic chemical.
18. New product registration.
19. New use registration.
20. Similar product registration.
21. Amended registration.
22. Applicant for registration.
23. Application for registration of a pesticide or toxic chemical.
24. Content of application.
25. Format of data submission.
26. Individual scientific or field studies.
27. Waivers of data requirements.

[Subsidiary]	<i>Pesticides and Toxic Chemicals Regulations</i>
---------------------	---

REGULATION

28. Waiver request submission.
29. Confidentiality of submission.
30. Termination of application.
31. Register's recommendation.
32. Denial of registration.
33. Notification of denial.
34. Registration fee.
35. Registration suspension.
36. Automatic registration cancellation.
37. Cancellation initiated by the Registrar.
38. Voluntary cancellation.
39. Registration transfer.
40. Disposition of stocks of suspended or cancelled pesticide.

PART III

PESTICIDE LABELLING

41. Commencement of Part.
42. General labelling provisions.
43. Label contents.

LAWS OF GUYANA

46

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

REGULATION

44. Prominence and legibility.
45. Language.
46. Label placement.
47. Transportation.
48. Storage.
49. False or misleading pesticide labelling.
50. Final product labelling.
51. Name, brand or trademark.
52. Manufacturer or registrant.
53. Net weight or measure of contents.
54. Pesticide registration number.
55. Establishment registration number.
56. Ingredient statement.
57. Warnings or precautionary statements.
58. Directions for use.
59. Contents of directions for use.
60. Statement of use classification.
61. Scope.
62. General restrictions.

REGULATION

63. Restricted entry prohibition.
64. Restricted entry interval statement.
65. Restricted entry interval determination.
66. REI for single active ingredient pesticides.
67. REI for multiple active ingredient pesticides.
68. REI exemption for fumigants.
69. Pesticide applicator notification.
70. Pesticide applicator protective equipment.
71. Label statement.
72. Glove specifications.
73. Respiratory requirement.
74. PPE for early-entry workers.
75. Advertising.
76. Conflicts.
77. Advertiser's requirement.

PART IV

CERTIFICATION OF PESTICIDE APPLICATORS

78. Commencement of Part.
79. Pesticide end-user requirements.

LAWS OF GUYANA

48

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

REGULATION

80. Restricted pesticides.
81. Protection of Persons, Animals, and Property.
82. Pesticide applicator certification.
83. Categorisation of commercial applicators.
84. General standards for certification.
85. Specific standards for certification.
86. Standards for certification of private applicators.
87. Certification procedure.
88. Notification of results.
89. Validity of certification.
90. Re-examination.
91. Certificate renewal.
92. Commercial applicator record keeping requirements.
93. Suspension and revocation of certificate.

PART V

PESTICIDE MANUFACTURING AND DISTRIBUTION CERTIFICATE

94. Commencement of Part.
95. Establishment registration.

REGULATION

96. Licensing of premises.
97. Licence application procedures.
98. Registration date.
99. Registration fee.
100. Licence issuance.
101. Reporting requirements.
102. Licence in respect of classes of pesticides.
103. Display of licence.
104. Publication by Registrar.
105. Cancellation or variation of licence.
106. Notice of cancellation or variation of licence.
107. Appeals from decision of the Board.
108. Licensed premises.
109. Construction of premises.
110. Disposal of waste.
111. First aid.
112. Licence with limits.
113. Storage and display area.
114. Construction of premises.

LAWS OF GUYANA

50

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

REGULATION

115. Licence exemptions.
116. Pesticide or toxic chemical manufacturer.
117. Pesticide or toxic chemical importer.
118. Commercial applicators.
119. Inspections.
120. Surveys and reports.

PART VI

EXPERIMENTAL PESTICIDES AND TOXIC CHEMICALS STUDIES

121. Commencement of Part.
122. Pesticide and toxic chemical research permit.
123. Pesticide and toxic chemical research permit application.
124. Application contents.
125. Maximum Residual Limits.
126. Application fee.
127. Permit issuance.
128. Importation quantity and limitations.
129. Labelling.
130. Program supervision and reporting.

REGULATION

131. Permit holder report.
132. Failure to report.
133. Registrar oversight.
134. Research permit revocation.
135. Registrar appeal.

PART VIA

IMPORTATION OF PESTICIDES OR TOXIC CHEMICALS

- 135A. Form of application for import licence.
- 135B. Features of import licence.
- 135C. Board to give reasons for refusing application.
- 135D. Board to give reasons for revoking application.
- 135E. Notification of minor changes.

PART VI

TRANSPORTATION, STORAGE, DISPOSAL AND
RECALL OF PESTICIDES OR TOXIC CHEMICALS

136. Authority.
137. Hazard prevention.
138. Labelling.
139. Transportation.

LAWS OF GUYANA

52

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

REGULATION

140. Spillage prevention.
141. Transporting vehicle.
142. Notification of authorities.
143. Spillage notification.
144. Warning marks.
145. Transport vehicle requirements.
146. Applicability of section.
147. Fire department notification.
148. Exemption from storage amount.
149. Applicability of section.
150. Siting Requirements for New Major Pesticide Storage Facilities.
 151. Basement of new major pesticide storage facility.
 152. Walls and ceiling of new major pesticide storage facility.
 153. Doors of new major pesticide storage facility.
 154. Applicability of section.
 155. Walls of all new and existing major pesticide storage facility.
 156. Doors of all new and existing major pesticide storage facility.

REGULATION

157. Floors of all new and existing major pesticide storage facility.
158. Lighting of all new and existing major pesticide storage facility.
159. Temperature.
160. Ventilation of all new and existing major pesticide storage facility.
161. Security.
162. Fire protection for all new and existing major pesticide storage facility.
163. Emergency showers.
164. Design certification.
165. Existing major pesticide storage facilities.
166. Applicability of section.
167. Walls of all minor storage facility.
168. Doors of all minor storage facility.
169. Floors of all minor storage facility.
170. Lighting of all minor storage facility.
171. Ventilation of all minor storage facility.
172. Security.
173. Warning marks.

LAWS OF GUYANA

54

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

REGULATION

174. Smoking.
175. Damage prevention during storage.
176. Emergency Equipment.
177. Fire extinguisher.
178. Spill response equipment.
179. Compatibility of absorbents and quantity.
180. Storage distance from other product.
181. Accessibility to pesticides.
182. Labelling of storage containers.
183. Storage of dry pesticide in bulk quantity.
184. General requirements for storage containers.
185. Materials for construction and repair of storage containers.
186. Compatibility.
187. Appurtenances.
188. Security of valves.
189. Pipes and fittings.
190. Vents.
191. Liquid level gauging devices.

REGULATION

192. Security.
193. Filling of containers.
194. Paved surfaces and catch basins.
195. Protection against damage by moving vehicles.
196. Recovery of discharges.
197. General requirements.
198. Capacity.
199. Storage with other commodities.
200. Walls.
201. Linings.
202. Prefabricated facilities.
203. Recovery of discharges.
204. Inspection and maintenance.
205. Recordkeeping.
206. Emergency response plan.
207. Equipment and supplies.
208. Training.
209. Underground liquid storage.
210. Alternative technology.

LAWS OF GUYANA

56

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

REGULATION

211. Disposal subject to Environmental Protection Act and regulations made pursuant to the Act.
212. Recycling pesticide containers.
213. Recall of a pesticide or toxic chemical.
214. Voluntary recall.
215. Mandatory recall.

PART VIII

MINISTERIAL EMERGENCY REGISTRATION EXEMPTIONS

216. Emergency exemptions.
217. Specific and quarantine exemption issuance.
218. Crisis exemption issuance.
219. Record-Keeping and Reporting Requirements.

PART IX

PESTICIDE RESIDUES

220. Maximum residue limits.
221. Registration.
222. Establishment of maximum residue limits.
223. Petition for a maximum residue limit.
224. Board review.

[Subsidiary] *Pesticides and Toxic Chemicals Regulations*

REGULATION

- 225. Maximum residual limit established by the Board.
- 226. Petition fee.
- 227. Maximum Residual Limits for Agricultural Crop Groups.
- 228. Temporary Maximum Residual Limits.
- 229. Zero Maximum Residual Limits.
- 230. Interim specific Maximum Residual Limits.

PART X

PESTICIDE WORKER PROTECTION

- 231. Standards for Pesticide Applicators and Handlers.
- 232. Entry restrictions.
- 233. Pesticide safety training.
- 234. Notice for farm workers.
- 235. Requirements.
- 236. General conditions.
- 237. Location.
- 238. Emergency eye flushing.
- 239. Emergency assistance.

LAWS OF GUYANA

58

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

REGULATION

PART XI

APPEALS

240. Appeals.
241. Decision final.
242. Minister to consult.
243. Mode of disposing of appeal.
244. Board refusal.
245. Publications by the Board.

PART XII

REGULATORY ENFORCEMENT

246. Violations of the Act.
247. Enforcement mechanisms.

SCHEDULE I—Prohibited Pesticides and Toxic Chemicals.

SCHEDULE II—Restricted Pesticides and Toxic Chemicals.

SCHEDULE III—Fee Structure for Pesticides and Toxic Chemicals.

SCHEDULE IV—Pesticide and Toxic Chemical Toxicity Category and Precautionary Statements.

SCHEDULE V—Toxicity Category and Personal Protection Equipment.

SCHEDULE VI—Application for Licence and Forms of Licence.

SCHEDULE VII—Warning Marks and Phrases.

PESTICIDES AND TOXIC CHEMICALS REGULATIONS

PART I PRELIMINARY

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

Interpretation. **2.** In these Regulations—

- (a) “accident” means an unexpected, undesirable event, caused by the use or presence of a pesticide, that adversely affects man or the environment;
- (b) “acute dermal LD₅₀” means a statistically derived estimate of the single dermal dose of a substance that would cause fifty percent mortality to the test population under the specified conditions;
- (c) “acute inhalation LC₅₀” means a statistically derived estimate of the concentration of a substance that would cause fifty percent mortality to the test population under the specified conditions;
- (d) “acute oral dose LD₅₀” means a statistically derived estimate of the single oral dose of a substance that would cause fifty percent mortality to the test population under the specified conditions;
- (e) “agency” means the Environmental Protection Agency;
- (f) “agricultural commodity” means any plant, or part thereof, or animal, or animal product, produced by a person including farmers, ranchers, plant propagators, floriculturists, orchardists, foresters, or other comparable persons primarily for sale, consumption, propagation, or other use by man or animals;

LAWS OF GUYANA

60

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (g) "agricultural establishment" means any farm, forest, nursery
- (h) "agricultural plant" means any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants; trees; turf grass; flowers, shrubs; ornamentals; and seedlings;
- (i) "applicant" means a person or corporate entity who applies for registration, amended registration or re-registration of a pesticide or an experimental use permit;
- (j) "biological control agent" means any living organism applied to, or introduced into, the environment that is intended to function as a pesticide against another organism. Biochemical pesticides include, but are not limited to, products such as chemicals (e.g. insect pheromones), hormones (e.g. insect juvenile growth hormones), natural plant and insect regulators and enzymes. Microbial pesticides include bacteria, fungi, viruses and protozoan, both naturally occurring and those that are genetically modified. Microbial pesticides are living entities capable of survival, growth reproduction and infection;
- (k) "Board" means the Pesticides and Toxic Chemicals Control Board as established by the Act;
- (l) "calibration of equipment" means measurement of dispersal or output of application equipment and adjustment of such equipment to control the rate of dispersal, and droplet or particle size of a pesticide dispersed by the equipment;
- (m) "certification" means the recognition by a certifying agency that a person is competent and thus authorized to use or supervise the use of restricted use pesticides;

- (n) "certified applicator" means any individual who is certified to use or supervise the use of any restricted use pesticides covered by his certification;
- (o) "chemigation" means the application of pesticides through irrigation systems;
- (p) "commercial applicator" means a certified applicator whether or not he is a private applicator who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by the definition of "private applicator."
- (q) "commercial pesticide handling establishment" means any establishment, other than an agricultural establishment, that:
- (1) Employs any person, including a self-employed person, to apply on an agricultural establishment, pesticides used in the production of agricultural plants;
 - (2) Employs any person, including a self-employed person, to perform on an agricultural establishment, tasks as a crop advisor;
- (r) "compatibility" means that property of a pesticide which permits its use with other chemicals without undesirable results being caused by the combination;
- (s) "common exposure route" means a likely way oral, dermal, or respiratory by which a pesticide may reach and/or enter an organism;
- (t) "competent" means properly qualified to perform functions associated with pesticide application, the degree of capability required being directly related to the

LAWS OF GUYANA

62

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

nature of the activity and the associated responsibility;

- (u) "cooperator" means any person who grants permission to a permittee or a permittee's designated participant for the use of an experimental use pesticide at an application site owned or controlled by the cooperator;
- (v) "crop advisor" means any person who is assessing pest numbers or damage, pesticide distribution, or the status or requirements of agricultural plants. The term does not include any person who is performing hand labor tasks;
- (w) "custom blender" means an establishment or individual that mixes pesticides to a customer's specifications and consist of a pesticide-fertilizer, pesticide-pesticide or pesticide-animal feed mixture;
- (x) "distribute" or "sell" means the acts of distributing, selling, offering for sale, holding for sale, shipping, holding for shipment, or receiving and (having so received) delivering or offering to deliver, or releasing for shipment to any person;
- (y) "early entry" means entry by a worker into a treated area on the agricultural establishment after a pesticide application is complete, but before any restricted-entry interval for the pesticide has expired;
- (z) "effective date": means the calendar date on which these implementing regulations are legally effective;
- (aa) "end use product" means a pesticide whose labelling includes:
 - (i) directions for use of the product (as distributed or sold, or after combination by the user with other substances) for controlling pests or defoliating, desiccating or regulating the growth of plants; and

- (ii) does not state that the product may be used to manufacture or formulate other pesticide products;
- (bb) "environment" means water, air, land, and all plants and man and other animals living therein, and the interrelationships which exist among them;
- (cc) "experimental animals" means individual animals or groups of animals, regardless of species, intended for use and used solely for research purposes and does not include animals intended to be used for any food purposes;
- (dd) "experimental plants" means individual plants or groups of plants, regardless of species, intended for use and used solely for research purposes and does not include plants to be used for any food purposes;
- (ee) "farm" means any operation, other than a nursery or forest, engaged in the outdoor production of agricultural plants;
- (ff) "final printed labelling" means the label or labelling of the product when distributed or sold. Final printed labelling does not include the package of the product, unless the labelling is an integral part of the package;
- (gg) "forest" means a concentration of trees and related vegetation in non-urban areas sparsely inhabited by and infrequently used by humans; characterized by natural terrain and drainage patterns;
- (hh) "forest operation" means any operation engaged in the outdoor production of any agricultural plant to produce wood fiber or timber products;
- (ii) "fumigant" means a pesticide that is a vapour or gas or

which forms a vapour or gas on application;

- (jj) “greenhouse” means any operation engaged in the production of agricultural plants inside any structure or space that is enclosed with nonporous covering and that is of sufficient size to permit worker entry. This term includes, but is not limited to, polyhouses, mushroom houses, rhubarb houses, and similar structures. It does not include such structures as malls, atriums, conservatories, arboretums, or office buildings where agricultural plants are present primarily for aesthetic or climatic modification;
- (kk) “hand labour” means any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces such as plants, plant parts, or soil that may contain pesticide residues. These activities include, but are not limited to, harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors;
- (ll) “handler” means any person, including a self-employed person—
- (1) Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment and who is—
- (i) mixing, loading, transferring, or applying pesticides;
- (ii) disposing of pesticides or pesticide containers;

LAWS OF GUYANA

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (iii) handling opened containers of pesticides;
- (iv) acting as a flagger;
- (v) cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues;
- (vi) assisting with the application of pesticides;
- (vii) entering a greenhouse or other enclosed area after the application and before the inhalation exposure level listed in the labelling has been reached or one of the ventilation criteria established or in the labelling has been met—
 - (A) to operate ventilation equipment;
 - (B) to adjust or remove coverings used in fumigation;
 - (C) to monitor air levels;
- (viii) entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins;
- (ix) performing tasks as a crop advisor—
 - (A) during any pesticide application;
 - (B) before the inhalation exposure level listed in the labelling has been reached or one of the ventilation criteria established or in the labelling has been met;

(C) during any restricted-entry interval;
and

(2) The term does not include any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labelling instructions or, in the absence of such instructions, have been subjected to triple- rinsing or its equivalent;

(mm) "handler employer" means any person who is self-employed as a handler or who employs any handler, for any type of compensation;

(nn) "hazard" means a probability that a given pesticide will have an adverse effect on man or the environment in a given situation, the relative likelihood of danger or ill effect being dependent on a number of interrelated factors present at any given time;

(oo) "host" means any plant or animal on or in which another lives for nourishment, development, or protection;

(pp) "inert ingredient" means any substance or group of structurally similar substances if designated by the Board, other than an active ingredient, which is intentionally included in a pesticide product;

(qq) "immediate family" includes only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters;

(rr) "licence" means a licence issued by the Board;

(ss) "manufacturing use product" means any pesticide product that is not an end-use product;

(tt) "Maximum Residual Limit" means the maximum

concentration of a pesticide regarded as acceptable in or on a food, agricultural commodity or in animal feedstuffs;

(uu) "new use", when used with respect to a pesticide product containing a particular active ingredient, means—

(i) any proposed use pattern that would require the establishment of, the increase in, or the exemption from the requirement of a Maximum Residual Limits;

(ii) any aquatic, terrestrial or forestry use pattern, if no product containing the active ingredient is currently registered for use for that pattern; or

(iii) any additional use pattern that would result in a significant increase in the level of exposure, or a change in the route of the exposure, of the active ingredient to man or other organisms;

(vv) "non-target organism" means a plant or animal other than the one against which the pesticide is applied;

(ww) "nursery" means any operation engaged in the outdoor production of any agricultural plant to produce cut flowers and ferns or plants that will be used in their entirety in another location. Such plants include, but are not limited to, flowering and foliage plants or trees; tree seedlings; live Christmas trees; vegetable, fruit, and ornamental transplants; and turf grass produced for sod;

(xx) "ornamental" means trees, shrubs, and other plantings in and around habitations generally, but not necessarily located in urban and suburban areas, including residences, parks, streets, retail outlets, industrial and

LAWS OF GUYANA

68

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

institutional buildings;

- (yy) "owner" means any person who has a present possessory interest (fee, leasehold, rental, or other) in an agricultural establishment covered by this part. A person who has both leased such agricultural establishment to another person and granted that same person the right and full authority to manage and govern the use of such agricultural establishment is not an owner for purposes of this part;
- (zz) "package" or "packaging" means the immediate container or wrapping, including any attached enclosure(s) in which the pesticide is contained for distribution, sale, consumption, use or storage. The term does not include any shipping or bulk container used for transporting or delivering the pesticide, unless it is the only such package;
- (aaa) "panic hardware" means any device approved for use for panic hazard use and may be placed on any door that is not fire rated;
- (bbb) "participant" means any person acting as a representative of the permittee and responsible for making available for use, or supervising the use or evaluation of, an experimental use pesticide to be applied at a specific application site;
- (ccc) "permittee" means any applicant to whom an experimental use permit has been granted;
- (ddd) "pesticide product" means a pesticide in the particular form including composition, packaging and labelling in which the pesticide is, or is intended to be, distributed or sold;
- (eee) "Pesticide Registration Number": a unique number assigned by the Board to each pesticide legally

authorized for distribution and sale in Guyana;

(fff) "practical knowledge" means the possession of pertinent facts and comprehension together with the ability to use them in dealing with specific problems and situations;

(ggg) "premises" includes any building, temporary building or any stationary vehicle or other places open to the public in which pesticides or toxic chemicals are offered for sale by retail or wholesale, or are packaged, stored or manufactured;

(hhh) "private applicator" means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the property of another person;

(iii) "protective equipment" means clothing or any other materials or devices that shield against unintended exposure to pesticides;

(jjj) "regulated pest" means a specific organism considered by the Board to be a pest requiring regulatory restrictions, regulations, or control procedures in order to protect the host, man and/or his environment;

(kkk) "restricted-entry interval" means the time after the end of a pesticide application during which entry to the treated area is restricted;

(lll) "securely attached" shall mean that the attachment can reasonably be expected to remain affixed during the foreseeable conditions and period of use;

(mmm) "standard" means the measure of knowledge and

LAWS OF GUYANA

70

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

ability which must be demonstrated as a requirement for certification;

(nnn) “susceptibility” means the degree to which an organism is affected by a pesticide at a particular level of exposure;

(ooo) “toxicity” means the property of a pesticide to cause any adverse physiological effects;

(ppp) “treated area” means any area to which a pesticide is being directed or has been directed;

(qqq) “under the direct supervision of” means the act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator who is responsible for the actions of that person and who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied;

(rrr) “value for pesticide purposes” means that characteristic of a substance or mixture of substances which produces an efficacious action on a pest;

(sss) “worker” means any person, including a self-employed person, who is employed for any type of compensation and who is performing activities relating to the production of agricultural plants on an agricultural establishment.

PART II

PESTICIDE AND TOXIC CHEMICAL REGISTRATION AND CLASSIFICATION PROCEDURE

Subpart A—General Provisions

Pests.

