

BELIZE:

STATUTORY INSTRUMENT

No. 71 of 1998

REGULATIONS made by the Minister of Agriculture and Fisheries in exercise of the powers conferred upon him by section 15 of the Pesticides Control Act, Chapter 181B of the Laws of Belize, Revised Edition 1980-1990, and all other powers thereunto him enabling.

(Gazetted 4th July, 1998.)

1. These Regulations may be cited as the

Short title.

**PESTICIDES CONTROL (SALE AND
CONFISCATION) REGULATIONS, 1998**

2. (1) In these Regulations, unless the context otherwise requires:

Interpretation.

"Act" means the Pesticide Control Act;

CAP. 181B.

"product" means the pesticide in the form in which it is packaged or sold,

"sale" includes offering a product for sale;

"register of sales" means a register used for entering the particulars of sales of restricted pesticides.

(2) Words and expressions used in these Regulations and not defined herein but defined in the Act, shall have the meanings respectively assigned to them in the Act.

CAP. 181B.

Conditions for
the sale of
pesticides
S.I. 77/1995.

3. (1) Only pesticides duly registered in Belize under the Registered and Restricted Pesticides (Registration) Regulations, 1995, shall be sold in Belize.

Sub. Leg.
1991 Edn.
Vol. IV
CAP. 181B
P. 2.

(2) Every establishment registered for sale of restricted pesticides in accordance with the Registered and Restricted Pesticides (Manufacture, Import and Sale) Regulations, 1998, shall have a manager who shall be responsible for the pesticides kept in the establishment.

S.I. 112/1996.

(3) The manager specified in subregulation (2) above shall be in possession of a certified user's licence issued by the Board under the Restricted Pesticides (Certified User) Regulations, 1996:

Provided that any person may present to the Board evidence of another qualification which the Board at its discretion may deem equivalent to the certified user's licence. For the purpose of such a qualification the Board shall provide certification of its equivalency and it shall thereafter be deemed to be a certified user's licence.

Conditions for
licensing of
establishments
selling
restricted
pesticides.

4. (1) Every establishment desirous of selling restricted pesticides shall make an application for registration of premises to the Board in accordance with the provisions of these Regulations.

(2) On receipt of an application for registration to sell restricted pesticides, an inspector of the Board shall carry out an inspection of the premises and shall assess the fitness of the establishment to sell restricted pesticides and thereafter tender his report to the Board.

First Schedule.

(3) On receipt of an inspector's report, the Board shall determine whether the establishment meets the requirements set out in the First Schedule hereto and may-

- (a) grant a licence, or
- (b) require remedial action to improve the fitness of the establishment before making a further consideration for the issue of a licence, or
- (c) refuse to issue a licence, stating the reasons for the refusal.

(4) The Board may at any time after a licence has been issued, inspect an establishment selling restricted pesticides, and if the establishment no longer meets the requirements set out in the First Schedule hereto, the Board may suspend the licence until such time as the requirements are met.

First Schedule.

5. (1) Establishments licensed to sell restricted pesticides shall keep a register of sales of restricted pesticides, to include name and address of the certified pesticides user, Certified pesticide User's licence number, name(s) and amount(s) of the restricted pesticide(s) purchased and date of purchase. The register of sales shall be in the form prescribed in the Second Schedule hereto.

Register of sales.

Second Schedule.

(2) Only persons in possession of a certified pesticides user's licence shall purchase restricted pesticides at licensed establishments and the manager of each establishment shall ensure that the purchaser holds a certified pesticides user's licence before making any sale of a restricted pesticide.

6. Establishments selling restricted pesticides shall have a separate room containing the following:-

Premises to have sanitary facilities.

- (a) proper protective clothing for workers;
- (b) shower bath;
- (c) sanitary service and a wash basin; and

- (c) first aid medical cabinet.