3. An organism is declared to be a pest under

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

circumstances that make it deleterious to man or the environment, if it is—

- (i) any vertebrate animal other than man;
- (ii) any invertebrate animal, including but not limited to, any insect, other arthropods, nematode or mollusk such as a slug and snail, but excluding any internal parasite of living man or other living animals;
- (iii) any plant growing where not wanted including any moss, alga or other plant of any higher order, and any plant part such as a root; or
- (iv) any fungus, bacterium, virus or other microorganisms except for those on or in living man or other living animals.

Products that
are not
pesticides
because they
are not for use
against pests.

4. A substance not intended for use against “pests” as defined in regulation 3, is not a pesticide if it is—

- (a) a product intended for use only for the control of fungi, bacteria, viruses, or other microorganisms in or on living man or animals, and labelled accordingly;
- (b) a product intended for use only for control of internal invertebrate parasites or nematodes in living man or animals, and labelled accordingly;
- (c) a product of any of the following types, intended only to aid the growth of desirable plants—
 - (i) a fertilizer product not containing a pesticide;
 - (ii) a plant nutrient product, consisting of

LAWS OF GUYANA

72

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Products that
are not
pesticides
because they
are not deemed
to be used for a
 pesticidal
effect.

one or more macronutrients, micronutrient or trace elements necessary for the normal growth of plants and in a form readily usable by plants;

- (iii) a plant inoculant product consisting of microorganisms applied to the plant or soil for the purpose of enhancing the availability or uptake of plant nutrients through the root system;
 - (iv) a soil amendment product containing a substance or substances added to the soil for the purpose of improving soil characteristics favourable for plant growth; or
- (d) a product intended to force bees from hives for the collection of honey crops.

5. (1) A product that is not intended to prevent, destroy, repel, or mitigate a pest, or to defoliate, desiccate or regulate the growth of plants, is not considered to be a pesticide.

(2) The following types of products or articles are not considered to be pesticides unless a pesticidal claim is made on their labelling or in connection with their sale and distribution—

- (a) deodorizers, bleaches, and cleaning agents;
- (b) products not containing toxicants, intended only to attract pests for survey or detection purposes, and labelled accordingly.

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Pesticide
products
required to be
registered.

6. (1) A person shall not manufacture, import, advertise, store, transport, use, distribute or sell any pesticide product or toxic chemical that is not registered under the Act, except as provided in regulations 7 to 14.

(2) A substance is considered to be a pesticide requiring registration, if—

- (a) the person who distributes or sells the substance claims, states, or implies by labelling or otherwise—
 - (i) that the substance either by itself or in combination with any other substance can or should be used as a pesticide; or
 - (ii) that the substance consists of or contains an active ingredient and that it can be used to manufacture a pesticide;
- (b) the substance consists of or contains one or more active ingredients and has no significant commercially valuable use as distributed or sold other than—
 - (i) use for pesticidal purpose by itself or in combination with any other substance;
 - (ii) use for manufacture of a pesticide; or
- (c) the person who distributes or sells the substance has actual or constructive knowledge that the substance will be used, or is intended to be used, for a pesticidal purpose.

Subpart B - Exemptions

Minimum risk pesticides.

7. (1) A product containing any of the active ingredients specified in paragraph (3) whether alone or in combination with any other substances listed in this paragraph, is exempt from the requirements of the Act provided that all of the criteria of this regulation are met.

(2) The requirements referred to in paragraph (1) are that—

- (i) each product containing the substance has a label identifying the name and percentage of each active ingredient and the name of the inert ingredient;
- (ii) the product includes no false or misleading statement or claim; and
- (iii) the product is not distributed or sold for pesticidal purposes or the manufacture of a pesticide.

(3) The ingredients referred to in paragraph (1) are—

castor oil; cedar oil; citric acid; cloves and clove oil; cottonseed oil; garlic and garlic oil; geranium oil; linseed oil; mint and mint oil; potassium sorbate; sesame and sesame oil; sodium chloride; thyme and thyme oil; white pepper.

Emergency exemption.

8. An unregulated pesticide or toxic chemical may be distributed or sold in accordance with the terms of an emergency exemption granted by the Board.

Export and transshipment.

9. Subject to regulation 10 an unregistered pesticide or toxic chemical may be transferred within Guyana for export or transshipment if the product is packaged according to the specifications of the foreign purchaser.

Transportation for disposal.

10. A pesticide or toxic chemical which is unregistered

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

by reason of the suspension or cancellation of registration may be transferred solely for disposal.

Existing stocks of a formerly registered pesticide or toxic chemical.

11. A pesticide or toxic chemical which is unregistered by reason of the suspension or cancellation of registration may be distributed or sold in accordance with an order issued by the Board concerning disposition of residual or existing stocks.

Transferral between registered establishment.

12. An unregistered pesticide may be transferred between registered establishments not operated by the same producer if—

- (i) the transfer is solely for the purpose of further formulation, packaging, or labelling into a product that is registered;
- (ii) each active ingredient in the pesticide, at the time of transfer, is present as a result of incorporation into the pesticide of either—
 - (a) a registered product; or
 - (b) a pesticide that is produced by the registrant of the final product; and
- (iii) the product as transferred is labelled accordingly.

Subpart C—Classification of Pesticide or Toxic Chemical

Board classification.

13. The Board will consider and shall classify as it sees fit any pesticide or toxic chemical.

Prohibited pesticide or toxic chemical.

14. (1) A prohibited pesticide or toxic chemical shall not be registered by the Board.

- (2) The Board will be guided in its determination

LAWS OF GUYANA

76

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

of a prohibited pesticide or toxic chemical by the decisions of the following international agencies—

- (i) United Nations Food and Agricultural Organisation;
- (ii) International Register of Potentially Toxic Chemicals; (iii) Rotterdam Convention on the Prior Inform Consent Procedure;
- (iv) United Nations Environmental Programme; or
- (v) World Health Organisation.

(3) The pesticide and toxic chemical contained in the First Schedule hereto has been classified as prohibited by the Board;

(4) A prohibited pesticide or toxic chemical is prohibited for importation, manufacture, distribution, use or sale in Guyana.

(5) The list of specified prohibited pesticide or toxic chemical set out in the First Schedule may be amended from time to time.

Restricted
pesticide or
toxic chemical.

15. (1) A restricted pesticide is permitted for usage only on certain stated crops, animals or feedstuffs.

(2) A pesticide will be classified as restricted if—

- (i) the pesticide, as formulated, has an acute oral LD₅₀ of 50 mg/kg or less;
- (ii) the pesticide, as formulated, has an acute dermal LD₅₀ of 200 mg/kg or less;
- (iii) the pesticide, as formulated, has an acute inhalation LC₅₀ of 0.05 mg/l or less, based upon a 4-hour exposure;
- (iv) the pesticide, as formulated, is corrosive to the eyes or causes corneal irritation persisting more than 21 days;

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (v) the pesticide, as formulated, is corrosive to the skin causing scarring or tissue destruction;
- (vi) the pesticide, as diluted for use, has an acute dermal LD₅₀ of 15 g/kg or less;
- (vii) when used in accordance with label directions or widespread and commonly used practice, the pesticide may cause significant sub-chronic toxicity, chronic toxicity or delayed toxic effects on man, as a result of single or multiple exposures to the product ingredients or residues;
- (viii) under normal conditions of label use or widespread and commonly recognized practice, the pesticide causes discernible adverse effects on non-target organisms such as significant mortality or effects on the physiology, growth, population levels or reproductive rates of such organisms, resulting from direct or indirect exposure to the pesticide, its metabolites or degradation products; or
- (ix) any other factor that poses a serious risk of causing human injury or environmental harm despite the normal labelling restrictions, packaging requirements and other cautions as determined by the Board.

(3) The list of restricted pesticide or toxic chemical shall be as published in the Gazette, by order.

Unconditional
pesticide or
toxic chemical.

16. An unconditional pesticide or toxic chemical is a pesticide or toxic chemical registered for unconditional use.

Conditional
pesticide or
toxic chemical.

17. A pesticide or toxic chemical may be registered as conditional where—

- (i) a pesticide or toxic chemical containing a

new active ingredient not contained in any currently registered product may be conditionally approved for a period of time sufficient for the generation and submission of scientific data required by the Board before registration is considered; and is granted upon the applicant's agreement to submit the remaining required data in accordance with a schedule approved by the Board and will expire on a date established by the Board if the applicant fails to submit the required data or if the generated scientific data indicate that the product or one or more of its uses meets or exceeds any of the human health or environmental risk criteria established by the Board; or

- (ii) a product, where the proposed use is identical or substantially similar to any currently registered product and use thereof, or differs in ways that would not significantly increase the risk of unreasonable adverse effects on human health or environment but will not be granted if its proposed new use involves use on a food or feed crop for which there is an effective alternate registered product which does not meet the risk criteria associated with human dietary exposure.

Subpart D – Types of Registration

New product registration.

18. A new product registration is the registration of a product containing an active ingredient that has not been previously registered by—

- (i) the Board; or

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

(ii) the applicant.

New use registration.

19. A new use registration is the registration of a product that contains an active ingredient that is already registered by the Board, but has not previously been used in the manner proposed and include, any use affecting foods that would require establishment, or increase, of a product residue Maximum Residual Limits, any new aquatic, terrestrial, outdoor or forestry pattern or any other use pattern that would increase potential exposure to the product.

Similar product registration.

20. A similar product registration is the registration of a product that is identical to, or substantially similar to, and contains the same active ingredient and similar inert ingredient in approximately the same percentage and have the same or similar use as a product that is already registered by the Board.

Amended registration.

21. An amended registration is the registration of a change in the active ingredient concentration, substitution of an inert ingredient or an additional use for any product already registered by the Board.

Subpart E - Registration Procedures

Applicant for registration.

22. (1) A person may apply for new registration of a product.

(2) A registrant may apply for new use, similar product or amendment of the registration of that product.

Application for registration of a pesticide or toxic chemical.

23. An application for registration of a pesticide or toxic chemical shall be addressed to the Registrar and submitted in duplicate by the applicant containing the information specified in regulation 24.

Content of application.

24. Each application for new registration or application for amended registration must include the

LAWS OF GUYANA

80

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

following information—

- (i) name and address of the applicant. An applicant not resident in Guyana must also designate an agent to act on behalf of the applicant in all registration matters;
- (ii) list of the data submitted in the application with a brief description of the results of the study;
- (iii) product identified by—
 - (a) product name,
 - (b) trade name; and
 - (c) Pesticide Registration Number when filing an Application for Amended Registration;
- (iv) a draft label for the pesticide product including a statement of all claims made for it, directions for use, ingredients, applicator warnings and precautions and procedures for its safe transportation, storage and disposal;
- (v) the complete formula of the pesticide and a full description of the tests made and the results thereof upon which the claims for the pesticide are made. Data for the following are required—
 - (a) physical characteristics—
 - (1) colour;
 - (2) physical state;
 - (3) odour;
 - (4) melting point;
 - (5) boiling point;
 - (6) density, bulk density or specific gravity;
 - (7) solubility;
 - (8) vapour pressure;
 - (9) dissociation constant;
 - (10) octanol-water partition coefficient;
 - (11) Ph;

LAWS OF GUYANA

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (12) stability;
- (13) oxidizer or reducing action;
- (14) flammability;
- (15) explodability;
- (16) storage stability;
- (17) viscosity;
- (18) miscibility;
- (19) corrosion characteristics;
- (20) dielectric breakdown voltage;

(b) chemical composition of the pesticide product as sold to the end-user with directions for use must be supplied. Data for the following are needed —

- (1) active ingredients - for each active ingredient in the pesticide the following information must be reported —
 - (A) chemical and common name of the active ingredient;
 - (B) molecular, structural and empirical formula(e) and the molecular weight or weight range;
 - (C) the chemical name according to Chemical Abstract Society (CAS) nomenclature, the CAS Registry Number and any common names;
 - (D) nominal concentrations of the active ingredient in the pesticide;
 - (E) upper and lower certified limits of the active ingredient
 - (F) purpose of the active ingredient in the formulation.

LAWS OF GUYANA

82

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (2) inert ingredients - for each inert ingredient, if any, in the pesticide the following information must be reported –
- (A) chemical name of the ingredient according to CAS nomenclature, the CAS Registry Number and any common names;
 - (B) nominal concentration in the pesticide;
 - (C) upper and lower certified limits in accordance with (c);
 - (D) purpose of the inert ingredient in the formulation.
- (3) impurities of toxicological significance - for each impurity associated with the active ingredient that is determined to be of toxicological significance, the following information is required –
- (A) identity of the ingredient as an impurity;
 - (B) chemical name of the impurity;
 - (C) nominal concentration of the impurity in the product;
 - (D) a certified upper limit.
- (4) other impurities - for each other impurity associated with the active ingredient that is present at 0.1 percent by weight, the following information is required –

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (A) identity of the ingredient as an impurity;
- (B) chemical name of the impurity;
- (C) nominal concentration of the impurity in the product;
- (D) a certified upper limit.
- (c) certified limits - the applicant must propose certified limits for the ingredients in the pesticide product. Certified limits, which become legally binding upon registration of the pesticide, will apply for the date of production to the date of use, unless the product label bears a statement prohibiting the use after a certain date, in which case the certified limits will apply only until that date. The Board may collect commercial samples of the registered pesticide and analyze them for the active ingredient(s), inert ingredients or impurities determined by the Board to be toxicologically significant. If, upon analysis, the composition of such a sample is found to differ from that certified, the results may be used by the Board in regulatory enforcement actions. Certified limits are required for the following ingredients of a pesticide product—
- (1) an upper and lower limit for each active ingredient
- (2) an upper and lower limit for each inert ingredient;
- (3) an upper limit for each impurity of toxicological significance.
- (d) environmental fate—

LAWS OF GUYANA

84

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (A) degradation - hydrolysis, photodegradation in water, soil and air;
 - (B) metabolism – anaerobic aquatic , aerobic aquatic, aerobic soil;
 - (C) mobility - leaching, absorption/desorption, volatility;
 - (D) dissipation field studies - soil, aquatic sediment, forestry, long-term soil;
 - (E) accumulation: rotational field crops, irrigated crops, fish, aquatic non-target.
- (e) based on the anticipated use pattern(s) for a pesticide, the following data on toxicity must be provided—
- (A) acute testing : acute oral toxicity – rat, acute dermal toxicity, acute inhalation toxicity – rat, primary eye irritation – rabbit, primary dermal irritation, dermal sensitization, acute delayed neurotoxicity – chicken;
 - (B) sub-chronic testing: 90-day feeding studies – rodent and non-rodent, 21-day dermal, 90-day dermal, 90-day inhalation – rat, 90-day neural-toxicity –chicken and mammal;
 - (C) chronic testing: chronic feeding – rodent and non-rodent, oncogenicity – rat, mouse, teratogenicity, reproduction – 2 generations;
 - (D) mutagenicity testing: gene mutation, structural chromosomal aberration, other genotoxic effects;
 - (E) metabolism: general, dermal penetration, domestic animal safety.

LAWS OF GUYANA

Pesticides and Toxic Chemicals Control **Cap. 68:09**

85

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (f) based on the anticipated use pattern(s) for a pesticide, the following data are required to establish restricted entry intervals—
- (A) foliar dissipation;
(B) soil dissipation;
(C) dermal exposure;
(D) inhalation exposure.
- (g) based on the anticipated use pattern(s) for a pesticide, the following data are required to assess a pesticide's spray drift character—
- (A) droplet size spectrum;
(B) drift field evaluation.
- (h) based upon the anticipated use pattern(s) for a pesticide the following data are required to assess its toxicity to non-target organisms—
- (1) wildlife and aquatic organisms—
- (i) avian and mammalian testing—
- (a) avian oral LD₅₀;
(b) avian dietary LC₅₀;
(c) wild mammal toxicity;
(d) avian reproduction;
(e) simulated and actual field testing of mammals and birds;
- (ii) aquatic organism testing—
- (a) freshwater fish LC₅₀;
(b) acute LC₅₀ in freshwater invertebrates;
(c) acute LC₅₀ estuarine and marine

LAWS OF GUYANA

86

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

organisms;

- (d) fish early life stage and aquifer invertebrate life- cycle, fish life-cycle;
- (e) aquatic organism accumulation,
- (f) simulated and actual field testing of aquatic organisms;

(2) plant protection data—

(i) non-target area phytotoxicity—

- (a) Tier I:
 - seed germination;
 - seedling emergence;
 - vegetative vigour;
 - aquatic plant growth.
- (b) Tier II:
 - seed germination;
 - seedling emergence;
 - vegetative vigour;
 - aquatic plant growth.
- (c) Tier III:
 - terrestrial field tests;
 - aquatic field tests.

(3) non-target insect toxicity—

- (i) non-target insect testing: pollinators (honey bee acute contact LD₅₀, honey bee - toxicity of residues on foliage, field testing for pollinators);
- (ii) non-target insect testing—
 - aquatic insects (aquatic insect acute toxicity, life-cycle study and simulated and actual field testing, non-target insect testing – predators and parasites).

LAWS OF GUYANA

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (i) based on the anticipated use patterns for a pesticide the following data are required to assess its performance efficacy—
- (A) efficacy of antimicrobial agents (product to treat water systems);
(B) efficacy of fungicides and nematicides (control organisms producing mycotoxins);
(C) efficacy of vertebrate control agents (avian toxicants, avian repellants, avian frightening agents, commensal rodenticides, rodenticides on farms and rangelands, rodent fumigants, rodent reproductive inhibitors, mammalian pesticides).
- (vi) an applicant shall furnish with his application any factual information of which he is aware regarding significant adverse effects of the pesticide on man or the environment.
- (vii) when the pesticide is proposed for use on food or feed crops, the applicant must determine whether pesticide residues including residues of any active ingredient, inert ingredient, metabolic or degradation product, are authorized by a Maximum Residual Limits under the Food and Drugs Act, as amended, or the Plant Protection Act, as amended and where such residues have not been authorized, the application must be accompanied by a petition for establishment of appropriate Maximum Residual Limits or a request for exemption from the requirement of setting a Maximum Residual Limits.

Cap. 34:03
Cap. 68:03

Format of data submission.

25. All data submitted in support of a single

LAWS OF GUYANA

88

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

administrative action must be accompanied by a single transmittal document which shall include the—

- (i) identity of the applicant or agent of the applicant;
- (ii) date of the submission;
- (iii) identity of the requested Board action;
- (iv) bibliography of all specified documents included with the submission.

Individual scientific or field studies.

26. (1) All data must be submitted in the form of individual studies. Each study shall address a single data requirement and be listed separately in the transmittal document bibliography in accordance with 25 (iv).

(2) Each study must include the following elements in addition to the study itself—

- (a) title page including the title of the study, identity of the substances tested, the test name, author(s) of the study, date of study completion, laboratory in which the study was undertaken, references to any published data;
- (b) statement of data confidentiality, if requested;
- (c) certification that the study was conducted following good laboratory procedures.

(3) If the original study is not in the English Language, a complete and accurate English translation.

Waivers of data requirements.

27. (1) The Board may waive some requirements while ensuring that sufficient data are available to make its

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

statutory risk-benefit determinations.

(2) The Board will review each waiver request and inform the applicant in writing of its decision.

Waiver request submission.

28. An applicant requesting a waiver must submit a written report to the Board, specifically identifying the data requirement for which a waiver is requested, stating why the data requirement should be waived, describing any attempt to generate the requested data, furnishing any information which would support the request and alternate means of obtaining data to address the concern which underlies the data requirement.

Confidentiality of submission.

29. 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.

Termination of application.

30. (1) Where an application is not accompanied by all the particulars required to be submitted, the Board shall give the applicant ninety (90) days to satisfy the requirements of this regulations.

(2) If after ninety (90) days, the applicant has not responded, or if the applicant subsequently fails to complete the application within the time scheduled for completion, the Board will terminate any action on such application, and will treat the application as if the applicant has withdrawn it.

(3) Any subsequent submission relating to the same product must be submitted as a new application.

Registrar's recommendation.

31. The Registrar may recommend registration of a product to the Board if—

- (a) the composition of the product is such to warrant its claims of efficacy;
- (b) the labelling of the product complies with

LAWS OF GUYANA

90

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- the requirements of the Act;
- (c) the product will perform its intended functions without unduly adverse effects on the environment; and
- (d) when used in accordance with widespread and commonly recognised practice, the product will not cause unreasonable adverse effects on the environment or to humans.

Denial of registration.

32. The Board may deny an application for registration if it determines that the product does not meet the criteria for unconditional or restricted registration.

Notification of denial.

33. (1) When denying an application for registration, the Registrar shall notify the applicant of the reasons and factual basis for its determination and, if applicable, those conditions which must be fulfilled in order for the registration to be recommended to the Board for approval.

(2) The applicant shall within thirty days (30) from receipt of the denial take the specified corrective action, or withdraw his application.

(3) If the applicant fails to correct the deficiencies within the thirty days (30) period, the Registrar will issue a "Notice of Denial".

(4) Within thirty days (30) of issuance of the "Notice of Denial", the applicant may request a hearing before the Board.

Registration fee.

34. An application for registration must be accompanied with the prescribed registration fee as set out in the Third Schedule.

Registration suspension.

35. (1) The Board may suspend the registration of a pesticide if it determines that its continued use poses an imminent hazard to health or to the environment.

[Subsidiary]*Pesticides and Toxic Chemicals Regulations*

(2) The Board must be notified within thirty days (30) of receipt, by the pesticide registrant, of any additional factual information beyond that submitted originally to register the pesticide, regarding unreasonable, adverse effects to the environment or health of human. Failure to submit this information to the Registrar may constitute sufficient grounds to suspend or cancel the registration.

(3) The Registrar may recommend suspension of registration when a review of additional information raises concern of the safety of humans or the environment on the continued use of the pesticide.

(4) Before issuing a suspension order the Board shall notify the registrant of the pesticide or toxic chemical of its intention to suspend the registration and provide the registrant with scientific evidence and findings used to make the imminent hazard finding.

(5) A registrant may request a hearing before the Board to contest the proposed suspension order.

Automatic registration cancellation.

36. (1) The Registrar shall cancel a pesticide's registration five (5) years after the date of its registration by the Board or upon subsequent five-year anniversaries of this date of original registration.

(2) At the request of the registrant, the pesticide's registration will be renewed for a subsequent five-year period. If no one requests continuation of the registration within thirty days (30) prior to the expiration of the five-year period, the Registrar shall cancel the registration.

(3) Any existing stock of pesticide from an automatic registration cancellation shall be allowed for sale and used if such sale would not have unreasonable adverse effects on the environment.

LAWS OF GUYANA

92

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Cancellation initiated by the Registrar.

37. (1) The Registrar shall cancel the registration of a pesticide if the pesticide, its labelling or any other material requested to be submitted are not in compliance with the terms of the registration or with the Act.

(2) The Registrar shall cancel a pesticide registration if the pesticide causes unreasonable, adverse effects to the environment when used in accordance with widespread and commonly recognized practice.

(3) Where the Registrar initiates the cancellation process, he shall issue a notice of intent to cancel the said registration and shall provide to the Board a copy thereof together with an analysis of the impact on the health and environment of the proposed cancellation.

(4) The Registrar shall revoke the proposed cancellation order when the pesticide registrant remedies the problems with the registration.

(5) A cancellation proposed under this regulation shall become final and effective at the end of thirty days (30) from receipt by the recipient of the notice of intent to cancel.

(6) If during the thirty-day period referred to in paragraph (5) a registrant requests a hearing before the Board, the proposed cancellation shall be duly considered and reviewed by the Registrar.

(7) Upon cancellation of a registration the Registrar shall issue a directive regarding disposal of existing stocks of the cancelled pesticide.

Voluntary cancellation.

38. A registrant of a product may at any time request that the product registration be cancelled or amended to terminate any or all of its uses.

Registration transfer.

39. (1) No product transfer shall be made except in

accordance with the Act and these Regulations and to a person who holds an Establishment Registration Number.

(2) A registrant who wishes to transfer a product registration shall—

- (a) notify the Registrar of his intention to transfer the product registration; and
- (b) within thirty days (30) of the notification referred to in subparagraph (a), file an application for the transfer.

(3) After the Registrar reviews the application he shall approve the transfer unless he determines that continued use of the product would cause unreasonable adverse effects on the environment.

(4) The new registrant of the product must comply with all outstanding data and other requirements for the product.

Disposition of stocks of suspended or cancelled pesticide.

40. (1) Any manufacturer, importer, registrant, applicant for registration, commercial pesticide applicator or holder of an Establishment Registration Number or Pesticide Vendor Licence who manufactures, distributes or sells a pesticide that has been suspended or cancelled, shall notify the Registrar of the possession of such a pesticide.

(2) The notice must be given to the Registrar within thirty days (30) of the effective date of suspension or cancellation and must identify the quantity in possession and the location of the pesticide.

(3) The Registrar may restrict the use of suspended or cancelled pesticides as follows—

- (a) through the terms of a cancellation or suspension order; or

LAWS OF GUYANA

94

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (b) through issuance of a "STOP SALE, USE or REMOVAL" order to a person who owns, controls or has custody of such a pesticide. A person, upon receipt of such an order is prohibited from manufacturing, selling, using or removing the pesticide except in accordance with provisions included in the order;
- (c) through issuance of requirements and procedures to be followed by any person who stores or transports a suspended or cancelled pesticide; or
- (d) through ordering a recall of a suspended or cancelled pesticide, where the Registrar determines that a recall is necessary to protect health or the environment.

PART III PESTICIDE LABELLING Subpart A – General

Commencement of Part.

41. This part of these Regulations shall become effective twenty-four months after the commencement date of these regulations.

General labelling provisions.

42. (1) Every pesticide product registered for distribution or sale in Guyana must bear a Board-approved label.

(2) Pesticides subject to a Pesticide Research Permit or unregistered pesticides being tested but expressly exempt from the requirements of a Pesticide Research Permit, pesticides distributed or sold under emergency exemptions, and unregistered pesticides being transferred for disposal,

[Subsidiary]*Pesticides and Toxic Chemicals Regulations*

must be suitably labelled.

Label contents.

43. Every pesticide product shall bear a label containing and showing clearly and prominently the following specified information—

- (a) pesticide name, brand or trademark;
- (b) name and address of the manufacturer, registrant or person for whom the pesticide is produced;
- (c) net contents;
- (d) Pesticide Registration Number;
- (e) Manufacturer or Establishment Registration Number;
- (f) ingredient statement;
- (g) warning or precautionary statements;
- (h) directions for use;
- (i) use classification including whether for general or restricted use;
- (j) Specific Medical Information;
- (k) First Aid.

Prominence and legibility.

44. (1) All words, statements, graphic representations and other information required on the labelling must be clearly visible to a person with normal vision and must be placed with such conspicuousness and expressed in such terms to render it likely to be read and understood.

(2) All required label text shall—

- (a) be set in 6-point or larger type;
- (b) appear on a clear, contrasting background;
- (c) not be obscured or crowded.

Language.

45. Label text shall appear in English.

Label placement.

46. (1) Label shall appear on, or be securely attached to, the immediate container of the pesticide product.

LAWS OF GUYANA

96

Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

(2) When the immediate container is enclosed within a wrapper or outside container through which the label cannot be read, the label must also be securely attached to such outside wrapper or container, if it is a part of the package as customarily distributed or sold.

Transportation.

47. (1) When a pesticide product is in transit, appropriate labelling covering the transportation of hazardous materials will apply, and specifically, those provisions concerning the placarding, labelling or marking of hazardous materials and the vehicles containing them.

(2) When any registered pesticide is transported in a tank truck, tank car, or other mobile bulk container, a copy of the pesticide label must be attached to the shipping papers and left with the consignee at the time of delivery.

Storage.

48. When pesticide products are stored in bulk containers, whether mobile or stationary, which remain in the custody of the user, a copy of the label, including all directions for its use, shall be securely attached to the container in the immediate vicinity of the container's discharge control valve.

False or misleading pesticide labelling.

49. Labels containing false or misleading information about the pesticide effectiveness, its composition, its value for purposes other than as a pesticide, its endorsement by the Registrar, Environmental Protection Agency or any other agency of the Government of Guyana, or its safety is prohibited.

Final product labelling.

50. The Board shall approve the labelling of a pesticide product for distribution or sale as part of the registration process.

Name, brand or trademark.

51. The name, brand or trademark under which the pesticide product is to be sold shall appear on the front panel

[Subsidiary]**Pesticides and Toxic Chemicals Regulations**

of the label.

Manufacturer or registrant.

52. (1) The name and address of the producer, manufacturer or importer shall be included on the label.

(2) When the registrant's name appears on the label and the registrant is not the producer, or if the name of the person for whom the pesticide was produced appears on the label, it must be qualified by appropriate words such as: "**PACKED FOR _____**", "**DISTRIBUTED BY _____**" or "**SOLD BY _____**" to show that the name is not that of the producer.

Net weight or measure of contents.

53. (1) The net weight or measure of contents shall be exclusive of wrappers or other materials and shall be the average content unless explicitly stated as a minimum quantity.

(2) If the pesticide product is a liquid, the net contents shall be stated in terms of liquid measure at 68°F (20°C) and expressed in units of fluid ounces or gallons or their metric equivalents.

(3) If the pesticide product is a solid or semi-solid, viscous or pressurized or is a mixture of solid and liquid, the net contents shall be stated in terms of weight and expressed as avoirdupois pounds and ounces or their metric equivalents.

(4) Any variation above the minimum content or around an average is permissible only to the extent that it represents a deviation in good manufacturing or packaging practice.

Pesticide registration number.

54. The registration number assigned to the pesticide product at the time of registration by the Board shall appear on the label preceded by the phrase: "**PTCCB Registration Number _____**" or "**PTCCB Reg. No. _____**".

Establishment registration number.

55. (1) The Establishment Registration Number of either the pesticide manufacturer or importer must appear on the label and be preceded by the phrase “**PTCCB Est. ____**”.

(2) When there is an outer container or wrapper through which the Establishment Registration Number cannot be clearly read, it must also appear on such outer container or wrapper.

Ingredient statement.

56. (1) The label of each pesticide product must bear a statement which contains the name and percentage by weight of each active ingredient, the total percentage by weight of all inert ingredients and, when the pesticide contains arsenic in any form, a statement of the percentages of total and water-soluble arsenic calculated as elemental arsenic.

(2) The ingredient statement shall be affixed to the front panel of the label. When there is an outside container or wrapper through which the ingredient statement cannot be clearly read, the ingredient statement must also appear on such outside container or wrapper.

(3) The name used for each ingredient shall be the accepted common name, if there is one, followed by the chemical name. If no common name has been established, the chemical name shall be used. Trademarks or proprietary names shall not be used.

(4) The percentages of ingredients shall be stated in terms of weight-to-weight and the total sum of percentages of the active and inert ingredients shall be 100 and range of values shall express no percentages. When the uses of the pesticide product are expressed as weight of active ingredient per unit area, a statement of the weight of active ingredient per unit volume of the pesticide formulation shall also appear in the ingredient statement.

[Subsidiary]*Pesticides and Toxic Chemicals Regulations*

(5) Pesticides which significantly change in composition must include the statement: "**NOT FOR SALE OR USE AFTER _____ (Date) _____**". Such pesticides must meet all label claims up to the expiration date indicated on the label.

(6) Inert ingredients must be listed in the ingredient statement if such ingredient(s) pose a hazard to man or the environment.

Warnings or precautionary statements.

57. Required warnings and precautionary statements concerning toxicological, environmental, physical or chemical hazard must be specified on the label. Warnings which must be included are—

(a) Human Toxicity Category based on the highest hazard as outlined in the Fourth Schedule and the label shall bear one of the following words—

- (1) Toxicity Category I: "**DANGER**" If the pesticide is assigned to Toxicity Category I on the basis of its oral, inhalation or dermal toxicity as distinct from eye and skin effects, the word "**POISON**" shall appear in red on a background of distinctly contrasting colour and the skull and crossbones.
- (2) Toxicity Category II: "**WARNING**"
- (3) Toxicity Category III: "**CAUTION**"
- (4) Toxicity Category IV: "**CAUTION**"

(b) Recommended practical treatment or first aid instructions shall appear on the labels of pesticide for all Human Toxicity Categories.

(c) Hazard to Humans and Domestic Animals:

LAWS OF GUYANA

100 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

When a hazard exists to humans or domestic animals, precautionary statements are required indicating the particular hazard, the route of exposure and the precautions to be taken to avoid accident, injury or damage. The precautionary paragraph shall be immediately preceded by the appropriate hazard word required by 57(a).

- (d) Where a hazard exists to non-target organisms, precautionary statements on label of the pesticide indicating the nature of the hazard and the appropriate precautions to avoid potential accident, injury or damage must be stated.
- (e) Warning statements on the flammability or explosive characters, if any of the pesticide shall be made.

Directions for use.

58. Directions for use adequate to protect humans from personal injury and to prevent unreasonable, adverse effects to the environment and printed in a conspicuous area of the pesticide label shall be stated in terms that can be easily read and understood by a pesticide applicator.

Contents of directions for use.

59. The directions for use label shall include the following under the heading "**DIRECTIONS FOR USE**" –

- (a) statement of pesticide use;
- (b) label: **USE OF THIS PESTICIDE IN A MANNER INCONSISTENT WITH ITS LABELING IS PROHIBITED;**
- (c) sites of application: crops, animals, districts to be treated;
- (d) target pest;
- (e) dosage rate for each pest;
- (f) method of application, including

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

instructions for dilution, if required, and types of application apparatus or equipment required;

- (g) frequency and timing of application;
- (h) worker protection statements;
- (i) instructions for storage and disposal of the pesticide and its container meeting the requirements of the relevant regulations;
- (j) any limitations or restrictions on use required to prevent undue dangers to the environment, such as—
 - (1) required intervals between application and harvesting of food or feed crops;
 - (2) rotational crop restrictions;
 - (3) warnings against use on certain crops, animals, objects or adjacent to certain areas.

Statement of use classification.

60. (1) Every pesticide product must bear on its label a statement of use classification.

(2) A pesticide product bearing directions for use classified “general” shall be labelled with words “**GENERAL CLASSIFICATION**” immediately below the heading “**DIRECTIONS FOR USE**”.

(3) A Restricted Pesticide shall have written on the front panel of its label in prominent letters “**RESTRICTED USE PESTICIDE**” under which shall appear a summary statement of the terms of restriction imposed as a precondition to registration of the pesticide by the Board.

Subpart C - Pesticide Applicator Protection

Scope.

61. Regulations in this subpart prescribe statements to protect the health of pesticide applicators from occupational

LAWS OF GUYANA

102 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

exposure to pesticides and pesticide handlers resulting from the production or mixing of pesticides or in their field applications.

General restrictions.

62. (1) Each pesticide shall bear the following statement on its label near the "DIRECTIONS FOR USE" section of the label: "**DO NOT APPLY THIS PRODUCT IN A WAY THAT WILL CONTACT WORKERS EITHER DIRECTLY OR INDIRECTLY OR THROUGH DRIFT. ONLY CERTIFIED PESTICIDE APPLICATORS MAY BE IN THE AREA DURING APPLICATION.**"

(2) If the pesticide contains an organophosphate or an N-methylcarbamate or is a fumigant the label must so state.

Restricted entry prohibition.

63. Where a pesticide applicator or farm worker must not enter an area to which a pesticide has been applied, the label must specify this period of restricted entry on its label as follows - "**DO NOT ENTER TREATED AREAS DURING THE RESTRICTED ENTRY INTERVAL.**"

Restricted entry interval statement.

64. When the pesticide has one specific restricted entry interval applicable to all registered uses of the pesticide on agricultural plants, the restricted entry interval for the product shall appear as a continuation of the statement required under regulation 63 and shall appear as follows -

"OF ____ HOURS" or "OF ____ DAYS" or "UNTIL THE ACCEPTABLE EXPOSURE LEVEL OF ____ PPM OR MG/M3 IS REACHED".

If different REIs have been established for some crops or some uses of a product, this REI statement shall be placed on the labelling of the product with the directions for use for each crop, immediately preceded or followed by the words "**RESTRICTED ENTRY INTERVAL**" or the letters "**REI**".

Restricted entry interval determination.

65. (1) A restricted entry interval shall be established based on the acute toxicity of the active ingredients in a

[Subsidiary]*Pesticides and Toxic Chemicals Regulations*

pesticide product.

(2) The restricted entry interval shall be established using the toxicity category of each active ingredient in the pesticide by comparing the available data on the acute dermal toxicity, eye irritation effects and skin irritation effects of the active ingredient to the criteria as outlined in regulation 57.

(3) The most toxic of these applicable toxicity categories that are obtainable for each active ingredient shall determine the restricted entry interval for the pesticide.

(4) If some or all of the acute toxicity data are unavailable on the active ingredient and no toxicity category of a registered pesticide is obtainable, the toxicity category of the pesticide product corresponding to the signal word on its label 57 (a) shall be used.

REI for single active ingredient pesticides.

66. If the pesticide product contains only one active ingredient and it is in—

- (a) Toxicity Category I by the criteria in 57(a), the restricted entry interval shall be 48 hours;
- (b) Toxicity Category II by the criteria in 57(a), the restricted entry interval shall be 24 hours;
- (c) Toxicity Category III or IV by the criteria in 57(a), the restricted entry interval shall be 12 hours.

REI for multiple active ingredient pesticides.

67. If the pesticide product contains more than one active ingredient, the restricted entry interval shall be based on the active ingredient that requires the longest restricted entry interval as determined by the criteria in 57(a).

REI exemption for fumigants.

68. The criteria for determining restricted entry interval under regulation 67 shall not apply to a pesticide

LAWS OF GUYANA

104 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

which is a fumigant.

Pesticide applicator notification.

69. Where a pesticide applicator is to apply a pesticide containing an active ingredient classified as Toxicity Category I for either acute dermal toxicity or skin irritation under the criteria of 57(a) or applying any fumigant in a greenhouse or other enclosed building he shall be advised orally of the potential dangers of its use and handling.

Pesticide applicator protective equipment.

70. The minimum requirements for Personal Protective Equipment (PPE) and worker clothing for pesticide applicators by route of exposure and toxicity category are outlined in the Fifth Schedule.

Label statement.

71. The minimum PPE and worker clothing requirements specified in regulation 70 shall be included in a statement on the labelling of the pesticide product and shall read - **PEST CONTROL OPERATORS AND OTHER HANDLERS MUST WEAR:** [body protection statement]; [glove statement, if applicable]; [footwear statement, if applicable]; [protective eyewear statement, if applicable]; [respirator statement, if applicable].

Glove specifications.

72. Gloves to be worn by pesticide applicators or pesticide handlers shall depend on the physical and chemical character of the pesticide and shall read as follows—

- (a) for products formulated and applied as solids or formulated as solids and diluted solely with water for application, the glove statement shall read: "**WATERPROOF GLOVES**"
- (b) for products formulated and applied as a water-based liquid and diluted solely with water for application, the glove statement shall read: "**WATERPROOF GLOVES**"
- (c) for products formulated or diluted with liquids other than water, the glove statement shall read: "**CHEMICAL-RESISTANT**

LAWS OF GUYANA

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

**(SUCH AS NITRILE OR BUTYL
GLOVES”**

(d) for products formulated or applied as gases, the glove statement shall read: **“CHEMICAL-RESISTANT (SUCH AS NITRILE OR BUTYL) GLOVES”**

Respiratory requirement.

73. (1) Pesticide products formulated or applied as a gas outdoors, shall include the statement - “FOR HANDLING ACTIVITIES OUTDOORS USE EITHER A RESPIRATOR WITH AN ORGANIC-VAPOUR-REMOVING CARTRIDGE WITH A PRE-FILTER APPROVED FOR PESTICIDES OR A CANISTER APPROVED FOR PESTICIDES”.

(2) Products formulated or applied as a gas for use in greenhouses or other enclosed areas, shall have the respiratory statement: “FOR HANDLING IN ENCLOSED AREAS USE EITHER A SUPPLIED AIR RESPIRATOR OR A SELF-CONTAINED BREATHING APPARATUS”.

(3) Products that are formulated and applied as solids shall have the respiratory statement: “USE A DUST/MIST FILTERING RESPIRATOR”.

(4) Products formulated or applied as liquids and having an acute inhalation toxicity in Category I shall have the respiratory protection statement: “USE EITHER A RESPIRATOR WITH AN ORGANIC-VAPOUR-REMOVING CARTRIDGE WITH A PRE-FILTER APPROVED FOR PESTICIDES OR A CANISTER APPROVED FOR PESTICIDES”.

(5) Pesticides formulated or applied as liquids and having an acute inhalation toxicity in Category II shall have the respiratory protection statement: “FOR HANDLING ACTIVITIES DURING [select uses applicable to the product: air blast, mist-blower, pressure > 40 psi with fine droplets,

LAWS OF GUYANA

106 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

smoke, mist, fog, aerosol or direct overhead] **EXPOSURES, WEAR EITHER A RESPIRATOR WITH AN ORGANIC-VAPOUR-REMOVING CARTRIDGE WITH A PRE-FILTER APPROVED FOR PESTICIDES OR A CANISTER APPROVED FOR PESTICIDES. FOR ALL OTHER EXPOSURES, WEAR A DUST/MIST FILTERERING RESPIRATOR”.**

(6) If regulation 70 indicates respiratory protection is required, but if the existing pesticide labelling has no respiratory protection requirement, the following respiratory protection statement shall be added: **“USE A DUST/MIST FILTERING RESPIRATOR”.**

(7) In addition to the minimum PPE and work clothing requirements given in regulation 70, the labelling statement for any product in Toxicity Category I or II on the basis of dermal toxicity or skin irritation potential shall include the following PPE instructions, additions, substitutions as applicable—

- (a) if the product is not ready-to-use and there is no existing requirement for a chemical-resistant suit, the following statement shall be included:
“MIXERS/LOADERS: ADD A CHEMICAL-RESISTANT APRON”;
- (b) If application of the pesticide may result in overhead exposure to any handler, the following statement shall be included:
“OVERHEAD EXPOSURE: WEAR CHEMICAL-RESISTANT HEADGEAR”;
- (c) If any type of equipment other than the product container may be used to mix, load or apply the product, and

there is no requirement for a chemical-resistant suit, the following statement shall be included: "**FOR CLEANING EQUIPMENT: ADD A CHEMICAL-RESISTANT APRON**".

PPE for early-entry workers.