**Pesticides may
be confiscated.**

7. A pesticide may be confiscated by an inspector of the Board if:-

- (a) it does not comply with the chemical, physical, or biological properties declared in the registration of the product or if it is found to be adulterated on analysis at an approved laboratory;
- (b) it has not been registered with the Board;
- (c) it is repackaged or formulated without the authorization of the Board;
- (d) it is improperly labeled or packaged contrary to the provisions of the Registered and Restricted Pesticides (Registration) Regulations; or
- (e) it has been imported illegally or the appropriate fees under the Registered and Restricted Pesticides (Manufacture, Import and Sale) Regulations have not been paid in respect of the pesticide.

S.I. 77/1995.

**Pesticide may
be retained for
analysis or as
an exhibit.**

8. An inspector of the Board may retain samples of a pesticide pending the results of analysis to determine the identity, physical, chemical, and biological condition of the pesticide and may also; following receipting; submit samples of the pesticide as an exhibit in any legal proceedings.

**Confiscation
form.
Third
Schedule.**

9. Any pesticide which has been confiscated will be documented in the form prescribed in the Third Schedule hereto. Three such forms will be done, one copy will remain with the establishment, and two copy will remain with the Board pending any legal proceedings.

10. An owner of a pesticide confiscated under these Regulations may, if dissatisfied with the confiscation, lodge an appeal with the Board within 15 days of the confiscation.

Appeals.

11. After a period of 90 days from the date the appeal was lodged, the Board shall proceed to hear and determine the appeal. The Board may-

Appeal to be heard.

- (a) allow the appeal and return the pesticide to the person from whom it was confiscated; or
- (b) dispose of the pesticide without compensation to the owner after dismissing the appeal.

12. Any person who contravenes the provisions of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Offence and penalties.

MADE by the Minister of Agriculture and Fisheries, this 26th day of June, 1998.

(RUSSELL GARCIA)
Minister of Agriculture & Fisheries

FIRST SCHEDULE (REG. 4)**Retail Outlet/Commercial Storage Facility
Inspection Form****Pesticides Control Board**

Name of Retail Outlet or Commercial Storage Facility: _____

Address: _____

CATEGORY	1	2	3	4	SCORE
1. Environmental risk-proximity to homes, water, rivers etc.	>100 meters away	15-100 meters away	not directly adjacent but <15 meters away	directly adjacent, subject to flooding	
2. Materials of construction	non-combustible	>70% non-combustible	<70% non-combustible	combustible	
3. Floor construction	impermeable to liquids	predominantly impermeable to liquids	predominantly permeable to liquids	permeable to liquids (wood, earthen)	
4. Drains as relates to environmental hazard	no open drains; entirely contained	open drains, but functional catchment (sump)	open drains but do not lead directly to waterways	open drain leading directly to waterways	

CATEGORY	1	2	3	4	SCORE
5. Ventilation	very good	good	fair	poor	
6. Security outside of business hours	premises securely locked; barred windows etc.	premises securely locked but could be accessed through unbarred windows	premises locked but access could be achieved with relatively little effort	no security whatsoever	
7. Potential response time of fire service or assistance	less than 10 minutes	less than 30 minutes	greater than 30 minutes	no realistic response could be expected	
8. Emergency exit	clearly marked exits; accessible and easily operable	exits accessible and easily operable but not clearly marked	exits obstructed or locked	no exits	
9. House keeping/tidiness	very good	good	fair	poor	
10. Repackaging/decanting	no repackaging/decanting	decanting/ repackaging in approved facility; small amounts only	decanting/ repackaging in approved facility; large amounts	decanting/ repackaging in unapproved facility	
11. Product storage/stacking	ordered, neat, stable	ordered, neat, stable, but room for some improvement	not very well ordered	generally haphazard; poor stack stability	