74. The minimum entry requirements for PPE and worker clothing for early entry workers shall be specified as follows - **FOR EARLY ENTRY TO TREATED AREAS AND THAT INVOLVES CONTACT WITH TREATED PLANTS, SOIL OR WATER, WEAR –**

- (a) [list the body protection, glove, footwear, protective eyewear and protective headwear, if applicable, statements specified for applicators and other handlers, but omit any respiratory protection statements].
- (b) If the body protection statement in regulation 70 requiring handlers to use a long-sleeved shirt and long pants, "coveralls" must be specified in the statement of PPE for early-entry workers.
- (c) If there is no statement requiring gloves and no prohibition against gloves for pesticide applicators and other handlers, add a statement requiring use of "**WATERPROOF GLOVES**".

Advertising.

75. (1) Advertising includes –

- (i) brochures, pamphlets, circulars and similar material offered to purchasers as the point of sale or by direct mail,
- (ii) newspapers, magazines, newsletters and other material in circulation and available to the public,

LAWS OF GUYANA

108 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (iii) advertisements on the broadcast media such as radio or television, and
- (iv) bill boards and posters.

(2) Promotional material distributed to the public apart from the pesticide product constitutes advertising.

(3) False or misleading advertising or promoting a pesticide for a use not authorized in its registration is prohibited.

(4) Advertising an unregistered pesticide is strictly prohibited.

Conflicts.

76. The advertising of pesticides and toxic chemicals shall not be in conflict with—

- (a) label directions and precautions;
- (b) proper maintenance and use of application equipment;
- (c) use of personal protective equipment;
- (d) special precautions for children and pregnant women; or
- (e) the dangers of reusing containers.

Advertiser's
requirement.

77. All advertisers of pesticides and toxic chemicals shall ensure that—

- (a) all statements used in the advertisement are technically justified;
- (b) advertisement does not contain any statement or visual presentation which, directly or by implication, omission, ambiguity or exaggerated claim, is likely to mislead the buyer, in particular with regard to the "safety" of the product, its nature, composition or suitability for use, official recognition or approval;

- (c) pesticides which are legally restricted to use by trained or registered operators are not publicly advertised through journals other than those catering for such operators, unless the restricted availability is clearly and prominently shown;
- (d) no company or individual simultaneously markets different pesticide active ingredients or combinations of ingredients under a single brand name;
- (e) advertising does not encourage uses other than those specified on the approved label;
- (f) promotional material does not include recommendations at variance with those of the recognized research and advisory agencies;
- (g) advertisements do not misuse research results, quotations from technical and scientific literature or scientific jargon to make claims appear to have a scientific basis they do not possess;
- (h) claims as to safety, including statements such as "safe", "non-poisonous", "harmless", "non-toxic" or "compatible with IPM," are not made without a qualifying phrase such as "when used as directed";
- (i) statements comparing the risk, hazard or "safety" of different pesticides or other substances are not made;
- (j) misleading statements are not made concerning the effectiveness of the product;

LAWS OF GUYANA

110 **Cap. 68:09**

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (k) no guarantees or implied guarantees, such as "more profits with..." or "guarantees high yields," are given unless definite evidence to substantiate such claims is available;
- (l) advertisements do not contain any visual representation of potentially dangerous practices, such as mixing or application without sufficient protective clothing, use near food or use by or in the vicinity of children;
- (m) advertising or promotional material draws attention to the appropriate warning phrases and symbols as laid down in the labelling guidelines;
- (n) technical literature provides adequate information on correct practices, including the observance of recommended application rates, frequency of applications and pre-harvest intervals;
- (o) false or misleading comparisons with other pesticides are not made;
- (p) all staff involved in sales promotion are adequately trained and possess sufficient technical knowledge to present complete, accurate and valid information on the products sold;
- (q) advertisements encourage purchasers and users to read the label carefully, or have the label read to them if they cannot read;
- (r) advertisements and promotional activities

should not include inappropriate incentives or gifts to encourage the purchase of pesticides.

PART IV
CERTIFICATION OF PESTICIDE APPLICATORS

Commence-
ment of Part.

78. This Part of these Regulations shall become effective twelve months after the commencement date of these regulations.

Pesticide end-
user
requirements.

79. (1) The end-user of a pesticide product must—

- (a) use the pesticide in accordance with its directions for use and only for those uses authorized by its registration;
- (b) use only pest control equipment that is in good repair and safe to operate;
- (c) perform all pest control in a careful and effective manner;
- (d) use only methods and equipment suitable to ensure proper application of pesticides; and
- (e) exercise reasonable precautions to avoid contamination of the environment.

(2) A person shall not detach, alter or destroy a pesticide product label or use any pesticide in a manner inconsistent with its labelling.

(3) Unless the labelling specifies otherwise, an end-user may apply a pesticide at a dosage, concentration or frequency less than that listed on the labelling, use an application method not described on the labelling, mix pesticides with fertilizer or use the pesticide against a target species not specified on the labelling.

LAWS OF GUYANA

112 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Restricted
pesticides.

80. (1) Pesticide products which have been classified by the Board for restricted use and which was being imported into Guyana on the effective date shall be as listed in the Second Schedule hereto.

(2) A person shall not handle or apply restricted use pesticide unless he has been suitably trained and is certified by the Board as a "Commercial Pesticide Applicator".

Protection of
persons,
animals, and
property.

81. (1) An applicator prior to and while applying a pesticide shall evaluate the equipment to be used, meteorological conditions, the property to be treated, and surrounding properties to determine the likelihood of harm or damage.

(2) A pesticide application shall not be made or continued when—

- (a) there is a reasonable possibility of contamination of the bodies or clothing of persons not involved in the application process;
- (b) there is a reasonable possibility of damage to non target crops, animals, or other public or private property; or
- (c) there is a reasonable possibility of contamination of non target public or private property, including the creation of a health hazard, preventing normal use of such property.

(3) Sub regulations (1) and (2) shall not apply to persons or agencies when the pesticide used is registered for use in residential areas for purposes of vector control and is used in accordance with that registered labelling.

(4) Any person who knowingly or unknowingly whether directly or indirectly discharge any pesticide or toxic chemical without the consent of the owner or operator of any property is guilty of an offence.

Subpart B – Categorization of Applicators and Certification

Pesticide
applicator
certification.

82. (1) The following individuals may use pesticides for end-use applications—

- (a) a private applicator;
- (b) a commercial applicator.

(2) A pesticide applicator may not apply a restricted pesticide unless he is certified by the Board.

(3) All commercial applicators must be certified by the Board.

Categorization
of commercial
applicators.

83. The Registrar may certify Commercial Applicators in one or more of the following eight categories—

- (1) Agricultural Pest Control: Commercial Applicators supervising the use of pesticides for general and restricted use in the production of agricultural crops including feed grains, forage, vegetables, citrus fruits, tree fruits and nuts, grasslands and non-crop agricultural lands or on animals;
- (2) Forest Pest Control: Commercial Applicators supervising the use of pesticides for general and restricted use in forests, forest nurseries and forest seed producing areas;
- (3) Seed Treatment: Commercial Applicators supervising the use of pesticides for general

LAWS OF GUYANA

114 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

and restricted use on seeds;

- (4) Aquatic Pest Control: Commercial Applicators supervising the use of pesticides for general and restricted use purposefully applied to standing or running water;
- (5) Right-Of-Way Control: Commercial Applicators supervising the use of pesticides for general and restricted use in the maintenance of public roads, power lines, pipelines, railway rights-of-way or other similar areas;
- (6) Industrial Pest Control: Commercial Applicators supervising the use of pesticides for general and restricted use in, on or around agricultural product processing establishments, warehouses and grain elevators and for the protection of stored, processed or manufactured agricultural products;
- (7) Demonstration and Research Pest Control: This category includes—
 - (i) individuals who demonstrate to the public the proper use and techniques of application of restricted use pesticides; and
 - (ii) persons conducting field research on pesticides.
- (8) Urban / Domestic Pest Control: This category includes Commercial Applicators supervising the use of pesticides for general and restricted use in and around urban

structures, public places, hospitals, recreational facilities and domestic households and includes use of public health pesticides.

General
standards for
certification.

84. All commercial applicators shall demonstrate practical knowledge of the principles and practices of pest control based on problems and situations appropriate to the particular category of the applicator's certification and the following areas—

- (i) Label Comprehension: understanding of instructions, warnings, terms, symbols and other information commonly appearing on pesticide labels, classification of the pesticide (general or restricted), necessity for use consistent with the label.
- (ii) Safety: pesticide toxicity, hazard to man and common exposure routes, common types and causes of pesticide accidents, precautions to guard against injury to applicators, need for, and use of, protective clothing and equipment, symptoms of pesticide poisoning, first aid procedures, proper identification, storage, handling, transport and mixing procedures, disposal methods for pesticides and pesticide containers.
- (iii) Environment: potential environmental consequences of the use and misuse of pesticides as influenced by weather, types of terrain and soil, drainage patterns and the presence of fish, wildlife and other non-target organisms.
- (iv) Pests: common features of pest organisms and characteristics of damage needed for

LAWS OF GUYANA

116 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

pest recognition.

- (v) Pesticides: types of pesticides, types of formulations, compatibility, synergism, persistence and animal and plant toxicity of the formulations, hazards and residues associated with use, factors which influence effectiveness or which lead to problems such as resistance to pesticides, dilution of formulations.
- (vi) Equipment: types of application equipment and the advantages and limitations of each type; uses, maintenance and calibration.
- (vii) Application Techniques: methods to apply various formulations of pesticides, solutions, and gases; knowledge of what technique to use for a given situation, relation of discharge and placement of pesticides to proper use, unnecessary use and prevention of drift and pesticide loss to the environment.
- (viii) Laws and Regulations: applicable laws of Guyana for pesticide use.

Subpart C - Standards for Certification of Private Applicators

Specific standards for certification.

85. Commercial Applicators require additional, specialized knowledge of each category of certification. Commercial Applicators in each category shall be qualified in the following standards—

- (1) Agricultural Pest Control: practical knowledge of crops grown and the specific pests of those crops, soil and water

problems, pre-harvest intervals, re-entry intervals, phytotoxicity and potential for environmental contamination, non-target injury and community problems resulting from the application of restricted use pesticides in agricultural areas. Applicators applying pesticides to animals must demonstrate practical knowledge of such animals and their associated pests. Knowledge is also required of specific pesticide toxicity and residue potential since host animals will frequently be used as food. The relative hazards associated with such factors as formulation, application techniques, age of animals, stress and extent of treatment must be understood.

- (2) Forest Pest Control: practical knowledge of the types of forest, forest nurseries and seed production, cyclic occurrence of certain pests and specific population dynamics in order to program pesticide applications, relative biotic agents and their vulnerability to the pesticides to be applied. Because forest stands may be large and frequently include natural aquatic habitats and wildlife, the consequences of pesticide use may be difficult to assess. Practical knowledge of control methods to minimize the possibility of secondary problems such as unintended effects on wildlife is required. Proper use of specialized equipment must be demonstrated, especially as it may relate to meteorological factors and adjacent land use.
- (3) Seed Treatment: practical knowledge of the types of seeds that require chemical

LAWS OF GUYANA

118 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

protection against pests and factors such as seed coloration, carriers and surface active agents which influence pesticide binding and may affect germination. Knowledge of the hazards associated with handling, sorting and mixing and misuse of treated seed such as introduction of treated seed into food and feed channels, as well as proper disposal of treated seeds, is needed.

- (4) Aquatic Pest Control: practical knowledge of the secondary effects which can be caused by improper application rates, incorrect formulations and faulty application of restricted pesticides. Practical knowledge of various water use situations and the potential of downstream effects, potential, pesticide effects on plants, fish, birds, beneficial insects and other organisms which may be present in aquatic environments is needed. Practical knowledge of the principles applicable to limited area application is also a requirement.
- (5) Right-Of-Way Control: practical knowledge of a wide variety of environments since rights-of-way can traverse many different terrains, including waterways. Knowledge of runoff, drift and excessive foliage destruction and ability to recognize target organisms is important. Understanding of the nature of herbicides and the need for containment of these pesticides within the right-of-way area, and the impact of their application activities in the adjacent areas and communities is essential.
- (6) Industrial Pest Control: practical knowledge

of a wide range of pests including their life cycles, types of formulations appropriate for their control and methods of application that avoid contamination of food, damage and contamination of habitat and exposure of people.

- (7) Demonstration and Research Pest Control: knowledge of pesticide-organism interaction and the importance of integrating pesticide use with other control methods.
- (8) Urban / Domestic Pest Control: Practical knowledge of a wide range of household and urban pests including their life cycles, types of formulations necessary for their life cycles, types of formulations necessary for their control and method of application that avoid contamination of food, damage and contamination of habitat and exposure of people, impact in adjacent areas and communities.

Standards for certification of private applicators.

86. (1) A Private Applicator must demonstrate a practical knowledge of the pest problems and pest control practices associated with his agricultural operations, proper storage, use, handling and disposal of pesticides and containers.

(2) Other requirements include but is not limited to the following—

- (a) recognition of common pests to be controlled and the damage caused;
- (b) comprehension of pesticide label, direction for use, common name of pesticide, pest to be controlled, timing and method of application, safety precaution, any pre-

LAWS OF GUYANA

120 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

harvest or re-entry restriction and any special disposal procedure;

- (c) application of pesticide in accordance with label instructions area to be covered, speed of application equipment, quantity dispersed in a given time;
- (d) recognition of local environmental conditions that must be considered to avoid contamination;
- (e) recognition of poisoning symptom; and
- (f) procedures to follow in the event of an accident.

Certification procedure.

87. (1) An individual who is desirous of being certified as either a Private Applicator or Commercial Applicator shall apply to the Board in the form set out as Form A in the Sixth Schedule.

(2) To be eligible for certification as a Private or Commercial Applicator, every applicant is required to take and pass a written or oral examination based on the general standards outlined in regulation 84 and on the specific standards for each category of operator as outlined in regulation 85.

Notification of results.

88. The Board will notify the applicant in writing of the results of the examination within thirty days (30) and shall issue to each person who has passed the examination a certificate in the form set out as Form B in the Sixth Schedule.

Sixth Schedule.

89. A certificate will be valid for a period of two years from the date of issuance unless suspended or revoked by the Board.

Re-examination.

90. Individuals failing to pass the required examination may be re-examined after notification of failure.

Certificate renewal.

91. A certified applicator may qualify for re-

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

certification by taking and passing written or oral examinations as specified in Regulation 86, or by successfully completing any available training program approved by the Board for this purpose.

Subpart D – Record Keeping

Commercial
applicator
record keeping
requirements.

92. (1) Each self-employed Certified Commercial Applicator, each company employing a Certified Commercial Applicator, and each person who contracts with a Certified Commercial Applicator to have a restricted use pesticide applied on his property shall keep and maintain at its principal place of business accurate records of the use of restricted use pesticides, providing the following information—

- (i) name and address of the person for whom the pesticide was applied;
- (ii) location of the pesticide application;
- (iii) target pests;
- (iv) specific crop or commodity and site to which the pesticide was applied;
- (v) date of application;
- (vi) PTCCB Registration Number of the pesticide;
- (vii) amount of the pesticide applied and the percentage of active ingredient per unit of the pesticide used; and
- (viii) type and amount of the pesticide disposed of, method of disposal, date of disposal and location of the disposal site.

(2) Records shall be kept current and made available for inspection by the Registrar at reasonable times for a period of at least two years from the date of use of the pesticide.

LAWS OF GUYANA

122 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Suspension and
revocation
certificate.

93. (1) The Board may suspend, revoke or modify any pesticide applicator certificate if the holder has—

- (i) used a registered pesticide in a manner inconsistent with its labelling;
- (ii) used a registered pesticide classified for restricted use other than in accordance with its directions for use;
- (iii) refused or failed to keep and maintain records required by Regulation 92;
- (iv) made false or fraudulent records, invoices or reports;
- (v) failed to comply with any limitation or restriction of his certification; or
- (vi) violated any terms of the Act or its regulations.

(2) The Board shall notify the certificate holder of the ground on which the suspension, revocation or modification is based and the time period during which such action is effective and the conditions under which the individual may become re-certified and any additional conditions that the Board may impose.

(3) The certificate-holder shall be afforded an opportunity to request a hearing prior to final Board action to suspend, revoke or modify the certificate at which the holder may offer written statements of fact, explanations or arguments relating to the proposed action.

(4) Within sixty (60) days of a hearing the Board shall notify the affected individual of its decision, which is final.

PART V

PESTICIDE MANUFACTURING AND DISTRIBUTION

LICENCE

[Subsidiary]	<i>Pesticides and Toxic Chemicals Regulations</i>
---------------------	---

Commencement of Part.

94. This Part of these Regulations shall become effective six months after the commencement date of these regulations.

Establishment registration.

95. (1) An individual or establishment may not manufacture or import pesticide or toxic chemical without an Establishment Registration Number.

(2) Any establishment or individual wishing to manufacture or import a registered pesticide or toxic chemical, or any active ingredient in a registered pesticide or toxic chemical, must register with the Registrar in the manner prescribed in Form C of the Sixth Schedule hereto.

(3) Any establishment producing or manufacturing an unregistered experimental pesticide or toxic chemical for use in a test program authorized by a Research Permit must also seek registration.

Licensing of premises.

96. A Person may not—

- (a) sell by wholesale or retail;
- (b) store, package or manufacture a pesticide or toxic chemical, except in premises licensed by the Board for the sale, storage, packaging or manufacturing of pesticides or toxic chemicals.

Licence application procedures.

97. (1) An applicant for a Pesticide or Toxic Chemical Vendor License must apply to the Board for a licence in respect of those premises in the manner prescribed in Form D of the Sixth Schedule hereto.

(2) Completed application for Pesticide or Toxic Chemicals Vendor License must be sent to the Board with the required fees as outlined in the Third Schedule.

LAWS OF GUYANA

124 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Registration date.

98. (1) Pesticide production, before any, importation, distribution or sale may not occur at any establishment prior to the issuance by the Board of an Establishment Registration Number or Pesticide or Toxic Chemical Vendor License.

(2) All establishments currently engaged in business on the commencement date of these regulations must apply for registration by submitting an application within one hundred and twenty (120) days before the effective date.

(3) A new establishment that engages in business after the commencement date must apply for registration before it can commence production, importation, distribution or sale of pesticides.

Registration fee.

99. (1) An application for establishment registration must be accompanied with the prescribed fee as set out in the Third Schedule.

Third Schedule.

(2) An application for annual Pesticide or Toxic Chemical Vending License shall be accompanied with the prescribed fee as set out in Third Schedule.

(3) The Board may periodically revise the amounts of the initial registration fee and the annual renewal fees, which shall be published in the *Gazette*.

Licence issuance.

100. (1) The Registrar will register the establishment and assign an Establishment Registration Number or issue a Pesticide or Toxic Chemical Vendor License upon receipt of a complete and accurate application.

(2) Establishment registration and the assigned Establishment Registration Number shall remain effective for an indefinite period, provided pesticide or toxic chemical reports are submitted annually pursuant to the requirements

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

of regulation 101 and in keeping with the provisions of the Act and its regulations.

(3) Failure to submit a report may result in termination of establishment registration, cancellation of the Establishment Registration Number and assessment of penalties.

Reporting requirements.

101. Each registered establishment shall submit an annual report to the Registrar concerning each pesticide or toxic chemical registered or unregistered or active ingredient produced or imported at each establishment before March 1st of each year for the prior calendar year and include the following—

- (i) name and address of the establishment;
- (ii) amount of each pesticide or toxic chemical—
 - (a) produced during the past year;
 - (b) imported during the past year;
 - (c) sold or distributed during the past year;
 - (d) estimated to be produced or imported during the current year;
 - (e) PTCCB Registration Number or Research Permit Number for an experimental pesticide or toxic chemical or active ingredient.

Licence in respect of classes of pesticides.

102. (1) Premises licensed for the sale, storage, manufacture or packaging of—

- (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,

LAWS OF GUYANA

126 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

but not for the sale of pesticides in Classes 1A and 1B;

(c) pesticides in Class III are deemed to be licensed for the sale of unclassified pesticides but not for the sale of pesticides generally;

(d) unclassified pesticides are not to be deemed licensed for the sale of pesticides in Classes 1A, 1B, II or III.

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

Display of
licence.

103. Where a licence has been issued relating to any premises for the sale of pesticides or toxic chemicals, the owner or occupier shall display—

(a) on the outside of the premises a notice in the form and manner as prescribed in Form F of the Sixth Schedule hereto;

(b) outside the premises the licence, in the form and manner prescribed in Form E in the Sixth Schedule.

Sixth Schedule.

Publication by
Registrar.

104. The Board shall publish in the *Gazette* from time to time—

(a) a list of premises licensed for the sale, storage, packaging or manufacturing of pesticides and toxic chemicals in different classes;

(b) a list of premises, the licences of which have been cancelled or varied.

Cancellation or
variation of

105. Where the owner or occupier of premises

[Subsidiary] *Pesticides and Toxic Chemicals Regulations*

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

Notice of cancellation or variation of licence.

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

Appeals from decision of the Board.

107. (1) Where the Board refuses to grant a licence, an aggrieved applicant may appeal to the Minister within ten days of the receipt of the letter of refusal.

(2) At the request of the Minister the Board shall submit all documents relevant to the application under review.

(3) Where the Minister is of the view that new circumstances warrant a review of the application the Minister may appoint an Inspector, an Analyst, or Medical Examiner to inspect the premises anew and to submit a report to the Minister and the Minister shall forthwith consider the report and give such directives to the Board as he sees fit.

Subpart B – Requirements for premises licensed for the sale, storage, manufacture, packaging of pesticides in classes 1A, 1B, II and III

Licensed premises.

108. Premises licensed for the sale, manufacture or storage of pesticides or toxic chemicals shall be constructed in accordance with the requirements of regulations 109 to 113 and Part 7 of these Regulations.

Construction of premises.

109. Premises shall be constructed as follows—

(a) areas and sections of the premises used for the storage or the exposure for sale of

Fourth
schedule.

pesticides in Classes 1A, 1B, II or III shall be clearly defined and shall be identifiable by permanent signs, together with the appropriate warning marks contained in the Fourth Schedule hereto, fixed above the entrances;

- (b) the sales area shall be separated from areas used for mixing, formulatory or repackaging pesticides, so as to minimize the movement of pesticide, dust or vapour into the sales area where customers have access;
- (c) electrical wiring shall comply with the relevant authorities and accompanied by the relevant certificates;
- (d) 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;
- (e) eye fountains with a regular supply of clear water shall be available at all times.

Disposal of
waste.

110. (1) Facilities for the disposal of empty packages and containers and spilled or waste pesticides and toxic chemicals shall be such as to avoid any effect on human health and the environment.

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

First aid.

111. (1) First aid facilities shall be readily available on

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

the premises to assist in countering the adverse effects of pesticides in intimate contact with humans through cuts, wounds, eyes, nostrils and otherwise.

(2) The importer will provide advice on antidotes and instructions to the owner or occupier of the premises.

Licence with limits.

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

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

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

Storage and display area.

113. (1) All pesticides on display in general stores and shops, department stores, supermarkets and shops in shopping malls shall be located in a separate area that is identified by signs with a minimum size of 8" by 11" with lettering of 35 point or larger which shall state "**PESTICIDE DISPLAY AREA. READ AND FOLLOW ALL PESTICIDE LABEL INSTRUCTIONS.**"

(2) All pesticide containers in the self-service sales area shall be in good condition and have full labelling intact.

(3) It is an offence to have torn labels, punctured, rusted or leaking pesticide containers in the self-service area.

(4) Pesticides shall not be on display above food or

LAWS OF GUYANA

130 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

animal feed products.

(5) All establishments shall have readily available and easily accessible spill cleanup materials sufficient to absorb two times the volume of the largest container stored.

Subpart C – Premises for sale of Pesticides in Classes IA, IB

Construction of premises.

114. 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 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 unauthorized removal of pesticides;
- (b) storage areas shall be separated from the living areas, sleeping areas, cooking and eating areas and offices;

LAWS OF GUYANA

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (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.

Licence
exemptions.

115. A custom blender is exempt from the registration and licensing requirements, provided—

- (1) the blend is prepared to the order of the customer and not held in inventory by the blender;
- (2) the blend is to be used on a customer's property;
- (3) the pesticide used in the blend do not have label use directions which prohibit their use in a blend;
- (4) the blend is prepared only from registered pesticides;
- (5) the blend is delivered to the end-user with a copy of the end-use labelling of each pesticide used in the blend and a statement specifying the composition of the blend; and
- (6) no other pesticide production, importing, distribution or sale is performed at the establishment.

Pesticide or
toxic chemical
manufacturer.

116. All manufacturers of pesticides or toxic chemicals must maintain records of the following—

- (a) PTCCB Registration Number and batch identification number;
- (b) quantities of unregistered pesticides or toxic chemicals manufactured and copies of appropriate Research Permits or Registrar exemption permits;
- (c) brand names and quantities of products produced;
- (d) ingredients used in manufacturing;

LAWS OF GUYANA

132 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (e) pesticide or toxic chemical shipment and transfer information;
- (f) pesticides or toxic chemicals in inventory;
- (g) advertisement information;
- (h) guarantees given by the manufacturer;
- (i) exported pesticides or toxic chemicals;
- (j) disposal of pesticides or toxic chemicals;
- (k) environmental monitoring program data and reports;
- (l) records of any relevant tests conducted on humans;
- (m) pesticide or toxic chemical research data and summaries.

Pesticide or
toxic chemical
importer.

117. All importers of pesticides or toxic chemicals must maintain records of the following—

- (a) PTCCB Registration Number of each imported, registered pesticide or toxic chemicals;
- (b) copies of Notice of Arrival of Pesticides or toxic chemicals forms;
- (c) quantities of registered pesticides or toxic chemicals imported;
- (d) quantities of unregistered pesticides or toxic chemicals imported or Registrar exemptions;
- (e) name and address or consignors;
- (f) pesticide or toxic chemicals inventories;
- (g) identities of purchasers of pesticides or toxic chemicals sold, quantities, dates of sale;
- (h) records of all spills and emergency clean-ups;
- (i) details of any Board recalls and collection and storage procedures;
- (j) disposal records for bulk packaging or containers;
- (k) use of refillable containers, identities of pesticides or toxic chemicals and dates of

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

refill;

- (l) bulk containment area monitoring programs.

Commercial applicators.

118. All commercial applicators of pesticides must maintain records of the following—

- (a) certifications for each or the establishment's certified applicators;
- (b) location of pesticide application;
- (c) quantities of pesticides applied at each locality, targeted pests, pesticides identity, dosage rate, formulation, amounts applied, approximate date of application, reentry period used;
- (d) quantities of pesticide in storage or inventory;
- (e) disposal records for pesticide containers and packaging;
- (f) applicator equipment maintenance records;
- (g) worker injury or poisoning reports;
- (h) certified applicator training records.

Inspections.

119. (1) A manufacturer, importer, distributor or dealer in pesticides or toxic chemicals shall make available, upon the request of a Board Inspector, all records showing the delivery, movement or holding of any pesticide including the quantity, dates of shipment and receipt and the names of the consignors and consignees in addition to the information specified in this regulation.

(2) A Board Inspector is authorized to enter at any time any establishment or other place where pesticides or toxic chemicals are being held for distribution or sale, for the purpose of inspecting and obtaining samples of any pesticides or toxic chemicals, chemical ingredients, containers, packaging or labelling and to verify compliance with the Establishment Registration permit terms.

LAWS OF GUYANA

134 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

(3) The Board Inspector may enter any place where there is being held any pesticide or toxic chemicals whose registration has been suspended or cancelled and which may be subject to a voluntary or mandatory recall ordered by the Board.

(4) When an Inspector collects any samples, prior to leaving the premises he shall give the owner a receipt describing the samples obtained and, if requested, a portion of each such sample equal in volume or weight to the portion retained.

(5) A Board Inspector may accompany a Certified Commercial Applicator or observe his application of a pesticide.

(6) An Inspector may instruct any certified applicator to stop an application if there is reason to believe that the preparation or application of the pesticide violates the pesticide's directions for use or if the pesticide is not appropriate to treat the pest or threatens non-target organisms.

(7) The Board may cite a commercial establishment for a violation of the Regulations or of the Act when an employee of the establishment is in breach of the Regulations or the Act.

Surveys and reports.

120. The information collected by pesticide or toxic chemical manufacturers or importers shall be used by the Board to develop and maintain a database on agricultural pesticide use.

PART VI
EXPERIMENTAL PESTICIDE AND TOXIC CHEMICAL
STUDIES
Subpart A – General

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Commencement of Part.

121. This Part of these Regulations shall become effective three months after the commencement date of these regulations.

Pesticide and toxic chemical research permit.

122. (1) A Pesticide or Toxic Chemical Research Permit is required for laboratory tests, greenhouse tests, replicated field trials and for other tests whose purpose is to assess the toxicity or other properties of any current or new pesticide or toxic chemical.

(2) Any person or any public or private research agency or educational institution engaged in pesticide research or testing or seeking registration for any new or current chemical, toxic chemical or biochemical pesticide shall apply to the Registrar for a Pesticide or Toxic Chemical Research Permit.

Pesticide and toxic chemical research permit application.

123. A request for an amendment or an application for a Pesticide or Toxic Chemical Research Permit shall be submitted with the appropriate filing fee sixty days in advance of the intended date of use to the Registrar.

Subpart B – Procedure and Content of Application

Application contents.

124. An application for a Pesticide or Toxic Chemical Research Permit must include—

- (i) name and address of applicant;
- (ii) registration number of the pesticide, if registered;
- (iii) purpose or objectives of the proposed study including a detailed description of the testing program inclusive of test parameters, designation of the pest organism involved, amount of the pesticide proposed for use,

the crops, fauna and flora to be treated, dosage rates, locations of the test site, number of acres or number of animals to be treated or included in the area of expected use, proposed dates or period during which the testing program is to be conducted and the manner in which the program will be supervised;

- (iv) names, addresses and qualifications of all participants who is responsible for supervising the use or evaluation of the experimental pesticide or toxic chemical in the program;
- (v) names and addresses of all cooperators or individuals who granted permission for the use of an experimental pesticide at an application site owned or controlled by said individual in the test.
- (vi) description and results of any relevant prior testing of the pesticide conducted by the applicant to determine toxicity and effectiveness in, or on, target organism at the site of application and to determine phytotoxicity and other forms of toxicity or effects on non-target plants, animals and insects at or near the site of application and to determine any adverse effects on the environment;
- (vii) proposed method of storage and disposition of any unused experimental pesticide and its containers;
- (viii) a complete, confidential statement of the composition for the formulation to be tested,

giving the name and percentage by weight of each active ingredient;

- (ix) chemical and physical properties of each active ingredient and the formulation to be tested;
 - (x) data on the rates of decline of residues on the treatment crop or environmental site and information for determining entry of persons into the treated areas; and
 - (xi) results of toxicity tests and other data relevant to the pesticide's potential for causing injury to the users or other persons who may be exposed, including any available epidemiological information for humans; and
- (viii) any additional, relevant information which the Board may require.

Maximum Residual Limits.

125. Where residues of any experimental pesticide remain in, or on, food or animal feed following application, then the applicant must—

- (i) submit evidence that a Maximum Residual Limits, or exemption from a Maximum Residual Limits, has been established for residues of the pesticide in, or on, such food or feed;
- (ii) submit a petition proposing establishment of a Maximum Residual Limits or an exemption;
- (iii) certify that the food or feed from the experimental program will be destroyed or fed only to experimental animals for testing purposes, or otherwise disposed of in a

LAWS OF GUYANA

138 **Cap. 68:09**

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

manner which will not endanger man or the environment; and

- (iv) the detailed method of destruction of food or feed from the program.

Application fee.

126. (1) An application for a Pesticide or Toxic Chemical Research Permit shall be accompanied with the prescribed fee as set out in the Third Schedule.

Third Schedule.

(2) The application fee may be subjected to annual adjustment by the Board.

Permit
Issuance.

127. (1) The Board shall issue permits for one-year period and shall authorize the quantity of the unregistered experimental pesticide that can be imported, manufactured and applied.

(2) Permits may be renewed, extended or amended upon request to the Registrar and shall be submitted prior to expiration of the original permit in the same format as the original permit application where that information previously submitted may be incorporated by reference.

Importation
quantity and
limitations.

128. (1) The Pesticide or Toxic Chemical Research Permit will authorize importation into Guyana of a specified quantity of an unregistered pesticide or toxic chemical or of sufficient quantities of raw materials to formulate the authorized quantity of the experimental pesticide or toxic chemical.

(2) The quantity of an experimental pesticide or toxic chemical allowed by permit may be less than that requested if the Board determines that the available information on efficacy, toxicity or other hazards or the need for data on the adequacy of program supervision does not justify the quantity of the unregistered pesticide or toxic chemical requested.

(3) The Board may place additional limitations in the Pesticide Research Permit, if necessary, to protect public health and the environment.

(4) The Board may request additional studies during the permit period to generate data to support the establishment of Maximum Residual Limits or registration.

(5) All producers or users of unregistered pesticides produced pursuant to a Pesticide or Toxic Chemical Research Permit shall maintain records in accordance with Regulation 116.

Labelling.

129. All pesticides shipped or used under a Pesticides or Toxic Chemical Research Permit shall be labelled in accordance with the directions and conditions for use and shall include the following—

- (i) the prominent statement “**FOR EXPERIMENTAL USE ONLY**”;
- (ii) Pesticides or Toxic Chemical Research Permit Number;
- (iii) the statement “**NOT FOR SALE TO ANY PERSON OTHER THAN A PARTICIPANT OF THE REGISTRAR OF PESTICIDES AND TOXIC CHEMICALS-APPROVED PESTICIDE RESEARCH PROGRAM**”;
- (iv) name, brand or trademark;
- (v) name and address of the producer or registrant;
- (vi) net contents;
- (vii) ingredient statement;
- (viii) warning or caution statements;
- (ix) limitations on entry of persons into treated areas;
- (x) directions for use.

LAWS OF GUYANA

140 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Program supervision and reporting.

130. A pesticide or toxic chemical research permit holder shall supervise all test programs and evaluate the results of testing at each site of pesticide or toxic chemical application and immediately report to the Board any adverse effects from the use of, or exposure to, the pesticide or toxic chemical.

Permit holder report.

131. A pesticide or toxic chemical research permit holder shall issue a final report to the Board within ninety (90) days after the expiration of the pesticide or toxic chemical research permit inclusive of any extensions which will include—

- (i) all data generated during the test program;
- (ii) description of the disposition of the pesticide containers and any unused pesticide including amounts disposed of and the method and site of such disposition; and
- (iii) method of disposition of affected food and/or feed.

Failure to report.

132. Failure to submit required reports to the Board may constitute grounds for revocation of the Pesticides or Toxic Chemical Research Permit.

Registrar oversight.

133. (1) The Board may require the holder of a research permit to give reasonable advanced notification of the intended dates, times and sites on which such experimental pesticide or toxic chemical will be applied.

(2) Any authorized representative of the Board or Environmental Protection Agency may, upon presentation of suitable identification, be granted entry to any premises involved in the testing program to inspect and to determine whether there has been compliance with the terms and conditions of the research permit.

[Subsidiary]	<i>Pesticides and Toxic Chemicals Regulations</i>
Research permit revocation.	<p>134. (1) The Board may revoke a research permit at any time if its terms and conditions are being violated and if it is found that the testing is not being conducted in a manner to prevent unreasonable adverse effects on the environment or human and animal health.</p> <p>(2) A permit may also be revoked if new evidence is obtained which demonstrates that the Maximum Residual Limits levels are, or will be, inadequate to protect the public's health.</p> <p>(3) Revocation of a research permit shall not preclude the Board from initiating civil and criminal sanctions for violations of the permit conditions, or otherwise as authorized by the Act.</p>
Registrar appeal.	<p>135. (1) An applicant for a research permit wishing to contest the Board's refusal to issue a permit, or a holder of a permit wishing to contest the revocation of an existing permit, shall within twenty (20) days after receipt of notice of such refusal or revocation to file with the Registrar a written request for an appointment to confer with Board officials.</p> <p>(2) The applicant or permit holder will be informed of the Board's final decision within twenty (20) days after the conference.</p>
PART VIA	
IMPORTATION OF PESTICIDES OR TOXIC CHEMICALS	
Form of application for import licence. Sixth Schedule. Third Schedule. [5/2007]	<p>135A. Any person who wishes to import a controlled product may apply to the Registrar for an import licence in Form G of the Sixth Schedule accompanied by the fee set out in the Third Schedule.</p>
Features of import licence. [5/2007]	135B. An import licence issued by the Board —

LAWS OF GUYANA

142 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Sixth Schedule.

- (a) shall be in Form H of the Sixth Schedule;
- (b) is valid for a single importation of the product specified in the licence;
- (c) expires six months after its date of issue unless an earlier expiry date is specified on the licence; and
- (d) cannot be transferred or renewed.

Board to give reasons for refusing applications.
[5/2007]

135C. If the Board decides to refuse an application for an import licence, the Board shall, as soon as practicable, notify the applicant in writing of this decision and the reasons for it.

Board to give reasons for revoking licence.
[5/2007]

135D. If the Board decides to revoke an import licence, the Board shall, as soon as practicable, notify the licence holder in writing of this decision and the reasons for it.

Notification of minor changes.
[5/2007]

135E. (1) The holder of an import licence shall notify the Registrar in writing of—

- (a) any change in the trade name of a product specified in the licence;
- (b) any change in the name or address of the holder; and
- (c) any change in the identity, name, or address of the supplier or buying agent.

(2) A notification under paragraph (1) shall be made—

- (a) before any further importation of product under the relevant licence; and
- (b) in any case, within one month of the

relevant change.

(3) Failure to comply with paragraph (2) invalidates the licence.

PART VII
TRANSPORTATION, STORAGE, DISPOSAL AND
RECALL OF PESTICIDES OR TOXIC CHEMICALS

Subpart A – General

Authority.

136. (1) The Board has the authority to regulate the storage, transportation and disposal of pesticides and toxic chemical and their containers and rinsates, including those that have been suspended or cancelled.

(2) The Board may recall any pesticide or toxic chemical if it is determined that continued use may pose any unreasonable adverse effect on the environment or human and animal health.

Hazard prevention.

137. Pesticides, toxic chemical, emptied containers or parts thereof, or equipment that holds or has held a pesticide or toxic chemical, shall not be stored, handled, emptied, disposed of, or left unattended in such a manner or at any place where they may present a hazard to persons, animals, food, feed, crops or property or pollute any water supply or waterway.

Labelling.

138. Any container that holds, or has held, any pesticide or toxic chemical, when stored or transported, shall carry the registrant's label.

Subpart B – Transportation

Transportation.

139. Pesticides or toxic chemicals shall not be transported in the same compartment with persons, animals,

LAWS OF GUYANA

144 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

food or feed.

Spillage prevention.

140. Pesticide containers shall be secured to vehicles or vessels during transportation by land, air or water in a manner that will prevent spillage. Paper, cardboard, and similar containers shall be covered when necessary to protect them from moisture.

Transporting vehicle.

141. Pesticide applicators and dealers shall ensure that vehicles owned, leased, rented or borrowed by them for the purpose of transporting pesticides are placarded in accordance with regulations 144.

Notification of authorities.

142. Any individual transporting 100 kilograms or 100 litres or more of pesticide or toxic chemical whether by air, land or water within Guyana must inform the Registrar, the police and fire services of the type and amount of pesticide or toxic chemical transported, time, route, destination and vehicle(s)/vessel(s) number before commencing transportation.

Spillage notification.

143. Any individual transporting pesticide or toxic chemical must immediately inform the nearest police authority, fire officials, Registrar, Environmental Protection Agency and Health Authorities of any accident or spillage giving the quantity and names of the pesticides or toxic chemicals involved.

Warning marks.

144. Relevant signs, together with the appropriate warning marks contained in the Seventh Schedule must be prominently displayed on vehicles transporting pesticides or toxic chemicals.

Transport vehicle requirements.

145. All vehicles transporting pesticides or toxic chemicals must have on board—

- (i) first aid treatment;
- (ii) clean-up equipment;

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (iii) fire extinguisher;
- (iv) emergency protective clothing; and
- (v) trained local personnel in spill containment.

Subpart C – Storage

Applicability of section.

146. Any pesticide or toxic chemical held for storage must be stored in storage facilities as set forth in this subpart.

Fire department notification.

147. Any pesticide or toxic chemical manufacturer, importer, wholesaler or vendor who is storing any pesticide or toxic chemical must notify the appropriate fire department of the presence and storage location of any pesticide or toxic chemical on their premises.

Exemption from storage amount.

148. For the purpose of calculating the total amount of pesticide in storage in a pesticide storage facility, the following products shall be exempt from consideration—

- (a) pesticide products with solely household uses and with no more than 3% active ingredients;
- (b) disinfectants;
- (c) germicides;
- (d) bactericides;
- (e) viruscides;
- (f) insect repellents;
- (g) animal repellents.

Section 1

Siting and Structural Requirements for New Major Pesticide Storage Facilities

Applicability of section.

149. All major pesticide storage facilities that become operational after the commencement date of these regulations must conform with the provisions of this section.

Siting

150. (1) A new major pesticide storage facility may not

LAWS OF GUYANA

146 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

requirements be located—
for New Major

Pesticide
Storage
Facilities.

- (a) overlying any aquifer which has been identified by the Water Authority as a current or future source of public drinking water; or
- (b) overlying any sand and gravel aquifer.

(2) A new major pesticide storage facility may not be sited closer than one thousand feet from any—

- (a) school, hospital, nursing home, correctional facility, or other similar institutional building;
- (b) densely populated area unless the storage facility is located next to an office building or retail store which meets the criteria in sub-regulation 3(b)(iii) below;
- (c) pesticide critical control area; or
- (d) water body or well which serves any public water supply.

(3) A new major pesticide storage facility may not be sited closer than two hundred and fifty feet from any—

- (a) residential building;
- (b) office building or retail store, unless it meets one of the following exceptions—
 - (i) the office building or retail store is owned or operated by the licensed pesticide dealer;
 - (ii) the office building or retail store is located in an area zoned or identified by Regional/Local Authority for industrial use; or
 - (iii) the office building or retail store is

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

located in an area zoned by a municipality for business or commercial use and the construction of that pesticide storage facility has been approved by the municipal planning or zoning board;

- (c) water authority;
- (d) classified wetland;
- (e) private domestic well unless it solely serves the building owned or operated by the licensed pesticide dealer; or
- (f) area used for livestock.