CATEGORY	1	2	3	4	SCORE
12. Display area	open, spacious	could be more spacious but easy enough to access	not easy to access	congested	
13. Capability for dealing with leaks/spills: available absorbent material, brooms, protective clothing, (gloves, eye protection, rubber boots)	all the necessary equipment is in a good condition and readily available and personnel trained in spill control	all the necessary equipment is available but not readily accessible (e.g. at premises nearby)	only some of the necessary equipment is available	no capability at all	
14. Capability for fighting small fires i.e., availability of materials and equipment used for fire control; number positioning and maintenance, personnel trained in use of equipment	sufficient hand held extinguishers and fire control materials available; properly positioned and serviced. Personnel trained in their use	fire control materials available; insufficient hand held extinguishers; at least one person knows how to use them	no hand held extinguishers available; other fire control materials available	no fire-fighting capability	
15. Hygiene standard i.e., facilities for washing, consumption of food/drinks in work area	washing facilities available; separate eating area	washing facilities available; no separate eating area	inadequate washing facilities (e.g., water supply but no soap) no separate eating area	no washing facilities at all; food and drink consumed freely in area housing pesticides	

CATEGORY	1	2	3	4	SCORE
16. General attitude toward health and safety i.e., appreciation of hazard safety awareness. (Display of safety posters/ presence of first aid kit etc.)	very good	good	fair	poor	
17. Quality of products held (1, kg)	up to 2000	2000-6000	6000-10000	>10000	
18. Animal feeds/seeds/fertilizer	stored separately or none	stored in same area	stored close to pesticides	stored haphazardly	
19. Food	no food on premises	food but in separate section	food in separate section but very close	food alongside pesticides	
20. Hardware (clearly defined separation)	stored separately or non	stored in same area	stored close to pesticides	stored haphazardly	
21. Vet products	stored separately or non on premises	stored in same area	stored close to pesticides	stored haphazardly	
22. Legal	all products registered	all products registered but some expired	unregistered pesticides in stock	prohibited pesticides on the premises	
23. Labelling/packaging	well labelled/good package	slightly damaged labels and/or packages	labelled but poorly packaged	unlabelled inappropriately labelled and/or packaged	

CATEGORY	1	2	3	4	SCORE
24. Personnel	certified applicator with agricultural training; keeps good records	certified applicator - keeps good records	certified applicator/ poor records	uncertified/good records	
25. Status of license	license up to date	licensed the previous year but not by March current year	licensed the previous year but not by June current year	unlicensed	

TOTAL _____

STOCK

1. Expired products in stock YES/NO Confiscated _____ Left on premises _____
2. Unregistered products in stock YES/NO Confiscated _____ Left on premises _____
3. Prohibited products in stock YES/NO Confiscated _____ Left on premises _____
4. Damaged or leaking containers in stock YES/NO Confiscated _____ Left on premises _____
5. Premises declared: _____ SATISFACTORY _____ INADEQUATE and seal placed on the door

COMMENTS/RECOMMENDATIONS

Assessed by: _____ Date: _____

Proprietor/Assistant: _____

-----Assessment-----

A high score indicates a high risk, a low score indicates a low risk.

- (i) Score of 26-34 indicates an above acceptable standard.
- (ii) Score of 35-43 indicates a generally acceptable standard, but where the standard might be further improved by attention and specific aspects.
- (iii) Score of 44-52 indicates a marginally acceptable standard, but where remedial action may be required or specific aspects improved.
- (iv) Score of 53-104 indicates less than acceptable standard, premises will not be licensed, remedial action must be taken immediately.

SECOND SCHEDULE (REG. 5)

REGISTER OF SALE OF RESTRICTED PESTICIDES

[illegible]

THIRD SCHEDULE (REG. 9)

Pesticides Control Board
Central Farm, Cayo, Belize, Central America

Confiscation Form**Name of Owner:** _____**Name of Establishment:** _____**Address:** _____
_____**Date of Confiscation:** _____**Particulars of Confiscation**

Pesticide	Quantity	Reason for Confiscation	Remarks

Pesticides left unclaimed by _____ shall be disposed of as the Board deems fit

Confiscated by: _____**Date:** _____**Owner/Representative:** _____**Date:** _____