Section 2

Structural Requirements for New Major Pesticide Storage Facilities

Basement of
new major
pesticide
storage facility.

151. All new major pesticide storage facilities shall be constructed without a basement.

Walls and
ceiling of new
major pesticide
storage facility.

152. The exterior walls and ceiling of a new major pesticide storage facility shall be constructed to have a fire resistance rating of two hours.

Doors of new
major pesticide
storage facility.

153. (1) All doors shall have a fire resistance rating of one hour.

(2) All new major pesticide storage facilities shall have, at least—

- (i) two means of egress, one of which must be a standard door on which panic hardware is installed.
- (ii) one outside door at ground level with a minimum opening of ten feet by twelve feet. This door shall not qualify as a

means of egress as described in subregulation 153(2)(i) unless it is equipped with a device which allows it to be easily and quickly opened in an emergency.

Section 3
Structural Requirements for All New and Existing
Major Pesticide Storage Facilities

Applicability of section.

154. (1) All new major pesticide storage facilities that become operational after the effective date of these regulations must conform with the provisions of this section.

(2) All existing major pesticide storage facilities must be upgraded to conform with the provisions of this section by no later than January 1, 2006.

Walls of all new and existing major pesticide storage facility.

155. All major pesticide storage facilities shall be structurally separated by a wall with a fire resistance rating of two hours from office, retail or residential spaces, livestock quarters, water supply sources, and food, feed, fertilizer or seed storages. This does not preclude having a small area for warehouse employees to maintain inventory and shipping records.

Doors of all new and existing major pesticide storage facility.

156. Any partitioned area within a major pesticide storage facility must be equipped with a standard door on which panic hardware is installed.

Floors of all new and existing major pesticide storage facility.

157. (1) All floors shall be made impervious to liquid and dry pesticide spills.

(2) The outside edges of floors shall have at least a four-inch, sealed concrete berm.

(3) All floor drains must be sealed or connected to

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

a waste storage tank of sufficient size to hold twenty-five percent of liquid volume stored.

Lighting of all new and existing major pesticide storage facility.

- 158.** All major pesticide storage facilities shall have—
- (a) lighting installed so that labels may be easily read and any leaks quickly detected;
 - (b) a battery powered emergency lighting system that automatically activates during power outages and illuminates all exits; and
 - (c) exterior lighting that provides coverage around the perimeter of the building.

Temperature.

- 159.** All pesticides must be stored at temperatures that conform to label directions.

Ventilation of all new and existing major pesticide storage facility.

- 160.** All major pesticide storage facilities shall have one of the following—

- (a) gravity ventilation to the outside with a capacity of one cubic foot per minute per square foot of floor space; or
- (b) mechanical ventilation with on/off switches at points of ingress that is capable of exhausting to the outside at a rate of not less than 150 cubic feet per minute.

Security.

- 161.** All major pesticide storage facilities shall have adequate security.

Fire protection for all new and existing major pesticide storage facility.

- 162.** (1) All major pesticide storage facilities shall be equipped with an automatic heat and smoke detector alarm system connected to a supervised central station. The system shall have both audible and visible devices and shall have a backup power system so it will operate during power outages.

- (2) Water sprinkler systems shall not be allowed in any portion of a major pesticide storage facility.

LAWS OF GUYANA

150 **Cap. 68:09**

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Emergency
showers.

163. All major pesticide storage facilities shall have emergency showers available, which must be located either in the facility or in an adjacent building on the premises within 200 feet of the major pesticide storage facility, together with a plan for collecting any water used in emergency showers.

Design
certification.

164. (1) Anyone constructing a new building which is intended to serve as a new major pesticide storage facility shall obtain a certification from a licensed architect or professional engineer that the plans for the facility meet all the requirements of this regulation.

(2) Anyone converting an existing building or portion of an existing building to a new major pesticide storage facility shall obtain a certification from a licensed architect or professional engineer that the plans for the facility meet all the requirements of this regulation.

(3) Copies of the certified plans shall be included in the building permit application to the municipality and shall be maintained by the licensed pesticide dealer at the facility and made available for inspection by the Board or its representatives.

Existing major
pesticide
storage
facilities.

165. (1) A general contractor renovating an existing major pesticide storage facility shall obtain certification from a licensed architect or professional engineer that the plans for the facility meet all the requirements of this regulations.

(2) A licensed pesticide dealer who undertakes renovations to an existing major pesticide storage facility without the services of a general contractor, licensed architect or professional engineer shall provide written self-certification that the pesticide storage facility meets all requirements of this regulations.

(3) A self-certification shall be maintained by the

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

licensed pesticide dealer at the facility and made available for inspection by the Board or its representatives.

Section 4

Structural Requirements for All New and Existing Minor Pesticide Storage Facilities

Applicability of section.

166. (1) All new minor pesticide storage facilities that become operational after the effective date of this regulations must conform with the provisions of this section.

(2) All existing minor pesticide storage facilities must be upgraded to conform with the provisions of this regulations by no later than January 1, 2006.

Walls of all minor storage facility.

167. Minor pesticide storage facilities shall be structurally separated from and sealed to prevent air movement to other occupied spaces and livestock quarters. This does not preclude having a small area for employees to maintain inventory and shipping records.

Doors of all minor storage facility.

168. Any partitioned area within a minor pesticide storage facility must be equipped with a standard door on which panic hardware is installed.

Floors of all minor storage facility.

169. All floors shall be made impervious to liquid and dry pesticide spills.

Lighting of all minor storage facility.

170. Minor pesticide storage facilities shall have lighting installed so that labels may be easily read and any leaks quickly detected.

Ventilation of all minor storage facility.

171. Minor pesticide storage facilities shall have one of the following—

- (a) gravity ventilation to the outside with a capacity of one cubic foot per minute per

LAWS OF GUYANA

152 **Cap. 68:09**

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

square foot of floor space; or

- (b) mechanical ventilation with on/off switches at points of ingress that is capable of exhausting to the outside at a rate of not less than 150 cubic feet per minute.

Security.

172. Minor pesticide storage facilities shall have doors and windows capable of being locked to prohibit unauthorized access.

Section 5

Operational and Emergency Equipment Requirements for All Major and Minor Pesticide Storage Facilities

Warning marks.

173. Each entrance to the pesticide storage facility shall be prominently posted with the words, "Danger - Pesticide Storage - Keep Out."

Smoking.

174. (1) No smoking shall be allowed in any pesticide storage area.

(2) All entrances to the pesticide storage facility shall be posted with signs indicating smoking is not allowed.

Damage prevention during storage.

175. All pesticide containers shall be stored on pallets in a manner that prevents damage and allows inspection for rusting, bulging or leaking and shall be in good condition and have full labelling intact.

Emergency equipment.

176. All pesticide storage facilities shall be equipped with at least one eye wash station capable of flushing eyes for a minimum of fifteen minutes.

Fire extinguisher.

177. (1) All pesticide storage facilities shall be equipped with fire extinguishers that are capable of extinguishing all types of fires that may occur in the pesticide storage facility.

Spill response equipment.

(2) Fire extinguishers must be clearly marked as to their fire suppression capabilities.

(3) The number and placements of fire extinguishers shall conform with the Guyana Fire Service standard or specifications.

Compatibility of absorbents and quantity.

178. All pesticide storage facilities shall be equipped with spill response and clean-up equipment, including, but not limited to, absorbents, empty containers, brooms and shovels and personal protective equipment for employees.

179. (1) Compatible absorbents for water and oil-based products shall be present in sufficient quantity to clean up two times the volume of the largest container stored in the facility.

(2) Proper personal protective clothing and equipment, as well as training to use that equipment, shall be provided to employees and emergency responders.

(3) Pesticide distributors may coordinate the provision of spill response equipment with other facilities in the locality as well as with appropriate municipal safety agencies.

Storage distance from other product.

180. Pesticides shall not be stored within ten feet from products intended for human or animal consumption.

Section 6
Standards Applicable To Pesticide, Mixing and Loading Facilities

Accessibility to pesticides.

181. During the use or storage of pesticides, commercial and private applicators shall not leave pesticides or pesticide containers in any area that is readily accessible to unauthorized persons, livestock or wildlife.

LAWS OF GUYANA

154 **Cap. 68:09**

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Labelling of storage containers.

182. In addition to regulatory requirements concerning the labelling of pesticide storage containers, legible labels shall be maintained on all bulk storage containers at all times

Storage of dry pesticide in bulk quantity.

183. (1) Stored dry bulk pesticide shall be covered by a roof or tarpaulin that shall be able to keep precipitation off the pesticides.

(2) Dry bulk pesticide stored outdoors shall be kept in storage containers.

(3) Storage containers shall be placed on pallets or on a raised concrete platform.

(4) Storage facilities shall be secured against entry by unauthorized persons, livestock or wildlife.

General requirements for storage containers.

184. Storage containers and appurtenances shall be—

- (a) constructed, installed and maintained so as to prevent the discharge of liquid bulk pesticide; and
- (b) constructed of materials which are resistant to corrosion, puncture or cracking.
- (c) designed and constructed to handle all operating stresses, taking into account static head, pressure buildup from pumps and compressors and any other mechanical stresses.

Materials for construction and repair of storage containers.

185. Materials used in the construction or repair of storage containers and appurtenances shall meet or exceed the manufacturer's recommendations and may not be of a type which react chemically or electrolytically with stored bulk pesticide in a way which may weaken the storage container or appurtenance, create a risk of discharge or

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

adulterate the pesticide.

Compatibility.

186. Materials used for valves, fittings and repairs on metal containers shall be compatible with the metals used in the construction of the storage container, so that the combination of metals does not cause or increase corrosion that may weaken the storage container or its appurtenances, or create a risk of discharge.

Appurtenances.

187. Every storage container connection, except a safety relief connection, shall be equipped with a shut-off valve located on the storage container or at a distance from the storage container dictated by standard engineering practices.

Security of valves.

188. Valves shall be secured to protect against vandalism or accidental valve openings that may result in a discharge.

Pipes and fittings.

189. Pipes and fittings shall be adequately supported to prevent sagging and possible breakage due to gravity and other forces which may be encountered in the ordinary course of operations.

Vents.

190. (1) Any air tight storage container used for liquid bulk pesticide shall be equipped with a pressure relief vent which opens and closes within the designed pressure limits of the container, so as to relieve excess pressure, prevent evaporative losses and prevent the entry of precipitation into the container.

(2) All other storage containers used for liquid bulk pesticide shall be equipped with a cover or closure which will relieve excess pressure, prevent evaporative losses and prevent the entry of precipitation.

Liquid level gauging devices.

191. (1) Every storage container shall be equipped with a liquid level gauging device by which the level of liquid

in the storage container can be readily and safely determined.

(2) A liquid level gauging device is not required if the level of liquid in a storage container can be readily and reliably measured by other means.

Security.

192. (1) Outdoor storage containers and containment facilities shall be located within a permanent fenced area or equivalent security system approved by the Board that is designed reasonably to prevent access by unauthorized persons and to provide reasonable protection against access by livestock or wildlife.

(2) Appurtenances shall be fenced or otherwise secured to provide reasonable protection against vandalism or unauthorized access which may result in a discharge.

(3) Valves on storage containers shall be locked or otherwise secured except when persons responsible for facility security are present at the facility.

(4) Valves on rail cars, nurse tanks and other mobile pesticide containers parked overnight at a storage facility shall be locked or secured except when persons responsible for facility security are present at the facility.

Filling of
containers.

193. Storage containers may not be filled to more than ninety-five percent of rated capacity unless the storage container construction or location provides for constant temperature control.

Section 7

Mixing, loading and rinsate collection areas

Paved surfaces
and catch
basins.

194. (1) Any mixing, loading and unloading, including mini-bulk filling, of pesticide or washing or rinsing of pesticide application equipment that takes place at commercial pesticide application and storage facilities must

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

take place on a pad which is paved with asphalt or concrete.

(2) Paved surface shall be curbed or constructed with sufficient slope to drain into a liquid-tight catch basin.

(3) Curbed surface and catch basin shall be of adequate size and design to contain 125 percent of the capacity of the largest mobile container used.

Protection
against
damage by
moving
vehicles.

195. Storage containers and appurtenances, including pipes and transfer hoses, shall be protected against reasonably foreseeable risks of damage by trucks and other moving vehicles engaged in the loading or unloading of pesticide.

Recovery of
discharges.

196. (1) Discharges incident to loading or unloading of pesticide shall be promptly recovered from the paved surface and catch basin.

(2) Where recovery of any of the spill for use as originally intended is not feasible, then procedures shall be employed to dispose of the discharged pesticide and any resulting clean up material as a hazardous waste in accordance with the Environmental Protection (Hazardous Waste Management) Regulations 2000.

Section 8
Secondary containment for liquid bulk pesticides.

General
requirements.

197. (1) Storage containers shall be enclosed in a secondary containment facility that is adequate, in the event of a discharge, to prevent the movement of liquid pesticide to waters of the state including groundwater.

(2) A secondary containment facility shall consist of a wall and liner as provided under regulation 200 and 201 or a prefabricated facility as provided under regulation 202.

LAWS OF GUYANA

158 **Cap. 68:09**

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

(3) Precipitation shall not be permitted to accumulate within a secondary containment facility.

(4) Empty pesticide containers shall not be stored or accumulated within secondary containment facilities.

Capacity.

198. The capacity of a secondary containment facility shall be at least equal to the sum of the following—

- (a) one hundred and ten percent of the greatest volume of liquid which could be discharged from the largest storage container within the secondary containment facility; and
- (b) the total volume of discharged liquid which would be displaced by the submerged portions of all other storage containers, fixtures and materials located within the secondary containment facility.

Storage with
other
commodities.

199. No other commodity, except liquid pesticide, pesticide rinsate or recovered pesticide discharges may be stored within a liquid pesticide secondary containment facility.

Walls.

200. (1) The walls of a secondary containment facility shall be constructed of earth, steel, concrete or solid masonry and be designed to withstand a full hydrostatic head of any discharged liquid. Cracks and seams shall be sealed to prevent leakage.

(2) Walls constructed of earth or other permeable materials shall be lined as provided under regulation 201.

(3) Earthen walls shall have a horizontal-to-vertical slope of at least three to one, unless a steeper slope is consistent with good engineering practice and shall be protected from erosion.

(4) Walls may not exceed 1.8 metres in height above interior grade.

Linings.

201. (1) The base of a secondary containment facility and any earthen walls of the containment facility shall be lined with asphalt, concrete or any approved synthetic liner.

(2) Liners shall meet the following requirements—

(a) asphalt or concrete liners shall be designed according to good engineering practices to withstand any foreseeable loading conditions, including a full hydrostatic head of discharged liquid and sealed to prevent leakage.

(b) synthetic liners shall have a minimum thickness of zero point eight millimeters, and be chemically compatible with the materials being stored within the facility and protected by a fifteen centimeter soil layer below the liner, and a thirty centimeter soil layer above the liner and free of materials that may puncture the liner.

(3) The use of synthetic liners for the construction of secondary containment facilities shall be approved by the Board provided the manufacturer of the liner provides the Board with a written confirmation of chemical compatibility and a written estimate of the life of the liner.

(4) Synthetic liners shall be installed under the supervision of a qualified representative of the manufacturer, and all field constructed seams shall be tested, and repaired if necessary, in accordance with the manufacturer's recommendations.

LAWS OF GUYANA

160 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Prefabricated facilities.

202. (1) A prefabricated facility shall be composed of a rigid prefabricated basin having both a base and walls constructed of steel or synthetic materials which are resistant to corrosion, puncture or cracking.

(2) Materials used in the facility shall be chemically compatible with the products being stored within the secondary containment facility.

(3) The prefabricated facility shall be designed and installed to withstand all foreseeable loading conditions, including the tank load and a full hydrostatic head of any discharged liquid.

Recovery of discharges.

203. (1) Discharges incident to the storage, loading or unloading of pesticide shall be promptly recovered from within the secondary containment facility.

(2) Where recovery of any of the spill for use as originally intended is not feasible, then procedures shall be employed to dispose of the discharged pesticide and any resulting clean up material as a hazardous waste in accordance with the Environmental Protection (Hazardous Waste Management) Regulations 2000.

Inspection and maintenance.

204. The operator of a storage facility shall routinely inspect and maintain storage facilities, storage containers, and appurtenances in accordance with the following schedule in order to minimize the risk of a discharge—

- (a) valves and other appurtenances shall be inspected for leakage and proper operation at least weekly;
- (b) the contents of each bulk storage container shall be measured and recorded at least weekly to facilitate the monthly inventory reconciliation as required by regulation 205(4);

[Subsidiary]	<i>Pesticides and Toxic Chemicals Regulations</i>
	<p class="list-item-l1">(c) secondary containment facilities shall be inspected annually to assure compliance with regulation 197;</p> <p class="list-item-l1">(d) all equipment and supplies mandated by the Discharge and Response Plan shall be maintained in sound working order; and</p> <p class="list-item-l1">(e) a written record of all inspections and maintenance shall be made on the day of the inspection or maintenance, and kept at the storage facility, or at the nearest local office from which the storage facility is administered.</p>

Recordkeeping.

205. (1) The following records shall be prepared and maintained on file at every storage facility, or at the nearest local office from which the storage facility is administered. Furthermore, records shall be maintained for at least five years, and shall be made available for inspection and copying by the Board upon request.

(2) A record of all discharges at the storage facility, including the date and time of discharge, the type of liquid bulk pesticide discharged, the volume of the discharge, the cause of the discharge, any action taken to control or recover the discharge, and the method of use or disposal of any recovered discharge. The discharge record shall be completed on the day the discharge is discovered, and shall be promptly updated to show measures taken to control, recover, use or dispose of the discharge.

(3) A regular record of the liquid pesticide levels in each storage container. The level in each storage container shall be measured and recorded at least weekly, as provided in paragraph 6.

(4) A monthly inventory reconciliation, showing the amount of liquid bulk pesticide from each storage container that is lost or unaccounted for at the end of each

monthly period.

(5) Inspection and maintenance records pertaining to storage containers, appurtenances, and secondary containment facilities, as provided under regulation 204.

(6) A record of manufacturers' compatibility statements as provided under regulations 201 and 202.

Section 9
Preparations for control and recovery of pesticide discharges

Emergency response plan. **206.** (1) The operator of a storage facility shall prepare a written emergency response plan for the storage facility.

(2) The operator shall keep the plan current at all times.

(3) A copy of the plan shall be kept readily available at the storage facility or at the nearest local office from which the storage facility is administered, and shall be available for inspection and copying by the Board.

(4) The operator of the storage facility shall inform the local fire and police departments of the existence of the plan, and shall provide a current copy of the plan to the local fire department.

(5) The emergency response plan shall include—

(a) the identity and telephone number of the persons or agencies who are to be contacted in the event of an emergency, including persons responsible for the stored pesticide;

(b) a copy of the label affixed to the storage

container, the Material Safety Data Sheet (MSDS) and a copy of the label that would ordinarily accompany the sale of the pesticide for each bulk pesticide stored at the facility;

- (c) map identifying the location of bulk pesticide storage containers located at the storage facility;
- (d) the procedures to be used in controlling and recovering, or otherwise responding to a discharge for each type of bulk pesticide stored at the facility; and
- (e) procedures to be followed in using or disposing of a recovered discharge.

Equipment and supplies.

207. (1) Applicators, manufacturers and distributors who store bulk pesticides shall have access to pumps and recovery containers which can be used to control and recover discharges, and to personal protective equipment and clothing for use by persons involved in discharge control and recovery.

(2) Pumps, recovery containers, personal protective equipment and clothing and persons capable of deploying and operating them, shall be readily available in an emergency.

(3) Pumps, recovery containers, personal protective equipment and clothing required under this subsection may include those provided by a local fire department or other persons, if the use and availability of such equipment is arranged in advance as part of an emergency response plan.

(4) Pumps, recovery containers, personal

protective equipment, and other materials used in control and recovery of discharges shall be decontaminated promptly after the discharge has been recovered, and may not be used for other purposes until they have been decontaminated.

(5) Absorbent materials suitable for the control and cleanup of small liquid discharges shall be kept readily available at every storage facility.

Training.

208. Persons employed at the storage facility shall be made aware of and trained in emergency response procedures, pursuant to the emergency response plan.

Underground
liquid storage.

209. (1) No liquid bulk pesticide or pesticide rinsate shall be stored underground.

(2) This prohibition does not apply to an underground watertight catch basin used for temporary collection of discharges or runoff.

Alternative
technology.

210. (1) The Board may exempt any person or company from a requirement under this regulation if compliance is not technically feasible, but only if the Board finds that alternative measures provide substantially similar protection for the waters of the State.

(2) A person desiring to implement technology inconsistent with the provisions of this regulation shall make such a request in writing and shall provide the Board with adequate information to show that the alternative measures requested provide substantially similar protection for the waters of the State.

Subpart – D
Disposal

Disposal
subject to
Environmental

211. The disposal of pesticides or toxic chemical and pesticide or toxic chemical containers is subject to the

[Subsidiary]	<i>Pesticides and Toxic Chemicals Regulations</i>
Protection Act and regulations made pursuant to the Act. c. 20:05	<p>Environmental Protection (Hazardous Waste Management) Regulations 2000 and except in a manner consistent with label directions or in a manner permitted, licensed, approved or authorized pursuant to the Environment Protection Act or regulations made pursuant to that Act, no person shall—</p> <ul style="list-style-type: none"> (a) dispose of any pesticide or toxic chemical, mixture containing a pesticide, or material treated with a pesticide or toxic chemical; (b) bury, decontaminate, burn or otherwise dispose of any container that holds or has been used to hold a pesticide or toxic chemical or a material treated with a pesticide or toxic chemical; or (c) dispose of any obsolete or excess of any pesticide or toxic chemicals or any mixtures of pesticides or toxic chemicals.
Recycling pesticide containers.	<p>212. The Board shall issue an authorization to export where pesticides and toxic chemical containers can be shipped to recycling centres capable of handling pesticide or toxic chemical containers.</p>
Recall of a pesticide or toxic chemical.	<p>213. The Board may order either a voluntary or mandatory recall of any pesticide or toxic chemical that has been suspended or cancelled to protect health or the environment.</p>
Voluntary recall.	<p>214. (1) The Board in ordering a voluntary recall will ask the registrant and others in the chain of distribution of the pesticide to submit within sixty days of the request a plan for the safe and effective collection of the pesticide. The plan must include the following components—</p> <ul style="list-style-type: none"> (a) persons responsible for the recall; (b) identification of potential holders of the

LAWS OF GUYANA

166 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- pesticide;
- (c) information to be obtained from the holders;
 - (d) information to be provided to the holders;
 - (e) the means of transportation;
 - (f) storage facilities where the pesticide will be stored;
 - (g) a guarantee that the Registrar will be informed if the pesticide is moved;
 - (h) management options;
 - (i) a recall schedule;
 - (j) alternatives to elements of the plan; and
 - (k) any special conditions warranting additional attention.

(2) Once a voluntary recall has begun, the registrant must keep records on the recall and report in writing at least quarterly to the Registrar regarding the progress of the recall.

Mandatory
recall.

215. (1) The Registrar shall issue directives to any person who is a registrant, distributor or seller of the pesticide or toxic chemical in the event of a mandatory recall where the primary responsibility for the recall will remain with the registrant.

(2) The registrant must develop and coordinate the plan and provide for storage and transportation of the pesticide.

(3) Persons in the distribution chain must assist in the implementation of the plan by taking responsibility for the collection, transportation and storage of the pesticide so as to ensure that the recalled pesticide can pass back up the distribution chain to the registrant.

PART VIII
MINISTERIAL EMERGENCY REGISTRATION
EXEMPTIONS
Subpart A - General

Emergency
exemptions.

216. When the Minister determines that emergency conditions exist, the Minister may suspend provisions of the Act regulating the importation, manufacture or use of unregistered, prohibited or restricted use pesticide or toxic chemical. The Minister may direct the Board to authorize any of the following exemptions—

- (1) Specific Exemption: to avert a significant economic loss or significant risk to endangered or threaten species, beneficial organisms or the environment
- (2) Quarantine Exemption: to control the introduction or spread of a pest new to, or not widely prevalent, in Guyana, or
- (3) Crisis Exemption: when there is insufficient time to authorize a specific or quarantine exemption.

Specific and
quarantine
exemption
issuance.

217. The Board shall describe the emergency issuance of the exemption along with the following—

- (1) identify the pest causing the emergency;
- (2) identify the unregistered pesticide, prohibited pesticides or restricted use pesticides that may be used;
- (3) describe the proposed uses including—
 - (a) sites to be treated;
 - (b) method of application;
 - (c) rate of application;
 - (d) application restrictions;
 - (e) alternate methods of control;
 - (f) effectiveness of proposed use;

LAWS OF GUYANA

168 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (g) food likely to contain pesticide residues and concentration levels;
- (h) risk information to human health, endangered or threatened species, beneficial organisms and environment;
- (i) notification to pesticide manufacturers and/or importers to distribute and sell the emergency condition pesticides;
- (4) public announcement of the emergency condition;
- (5) duration of the emergency condition.

Crisis
exemption
issuance.

218. (1) A crisis exemption will be issued in an unpredictable emergency situation when application of a pesticide is critical and there is insufficient time to request a Specific Exemption or a Quarantine Exemption. The Board shall notify the manufacturer or importer of the pesticide permitted for use under the Crisis Exemption and shall issue the following—

- (1) name of the active ingredient authorized for use;
- (2) site on which the pesticide is to be used;
- (3) use patterns;
- (4) date on which the pesticide is to be used;
- (5) estimate of the level of residues of the pesticide expected to result from use under the Crisis Exemption.

(2) A Crisis Exemption may be authorized for only as long as it is necessary to control the pest, but in no case longer than fifteen (15) days. Should a Crisis Exemption last longer than fifteen (15) days, the Board shall consider, and if deemed essential, convert it into a Specific Exemption or a Quarantine Exemption, as appropriate.

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Record-
Keeping and
Reporting
Requirements.

219. (1) Any unexpected adverse effects resulting from the use of a pesticide under a Specific, Quarantine or Crisis Exemption must be immediately reported to the Registrar.

(2) All users of Board-authorized pesticides must submit a report summarizing the results of pesticide use to the Board within six (6) months from expiration of the exemption. Information to be included in this report are—

- (1) total acreage treated;
- (2) total quantity of pesticide used;
- (3) effectiveness of the pesticide(s) in dealing with the emergency condition;
- (4) any undue adverse effects;
- (5) disposition of any impacted food crops;
- (6) records of all treatments.

PART IX
PESTICIDE RESIDUES

Subpart A – General

Maximum
residue limits.

220. (1) The Board shall set maximum permissible concentrations for pesticide residues in foods and animal feed.

Cap 34:03
Cap. 68:03

(2) Where a pesticide is proposed for use on food or feed crops, the applicant must determine whether pesticide residues including residues of any active ingredient, inert ingredient, metabolic or degradation product, are authorized by Maximum Residual Limits under the Food and Drugs Act or the Plant Protection Act.

(3) Where such residues have not been authorized, the application must be accompanied by the following—

LAWS OF GUYANA

170 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (a) petition for establishment of appropriate Maximum Residual Limit; or
- (b) request for exemption from the requirement of setting a Maximum Residual Limit.

Registration.

221. The Board will register a pesticide for use on food or animal feed only when—

- (i) it has established a Maximum Residual Limit for the pesticide and, when it is applied in accordance with its Board-approved label, any residue for that pesticide will fall within the Maximum Residual Limit;
- (ii) the Board has exempted that pesticide from the requirements for a Maximum Residual Limits; and
- (iii) the pesticide is generally regarded as safe for use in Guyana by the Board.

Establishment
of maximum
residue limits.

222. The Board shall establish a Maximum Residual Limit or issue a Maximum Residual Limit exemption—

- (i) in response to a petition submitted by a person that holds or has applied for a pesticide registration under these regulations;
- (ii) in response to a request by other interested parties; or
- (iii) on its own initiative.

Petition for a
maximum
residue limit.

223. An application to set a Maximum Residual Limit requires submission of the following data—

[Subsidiary]	<i>Pesticides and Toxic Chemicals Regulations</i>
	<ul style="list-style-type: none">(i) name, chemical identity and chemical composition of the pesticide chemical;(ii) amount, frequency and time of its application;(iii) investigations of its safety;(iv) amounts of residue remaining after application;(v) practical methods for removing residues that exceed proposed Maximum Residual Limits;(vi) proposed Maximum Residual Limits for the pesticide;(vii) reasonable grounds for support of the pesticide petition; and(viii) petition filing fee.
Board review.	<p>224. (1) The Board will review all petition filed for the establishment of a Maximum Residual Limits or exemption, and either set a Maximum Residual Limit or grant an exemption from the Maximum Residual Limit requirement.</p> <p>(2) The Board may refer the petition to an advisory council for its recommendation, and this committee must make a recommendation to the Board within sixty (60) to ninety (90) days.</p>
Maximum Residual Limit established by the Board.	<p>225. (1) When the Board seeks to establish a Maximum Residual Limit or an exemption on the Board's own initiative or upon the request of a third party, the Board must publish a proposed regulation and allow for a public comment period of at least thirty (30) days before issuing a final Maximum Residual Limit or exemption.</p> <p>(2) Any person adversely affected by a final Maximum Residual Limit or exemption may file a written objection with the Board within thirty (30) days after it is issued and the Board shall review its decision.</p>

Petition fee.

226. (1) Each petition or request to establish a new Maximum Residual Limit or to change a Maximum Residual Limit already established shall be accompanied by the prescribed fees as set out in the Third Schedule.

(2) The fees may be subjected to annual adjustment by the Board.

Maximum Residual Limits for Agricultural Crop Groups.

227. (1) The Board may establish crop Maximum Residual Limit for groups of agricultural commodities that are considered related when there is an established tolerance for all of the representative commodities for a specific group of compound or for a crop group or for one or more of the sub-groups of a crop group.

(2) A group Maximum Residual Limits is established based on the maximum residues likely to occur on all individual crops within the group and the proposed or registered patterns of use for all crops in the group is similar.

(3) The pattern of use consists of the amount of pesticide to be applied, the timing of the first application, the interval between applications and the interval between the last application and harvest, the type and method of application.

Temporary Maximum Residual Limits.

228. (1) The Board may issue temporary tolerances for experimental pesticides being tested under terms of a Pesticide Research Permit.

(2) The temporary Maximum Residual Limits shall be issued for a period of time equal in length to the duration of the Pesticide Research Permit.

(3) The temporary tolerance may be established by the Board or at the request of a person who had obtained a Pesticide Research Permit.

(4) A temporary Maximum Residual Limits or exemption from a Maximum Residual Limits may be issued for a period designed to allow the orderly marketing of the agricultural commodities produced while testing a pesticide under a Pesticide Research Permit when the Board concludes that the public health can be adequately protected during such marketing.

(5) A temporary Maximum Residual Limits or exemption from a Maximum Residual Limits may be revoked if the Pesticide Research Permit is revoked. It may also be revoked at any time if the application for a temporary Maximum Residual Limits is found to contain a misstatement of a material fact or if new scientific data or experience with the pesticide chemical indicate that it may be hazardous to the public health.

(6) Conditions under which a temporary tolerance is established shall include—

- (1) a limitation on the amount of the chemical to be used on the designated crops permitted under terms of the Pesticide Research Permit;
- (2) a limitation for the use of a chemical on the designated crops to *bona fide* experimental use by qualified persons;
- (3) A requirement that the person who obtains the Pesticide Research Permit for which the temporary tolerance is established will immediately inform the Registrar of any reports or findings from the experimental use that have a bearing on human safety.

(7) The person or firm, which obtained the Pesticide Research Permit, for which the temporary tolerance is

LAWS OF GUYANA

174 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

established shall keep records of production, distribution and performance for a period of two years and make these records available to the Registrar upon request.

Zero Maximum
Residual
Limits.

229. A Maximum Residual Limit equal to zero means that no amount of the pesticide may remain on the raw agricultural commodity when it is offered for shipment or sale. A zero tolerance may be established because, among other reasons—

- (1) a safe level of the pesticide in the diet of two different species of warm-blooded animals has not been reliably determined;
- (2) the pesticide is carcinogenic to, or has other alarming physiological effects upon one or more of the species of the test animals used when fed in the diet of such animals;
- (3) the pesticide is toxic, but is normally used at times when, or in such manner that, fruit, vegetables or other raw agricultural commodities will not bear or contain it; or
- (4) all residue of the pesticide is normally removed through good agricultural practice such as washing or brushing or through weathering or other changes in the chemical itself, prior to introduction of the agricultural commodity into commerce.

Interim specific
Maximum
Residual
Limits.

230. (1) The Board shall impose Interim Specific Maximum Residual Limits for individual pesticides until it determines tolerances unique to Guyana conditions.

(2) The Interim Specific Maximum Residual Limits shall initially be set equal to those specified by the FAO for agricultural crops and in the absence of pesticide toxicity data for Guyana they will be used on an interim basis throughout the Implementation Period.

(3) When reliable scientific data become available for a pesticide from Guyana practice or application, the Food and Agricultural Organisation (FAO) value for the Interim Specific Maximum Residual Limits will be replaced and a Final Specific Maximum Residual Limits will be issued.

PART X
PESTICIDE WORKER PROTECTION
Subpart A – General

Standards for
Pesticide
Applicators
and Handlers.

231. The following restrictions shall apply to the handlers and applicators of pesticides—

- (i) farms and forests: during the application of a pesticide on a farm or in a forest, a person other than a certified pesticide applicator or a handler who is equipped with protective gear and appropriately trained shall not enter or remain in the treated area;
- (ii) nurseries: for pesticides that are applied aerially or in an upward direction or applied as a fumigant, smoke, mist or fog, a person shall not enter within one hundred (100) feet of the perimeter of the treated nursery. For pesticides applied downward using a fine spray or for which a respiratory protection device is required by the pesticide labelling, a person may not enter the treated area or within twenty-five (25) feet of its perimeter;
- (iii) greenhouse: for a pesticide applied as a fumigant within a greenhouse, workers shall be prohibited from entering the greenhouse before two hours of ventilation by a fan or twenty- four (24) hours if there is no ventilation.

LAWS OF GUYANA

176 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Entry
restrictions.

232. (1) A person or worker shall not enter or remain in any treated area before the restricted entry interval specified on the pesticide labelling has expired.

(2) Workers who must enter a treated area during a restricted entry interval shall do so for short-term periods only when the time is less than one hour in a twenty-four (24) hour period and no entry occurs within the first four (4) hours of the application or thereafter until any inhalation exposure level listed on the labelling has been reached.

(3) All requirements for Personal Protective Equipment (PPE) must be followed to protect the body from contact with pesticides or pesticide residues including coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear and protective eyewear. Agricultural employers must ensure that—

- (i) at least one individual is trained in first aid;
- (ii) workers wear the PPE correctly;
- (iii) PPE is inspected regularly for defects and that damaged equipment is promptly repaired;
- (iv) PPE that cannot be properly cleaned is disposed of;
- (v) all PPE is cleaned and maintained in accordance with manufacturers' and labelling instructions;
- (vi) all workers are instructed in the use of PPE;
- (vii) all workers are instructed in prevention, recognition and first-aid treatment of pesticide illnesses;
- (viii) all workers have clean and sanitary work areas for storing personal clothing and for eating meals;
- (ix) a decontamination site shall be provided to

all early-entry activity workers;

- (ix) a worker does not takes or wear home any pesticide- contaminated PPE.

Pesticide safety training.

233. (1) General pesticide information shall be presented to workers either orally or from written materials or audio-visually in a manner the workers can understand using non-technical terms.

(2) Training instructors must be designated by the Board as a certified trainer or have completed a pesticide safety “train-the-trainer” program approved by the Registrar. Certified pesticide applicators may also serve as trainers.

(3) All agricultural employers shall ensure that all workers are trained in pesticide safety. At a minimum the following information shall be provided—

(i) pesticides may be in, or on, plants, soils, irrigation water, drainage water or drifting from nearby applications;

(ii) prevent pesticides from entering your body by following directions or signs about: keeping out of treated or restricted areas, washing before eating, drinking or using the toilet, wearing clothing that protects the body from pesticide residues, washing/showering with soap and water and putting on clean clothes after work, washing work clothes separately from other clothes and washing immediately in the nearest clean water if pesticides are spilled or sprayed on the body;

(iii) where and in what form pesticides

LAWS OF GUYANA

178 **Cap. 68:09**

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

may be encountered during work activities;

- (iv) hazards of pesticides resulting from toxicity and exposure including acute and chronic effects, delayed effects and sensitization;
- (v) routes through which pesticides can enter the body;
- (vi) signs and symptoms of common types of pesticide poisoning;
- (vii) emergency first-aid for pesticide injuries or poisonings;
- (viii) how to obtain emergency medical care;
- (ix) routine and emergency decontamination procedures;
- (x) hazards from pesticide migration and drift;
- (xi) hazards from pesticide residues on clothing;
- (xii) warnings not to take home pesticide or pesticide containers;
- (xiii) application and entry restrictions, warning signs, oral warnings.

Notice for farm workers.

234. Where within the last thirty (30) days a pesticide has been applied or a restricted entry interval has been in effect, pesticide safety information shall be prominently displayed.

Subpart B – Decontamination

Requirements.

235. The handler employer shall provide for handlers, in accordance with this section, decontamination supplies for pesticide and pesticide residues.

General conditions.

236. During any handling activity—

- (1) The handler employer shall provide handlers with enough water for routine washing, for emergency eye flushing, and for washing the entire body in case of an emergency. At all times when the water is available to handlers, the handler employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.
- (2) Where water stored is used for mixing pesticides, it shall not be used for decontamination or eye flushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.
- (3) The handler employer shall provide soap and single-use towels in quantities sufficient to meet handlers' needs.
- (4) The handler employer shall provide one clean change of clothing, such as coveralls, for use in an emergency.

Location.

237. The decontamination supplies shall be located together and be reasonably accessible to and not more than two hundred (200) metres from each handler during the handling activity—

- (1) Exception for mixing sites. For mixing activities, decontamination supplies shall be at the mixing site.
- (2) Exception for pilots. Decontamination supplies for a pilot who is applying pesticides aerially shall be in the airplane or at the aircraft loading site.
- (3) Exception for handling pesticides in remote areas. When handling activities are

LAWS OF GUYANA

180 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

performed more than 1/4 mile from the nearest place of vehicular access—

- (i) the soap, single-use towels, clean change of clothing, and water may be at the nearest place of vehicular access.
 - (ii) the handler employer may permit handlers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water located at the nearest place of vehicular access.
- (4) Decontamination supplies in treated areas. The decontamination supplies shall not be in an area being treated with pesticides or in an area under a restricted-entry interval, unless—
- (i) the decontamination supplies are in the area where the handler is performing handling activities;
 - (ii) the soap, single-use towels, and clean change of clothing are in enclosed containers; and
 - (iii) the water is running tap water or is enclosed in a container.

Emergency eye flushing.

238. The handler employer shall—

- (1) ensure that an eye wash fountain is available or at least one half litre of water is immediately available to each handler who is performing tasks for which the pesticide labelling requires protective eyewear to

provide for emergency eye flushing and the water shall be carried by the handler, or shall be on the vehicle or aircraft the handler is using, or shall be otherwise immediately accessible; and

- (2) provide soap, clean towels, and sufficient amount of water at the site where handlers remove personal protective equipment for handlers to wash themselves thoroughly at the end of any exposure period.

Emergency assistance.

239. Where a person who is or has been employed by an agricultural establishment or commercial pesticide handling establishment to perform pesticide handling tasks has been poisoned or injured by exposure to pesticides as a result of that employment, including, but not limited to, exposures from handling tasks or from application, splash, spill, drift, or pesticide residues, the handler employer shall—

- (a) make available to that person prompt transportation from the place of employment or the handling site to an appropriate emergency medical facility;
- (b) provide to that person or to treating medical personnel, promptly upon request, any obtainable information on—
- (i) product name, PTCCB registration number, and active ingredients of any product to which that person might have been exposed;
- (ii) antidote, first aid, and other medical information from the product labelling;
- (iii) the circumstances of handling of the pesticide; and
- (iv) the circumstances of exposure of that person to the pesticide.

**PART XI
APPEALS**

Appeals.

240. (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 paragraph (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 reason for its decision and any other documents that, the Minister may require.

Decision final.

241. The decision of the Minister shall be final and cannot 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 declaration of the Minister.

Minister to consult.

242. (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.

243. 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.

Board refusal.

244. 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.

Publications by
the Board.

245. 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.

PART XII
REGULATORY ENFORCEMENT
Subpart A – General

Violations of
the Act.

246. (1) It is unlawful for anyone to—

- (a) manufacture, distribute or sell an unregistered pesticide;
- (b) manufacture, distribute or sell a pesticide whose registration has been suspended or cancelled;
- (c) make claims for a registered pesticide that differ substantially from those made in connection with its registration;
- (d) distribute or sell a pesticide with a composition that differs from that in its registration;
- (e) distribute or sell a pesticide that is

LAWS OF GUYANA

184 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

adulterated or mislabeled;

- (f) distribute or sell an experimental pesticide licensed for testing under a Pesticide or Toxic Chemical Research Permit.

(2) It is unlawful for any person to—

- (a) detach, alter or destroy a pesticide's labelling;
- (b) refuse to prepare, maintain or submit records for Pesticide Research Permits, establishment registration, ERN-registered establishment reports, Commercial Certified Applicator reports;
- (c) to refuse entry, inspection, copying of records or sampling by an Inspector;
- (d) assault, intimidate, bribe or obstruct an Inspector or to make false or misleading statements orally or in writing to him;
- (e) disclose confidential registration data or to use them for personal advantage;
- (f) apply a restricted pesticide without proper certification or to operate as a Certified Pesticide Applicator without Board certification;
- (g) use any registered pesticide in a manner inconsistent with its labelling;
- (h) fail to report to the Registrar cases of death, poisoning, injury, incapacity or illness caused by a pesticide;
- (i) use any unregistered pesticide contrary to the provisions of a Pesticide Research Permit;
- (j) violate a "Stop Sale", "Stop Use" or seized pesticide order;
- (k) violate a pesticide suspension or

LAWS OF GUYANA

- cancellation order;
- (l) fail to advise the Registrar of new toxicological or other information about a registered pesticide which may directly or indirectly impact its use in Guyana;
 - (m) fail to register a pesticide manufacturer, import or distribution establishment or to sell or distribute pesticides without a Pesticide Vendor License;
 - (n) knowingly falsify all or part of any application for registration, re-registration, application for a Pesticide Research Permit or information submitted in response to a request by the Registrar;
 - (o) add any substance to, or to take any substance from, any pesticide in a manner that may render the pesticide ineffective or toxic;
 - (p) place any pesticide on humans with or without their consent;
 - (q) falsify all or part of any information relating to the testing of any pesticide or any ingredient, metabolite or degradation product thereof including the nature of any protocol, procedure, substance, organism or equipment used, observation made, or conclusion or opinion formed, submitted to the Registrar, or that the person knows will be submitted to the Registrar, or that will become part of any records required to be kept by an ERN-holder;
 - (r) submit to the Registrar data known to be false in support of a registration;

LAWS OF GUYANA

186 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

(s) violate any of these regulations issued under section 32 of the Act.

(3) If an employee, or officer or agent violates a regulation or provision of the Act, the employer or principal is also liable.

Enforcement mechanisms.

247. (1) The Registrar is authorized to initiate and prosecute all enforcement actions.

(2) Recommendations for imposition of civil penalties, issuance of an injunction or initiation of criminal proceedings will be first brought before the Board and upon concurrence of the Board, the Registrar pursue these possible courses of enforcement action.

(3) The following enforcement mechanisms are available to the Registrar—

(1) **Notice of Warning:** The Registrar will issue a warning in cases where the violation occurred despite the exercise of due care or did not cause significant health or environmental harm. Factors which shall be considered in the issuance of a warning as opposed to a civil penalty may include: toxicity of the pesticide, extent and severity of actual or potential harm to human health or the environment, compliance history and degree of culpability. Warnings shall be generally issued for first-time record-keeping or late-reporting violations.

(2) **Civil Penalties:** The Registrar shall use administrative enforcement proceedings to assess civil penalties in response to most violations of the Act. Section 34 of the Act establishes penalties for violations of the

Act. The Registrar will seek civil penalties for violations that—

- (i) present an actual or potential risk of human or environmental harm or impede the Registrar's ability to fulfill the goals of the Act,
- (ii) were committed as a result of ordinary negligence, inadvertence or mistake,
- (iii) by either—
 - (a) a registrant, commercial applicator, "for hire" applicator, wholesaler or dealer, retailer or distributor, or
 - (b) a private applicator or other person not listed above, but who has received a prior written warning or citation for a violation of the Act. The Registrar may not assess penalties without notice and an opportunity for a hearing on the alleged violation. The amount of a civil penalty will depend upon—
 - (a) gravity or level of the violation
 - (b) size of the business
 - (c) toxicity of the pesticide, actual or potential harm to the environment or health, compliance history of the violator and the violator's level of culpability
 - (d) violator's ability to pay and continue in business
 - (e) voluntary disclosure by the violator and his 'good faith'.

- (3) **Stop Sale, Use or Removal Orders:** The Registrar may issue a "Stop Sale", a "Stop

LAWS OF GUYANA

188 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Use" or a "Removal Order" to any person who owns, controls or has custody of a pesticide that:

- (i) a Registrar Inspector has reason to believe on the basis of tests or inspection is in violation of any provision of the Act or its regulations,
- (ii) has been or is intended to be distributed or sold in violation of the Act or its regulations, or
- (iii) has a cancelled or suspended registration. After receipt of one of these orders, a person shall not sell, use, or remove the pesticides except in accordance with a Registrar order.

A "Stop Sale", a "Stop Use" or a "Removal Order" shall be issued for—

- (a) pesticides for which there is reason to believe that there is a potential hazard to man or the environment because—
 - (i) they are not registered or are so over-formulated, under-formulated or adulterated so as to present a serious health hazard,
 - (ii) they are packaged in improper or damaged containers, or are so inadequately labelled as to make safe or effective use unlikely or impossible;
- (b) pesticides with labelling that is materially misleading or fraudulent and, if followed by a user, is likely to cause a life-endangering health hazard or serious adverse, environmental effects;
- (c) pesticides that are in violation of the Act and are the subject of a recall, but which the individual refuses to remove, is recalcitrant in removing or is unable to remove from trade;

[Subsidiary]*Pesticides and Toxic Chemicals Regulations*

- (d) pesticides that are in violation of the Act and for which a civil penalty has been issued, but which have not been brought into compliance;
- (e) pesticides which have been suspended.

The Registrar may issue a "Stop Sale", a "Stop Use" or a "Removal Order" for less grave situations, for example, for repeated or continued minor violations or where several minor violations appear on a label. Where the Registrar suspects that a violation has already occurred, the Registrar shall assess civil penalties along with the "Stop Sale", a "Stop Use" or a "Removal Order".

- (4) **Seizure:** The Registrar may initiate seizure of a pesticide that is being transported or, having been transported, remains unsold or in original, unbroken packages. The Registrar may also seize a pesticide if it is adulterated or misbranded, unregistered, inadequately labelled, inadequately coloured or the subject of claims or directions for use that differ in substance from those made with its registration. The Registrar may also seek seizure of a pesticide that causes unreasonable adverse environmental effects even when used in accordance with the Act and the pesticide product's labelling. The circumstances in which the Registrar may initiate a seizure generally overlap with those in which it may issue a "Stop Sale", a "Stop Use" or a "Removal Order". Because an order is easier to obtain than a seizure and often provides a greater degree of flexibility, the Registrar will generally initiate a seizure only in circumstances where an order would be ineffective or inadequate.

LAWS OF GUYANA

190 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

- (5) **Injunction:** The Registrar may seek a permanent injunction, preliminary injunction or temporary restraining order to ensure compliance with the Act. To obtain a permanent injunction the Registrar must demonstrate to the court that other administrative or judicial remedies are inadequate to restrain the violation or prevent unreasonable risk to the public health or the environment, that it has diligently pursued all other appropriate administrative remedies yet the violation continues, or that irreparable injury, damage, loss or damage will result unless a court grants injunctive relief.
- (6) **Criminal Proceedings:** The Registrar may seek criminal penalties for grave and deliberate violations of the Act. Criminal violations of the Act may also violate other laws.
-

First Schedule **Prohibited Pesticides and Toxic Chemicals**

The chemicals listed hereunder has been classified by the Pesticides and Toxic Chemicals Control Board as prohibited —

Second Schedule
Restricted Pesticides and Toxic Chemicals

The chemicals listed hereunder has been classified by the Pesticides and Toxic Chemicals Control Board as restricted—

Reg. 135A

[5/2007]

Third Schedule

Fee Structure for Pesticides and Toxic Chemicals

TYPE OF FEE	FEE
Application Fee for Import Licence.	A equivalent to 3% of the value (cost, insurance, and freight) of the pesticide or toxic chemical imported.

No other fee applies.

Fourth Schedule

Pesticide and Toxic Chemical Toxicity Category and Precautionary Statements

LAWS OF GUYANA

192 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Hazard Indicators	Pesticide Toxicity Category			
	I	II	III	IV
Oral LD ₅₀	Up to and including 50 mg/kg	50 to 200 mg/kg	500 to 5,000 mg/kg	> 5,000 mg/kg
Inhalation LC ₅₀	Up to and including 0.2 mg/l	0.2 to 2 mg/l	2 to 20 mg/l	> 20 mg/l
Dermal LD ₅₀	Up to and including 200 mg/kg	200 to 2,000 mg/kg	2,000 to 20,000 mg/kg	> 20,000 mg/kg
Eye Effects	Corrosive; corneal opacity not reversible within 7 days	Corneal opacity reversible within 7 days; irritation persisting for 7 days	No corneal opacity; irritation reversible within 7 days	No irritation
Skin Effects	Corrosive	Severe irritation at 72 hours	Moderate irritation at 72 hours	Mild irritation at 72 hours

Toxicity Category	Precautionary Statements by Toxicity Category	
	Oral, inhalation or dermal	Skin and eye local effects
I.....	Fatal (poisonous) if swallowed [inhaled or absorbed through skin]. Do not breathe vapour [dust, spray, mist]. Do not get in eyes, on skin or on clothing [Front panel statement of treatment required]	Corrosive, causes eye and skin damage [or skin irritation]. Do not get in eyes, on skin or on clothing. Wear goggles or face shield and rubber gloves when handling. Harmful or fatal if swallowed. [Appropriate first aid treatment required]
II.....	May be fatal if swallowed [inhaled or absorbed through skin]. Do not breathe vapour [dust, spray, mist]. Do not get in eyes, on skin or on clothing [Appropriate first aid statements required]	Causes eye [and skin] irritation. Do not get in eyes, on skin or on clothing. Harmful if swallowed. [Appropriate first aid treatment required]
III.....	Harmful if swallowed [inhaled or absorbed through skin]. Do not breathe vapour [dust, spray, mist]. Do not get in eyes, on skin or on clothing [Appropriate first aid statements required]	Avoid contact with skin, eyes or clothing. In case of contact immediately flush eyes or skin with plenty of fresh water. Get medical attention if irritation persists.
IV.....	[No precautionary statements required]	[No precautionary statements required]

LAWS OF GUYANA

Pesticides and Toxic Chemicals Control

Cap. 68:09

193

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Fifth Schedule

Toxicity Category and Personal Protection Equipment (PPE)

Route of Exposure	Pesticide Toxicity Category of End-Use Product			
	I	II	III	IV
Dermal Toxicity or Skin Irritation Potential ¹	Coveralls worn over long-sleeved shirt and long pants Socks/Chemical-resistant footwear Chemical-resistant gloves	Coveralls worn over short-sleeved shirt and short pants Socks/Chemical-resistant footwear Chemical-resistant gloves	Long-sleeved shirt and long pants Socks Shoes Chemical-resistant gloves	Long-sleeved shirt and long pants Socks Shoes No Minimum ²
Inhalation Toxicity	Respiratory Protection Device	Respiratory Protection Device	No Minimum ²	No Minimum ²
Eye Irritation Potential	Protective Eyewear	Protective Eyewear	No Minimum ²	No Minimum ²

1: if dermal and skin irritation potential are in different toxicity categories, protection shall be based on the more toxic (lower numbered) category.

2: although no minimum PPE is required for this toxicity and route of exposure, the Registrar may require PPE on a product-specific basis.

LAWS OF GUYANA

194 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Sixth Schedule FORM A

APPLICATION FOR LICENCE OF PESTICIDES APPLICATOR

PESTICIDES AND TOXIC CHEMICALS CONTROL BOARD Ministry Of Agriculture, Regent & Vlissengen Roads, Georgetown, GUYANA		Applicant to affix photograph here		
				
APPLICATION FORM FOR PESTICIDE APPLICATOR				
1. Family Name	First Name	Middle Name		
2. Address	3. Telephone			
4. Date of Birth	5. New Applicant	6. Renewal	7. ID No.	8. Sex
9. Education				
School Attended	Type of School	Years Attended		Qualifications
		From	To	
a.				
b.				
c.				
d.				
10. Work Experience				
Name of Employer	Address		Position	Years
a.				
b.				
c.				
11. Pest Control Certification Required				
Agricultural	b. Forest	c. Aquatic	d. Seed Treatment	
e. Right-Of-Way	f. Industrial Pest	g. Demonstration/ Research	h. Urban/Domestic	
I hereby certify that the above information in this application is true and complete to my own knowledge, and that I must apply pesticides in accordance with the labels, keep records and file annual reports according to the Pesticides and Toxic Chemical Control Act, Cap. 68:09, and its regulations.				
Signature of Applicant: _____				
Date: _____				

**Sixth Schedule
FORM B**

FORM OF PESTICIDE APPLICATOR LICENCE

**PESTICIDES AND TOXIC CHEMICALS CONTROL BOARD
COMMERCIAL APPLICATOR PESTICIDE LICENCE**

A licence is hereby granted to of as a commercial pesticide applicator for for a period of two (2) years and is subject to the provisions of the Pesticides and Toxic Chemicals Control Act, Cap. 68:09, and the Pesticides and Toxic Chemicals Regulations and is valid until.....as prescribed in the Pesticides and Toxic Chemicals Regulations.

Licence No._____

Signature of Licensee

.....
Registrar

Pesticides and Toxic Chemicals

.....
Date

(stamp)

(seal)

LAWS OF GUYANA

196 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Sixth Schedule FORM C

APPLICATION FOR PESTICIDE AND TOXIC CHEMICAL ESTABLISHMENT REGISTRATION

1. Applicant Name		2. Name of Business
3. Address		
4. Telephone No.	5. Fax No.	6. E-mail Address
7. Additional Business Location (Separate application are required for EACH location)		
8. Storage Bond Location and Size.		
9. Partnership		
Name of Partner:		
Business Address:		
10. Corporation		
Date of Incorporation:		
Full Name of Officers and Addresses:		
Name	Designation	Address
11. Sole Ownership		
Name of Owner and Address if different		
12. Individual, Partnership or Corporate Acknowledgement:		
I, _____ being duly sworn, depose and say that I am the Owner / Partner / Designated Representative of the business _____. The information contained in this application is true and complete to my own knowledge or based upon information which I believe to be true and that I have signed the application under authority to do so and I acknowledge that I must keep records and file annual reports according to the Pesticides and Toxic Chemicals Control Act, Cap. 68:09, and its Regulations. Signature_____		
Sworn before me this day _____ of _____ year _____		
_____ Notary Public		

LAWS OF GUYANA

Pesticides and Toxic Chemicals Control

Cap. 68:09

197

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

**Sixth Schedule
FORM D**

PESTICIDES AND TOXIC CHEMICALS CONTROL BOARD

**APPLICATION FOR PESTICIDE AND TOXIC CHEMICAL
MANUFACTURING AND VENDING LICENCE
(To be prepared in Duplicate)**

**PESTICIDES AND TOXIC CHEMICALS
(Under the Pesticides and Toxic Chemicals Act, Cap. 68:09)**

TO THE REGISTRAR, PESTICIDES AND TOXIC CHEMICALS:

I / We, _____ of _____ with Establishment Registration Number _____ hereby apply for Licence to use the above premises for the manufacture / distribution / packaging / storage / sale of pesticides and toxic chemicals in the following classes 1A / 1B / II and III.

I / We agree that we must conform with the provisions of the Pesticides and Toxic Chemicals Control Act, Cap. 68:09, and the Pesticides and Toxic Chemicals Regulations.

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

Receipt Number:_____

Signed: _____

Applicant Date

LAWS OF GUYANA

198 Cap. 68:09

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Sixth Schedule

FORM E

FORM OF LICENCE

PESTICIDES AND TOXIC CHEMICAL CONTROL BOARD

PESTICIDES AND TOXIC CHEMICALS CONTROL ACT, CAP. 68:09

LICENCE FOR PREMISES TO MANUFACTURE AND SELL PESTICIDES AND TOXIC CHEMICALS

These premises, situated 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; IV; as prescribed in the Pesticides and Toxic Chemicals Regulations and is subject to the provisions of the Pesticides and Toxic Chemicals Control Act, Cap. 68:09, and the Pesticides and Toxic Chemicals Regulations and expires on the 31st December, 20_____.

Licence No. _____

Registrar
Pesticides and Toxic Chemicals

Date

(Stamp)

(Seals)

Sixth Schedule

FORM F

**NOTICE TO BE DISPLAYED OUTSIDE PREMISES LICENSED FOR
THE SALE OF PESTICIDES AND TOXIC CHEMICALS**

1. The notice shall be on wood or metal, of a size not less than 30 cm in width and 20 cm 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 2.0 and 3.0 metres above the floor level of the entrance of the premises, easily visible from the approach to the entrance.
3. The wording of the notice shall be as follows:

"Pesticides and Toxic Chemicals Control Act, Cap. 68:09"

**"These premises are licensed for the sale by retail of
class () pesticides and toxic chemicals.
Licence Number _____."**

Sixth Schedule

FORM G

**APPLICATION FOR LICENCE TO IMPORT PESTICIDES AND TOXIC
CHEMICALS**

(To be prepared in Duplicate)

**APPLICATION FOR IMPORT LICENCE
PESTICIDES AND TOXIC CHEMICALS**

(Under the Pesticides and Toxic Chemicals Act, Cap. 68:09)

LAWS OF GUYANA

200 **Cap. 68:09**

Pesticides and Toxic Chemicals Control

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

TO THE REGISTRAR, PESTICIDES AND TOXIC CHEMICALS:

We, _____ of _____ hereby apply for Licence to import the goods specified below and in the Schedule on the back hereof from:

Product Name	Active Ingredients & %	Product Type	Registration No.
(a) _____	_____	_____	_____
(b) _____	_____	_____	_____
(c) _____	_____	_____	_____
(d) _____	_____	_____	_____
(e) _____	_____	_____	_____

(Country of consignment)

Name and Address of Supplier:

_____ e-mail: _____ Phone No.: _____ Fax No. _____.

Name and Address of buying agent:

_____ e-mail: _____ Phone No.: _____ Fax No. _____.

2. We desire to forward the order for these goods on or about _____ (Date)
by _____. (State whether by cable, mail, fax or otherwise)

3. (a) We will remit the necessary amount to cover the cost of the goods, insurance,
shipping expenses, etc. with the order.
(b) We will settle with _____ Bank on arrival of the goods in the
Country.
(c) Payments will be effect _____.

Per _____ (Name of authorized Individual)

Signature _____ Date _____

LAWS OF GUYANA

Pesticides and Toxic Chemicals Control

Cap. 68:09

201

[Subsidiary]

Pesticides and Toxic Chemicals Regulations

FORM OF IMPORTATION LICENCE PESTICIDES AND TOXIC CHEMICALS CONTROL BOARD

Reference: _____

IMPORT LICENCE PESTICIDES AND TOXIC CHEMICALS

Licence is hereby granted under the Pesticides and Toxic Chemicals Control Act, Cap. 68:09, to _____ to import the following goods specified below:

	Description of Goods	Quantity	Classification
(a)	_____	_____	_____.
(b)	_____	_____	_____.
(c)	_____	_____	_____.
(d)	_____	_____	_____.
(e)	_____	_____	_____.

from _____
subject to the conditions, restrictions and limitations stated hereunder.

CONDITIONS

1. This licence shall remain in force until the ____ day of _____ 20____.
2.
3.

Registrar
Pesticides and Toxic Chemicals

Date

Stamp

Seal

LAWS OF GUYANA

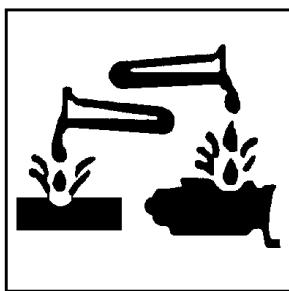
202 Cap. 68:09

Pesticides and Toxic Chemicals Control

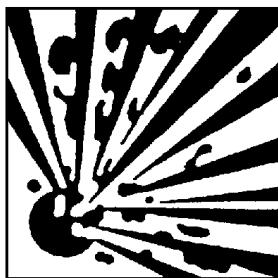
[Subsidiary]

Pesticides and Toxic Chemicals Regulations

Seventh Schedule WARNING MARKS AND PHRASES



CORROSIVE



EXPLOSIVE



FLAMMABLE LIQUID

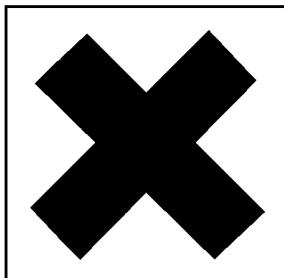


EASILY FLAMMABLE

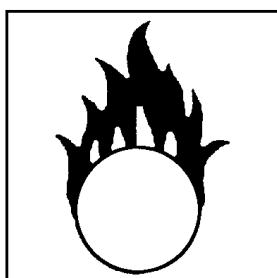
LAWS OF GUYANA

[Subsidiary]

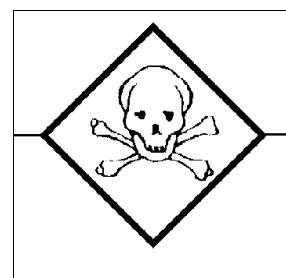
Pesticides and Toxic Chemicals Regulations



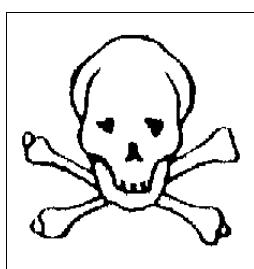
HARMFUL



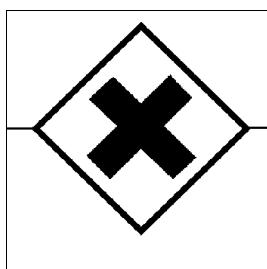
OXIDIZING



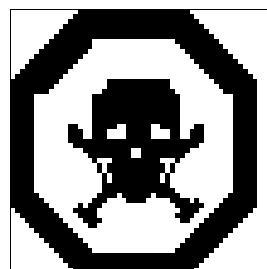
VERY TOXIC



TOXIC



IRRITANT



DANGER POISON

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

Warning phrases to be in bold type.