



GRENADA
ACT NO. 28 OF 1973

I assent,



12th December, 1973.

HILDA BYNOE
Governor.

An Act to provide for the control of the importation,
sale, storage and use of pesticides.

[BY PROCLAMATION].

Be it enacted by the Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate
and House of Representatives of Grenada, and by the
authority of the same, as follows: —

1. This Act may be cited as the

Short title

PESTICIDES CONTROL ACT, 1973.

Interpreta-
tion.

2. For the purposes of this Act—

“advertisement” means any representation by any means whatsoever for the purpose of promoting directly or indirectly, the sale or other distribution of any pesticide;

“agriculture” means the production and storage or chemist or any other analyst or chemist approved by the Minister;

purpose and includes the use of land for grazing, forestry and woodland, fish culture, bee culture, market gardening, horticulture and nurseries or animal husbandry;

“approved analyst” means the government analyst or chemist or any other analyst or chemist approved by the Minister,

“article” or “article to which the Act and regulations apply” means—

(a) a pesticide or any produce to which a pesticide is believed to have been applied; or

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

(c) any labelling, packaging or advertising material which relates to a pesticide;

“Board” means the Pesticides Control Board established under section 4;

“Container” means anything in which a pesticide is wholly or partly contained or packed;

“extermination” means the use of pesticides for the destruction or control of pests in a building, vehicle, ship or aircraft whether on land or any other place;

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- “Label” means any legend, word or mark attached to, included in, belonging to or accompanying a container;
- “manufacture” means the formulation, compounding or synthesizing of a pesticide;
- “Minister” means Minister responsible for agriculture;
- “owner” means the owner of an article, his servant or agent, the person in whose possession an article is found, the owner of a vehicle or land in which or on which an article is found, or the employer of a worker;
- “packaging” means the activity of putting pesticides in containers for sale or distribution;
- “pest” means any insect, rodent, bird, fish, mollusc, nematode, fungus, weed, microorganism, virus and/or other kind of plant or animal life which is troublesome and/or undesirable to crops, produce, processed foods, wood, clothes, fabrics and/or other inanimate objects or which is objectionable from the view point of public health and hygiene. It also includes ectoparasites of man, or ectoparasites of animals except that, by regulations, any pest may be specifically included or excluded;
- “pest control operator” means a person who, by himself or his employees, assistants or agents, carries out an extermination for a remuneration;
- “pesticide” means a product intended to be used for controlling a pest;

“produce” means a crop grown for consumption or other use after it is severed from the land and includes anything ordinarily used or which may be used in the composition of food for human beings and domestic and farm animals, but does not include growing crops;

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

Regulations.

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

- (a) prohibiting the manufacture, packaging, importation, advertisement, sale and use of particular pesticides or classes of pesticides;
- (b) controlling the manufacture, packaging, importation, transportation, advertisement and sale or other distribution of particular pesticides or classes of pesticides;
- (c) controlling the use of pesticides in agriculture generally or on particular crops or pests;
- (d) controlling the use of pesticides on produce during its storage and transportation;
- (e) setting out the conditions under which pesticides are to be stored;
- (f) protecting workers against the risk of poisoning or other injury by pesticides;
- (g) prescribing the permissible level of any pesticide in any particular kind of produce at the time of marketing.

(2) Regulations under subsection (1), may contain provisions—

- (a) controlling the quantities of pesticides which may be imported or manufactured, the types of containers in which such substances may be imported, transported, offered for sale or otherwise distributed;
- (b) controlling the labelling of containers, their subsequent disposal and the disposal of unwanted stocks of pesticides;
- (c) requiring the keeping and inspection of records and the furnishing of returns and other information with respect to pesticides;
- (d) restricting or prohibiting the use of particular pesticides or classes of pesticides;
- (e) imposing restrictions and obligations on pest control operators;
- (f) imposing duties on employers or workers, on the workers themselves and on others;
- (g) requiring the provision and keeping in good order of—
 - (i) protective clothing,
 - (ii) proper equipment;
 - (iii) facilities for washing and cleaning;
 - (iv) other things needed for protecting persons, clothing, equipment and appliances from contamination by pesticides or for removing sources of contamination therefrom;

and the production thereof on the request of an inspector.

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- (h) requiring the use of devices by employers—
- (i) to warn against poisoning by pesticides;
 - (ii) to ensure proper use of the apparatus and facilities provided in pursuance of the regulations; and
 - (iii) to warn against eating, drinking and smoking where there may be risk of poisoning by pesticides;
- (i) prescribing limits to periods of exposure of workers to risks of poisoning by pesticides and the length of the intervals between periods of exposure;
- (j) requiring special precautions to be taken by employers in the cases of workers who because of their state of health, age or other circumstances are subject to particular risks of poisoning by pesticides;
- (k) imposing prohibition and restrictions whether temporary or permanent regarding employment of the class of workers mentioned in paragraph (j);
- (l) prescribing measures for investigating and detecting cases in which poisoning of workers by pesticides has occurred or may reasonably be thought to have occurred, including medical examinations, the collecting of samples, and the making of blood tests and analyses;

- (m) requiring employers to provide proper facilities for first aid treatment and the safety of workers;
- (n) requiring employers to provide, and the necessity for workers to submit to, instruction and training in the use of apparatus and facilities provided in pursuance of the regulations;
- (o) prescribing standards for the composition of pesticides;
- (p) making it necessary to obtain a licence to manufacture, import, package, sell or otherwise distribute or use any pesticide;
- (q) prescribing the manner for the application and grant of licences necessary under paragraph (p).
- (3) Regulations under this section may—
 - (a) make different provisions to meet different circumstances and provide for differences in the composition of specific pesticides having regard to their poisonous effects under different conditions and on different classes of workers; and
 - (b) provide for the exemption of particular cases or of particular workers from the operation of part or all of the regulations.

4.—(1) There is hereby established a Board to be called the Pesticides Control Board whose duties shall be—

- (a) to advise the Minister on matters relevant to the making of regulations under this Act; and

Creation of
Control
Board and
appointment
of officers.

(b) to carry out the provisions of the Act and the regulations.

(2) The Board shall comprise the Chief Medical Officer, the Senior Officer responsible for environmental health the Technical Officers responsible for Agronomy and Agricultural Extension, the Government Chemist or Produce Chemist, the Chief Plant Protection Officer and two other persons appointed by the Minister who are not employed in the Government Service.

(3) The Chairman shall be elected by the Board from amongst the members from the Ministry of Agriculture and shall have both an original and a casting vote.

(4) The quorum for the conduct of business by the Board shall be five.

(5) The Minister may assign inspectors to assist the Board in the carrying out of its duties under paragraph (b) of subsection (1).

(6) All expenses incurred in the administration of this Act shall be defrayed out of the moneys provided for the purpose by the Legislature.

**Authoriza-
tion of
entry.**

5.—(1) An inspector may, when he is performing his duties under this Act or the regulations, at any reasonable hour enter land or premises to which this section applies.

(2) An inspector shall—

(a) before entering on any land or premises under this section produce on request an instrument signed by the Chairman of the Board authorising him to enter; and

(b) if it is necessary for him to enter a dwelling house, other than a dwelling house in which he reasonably believes there are washing facilities or other things provided under this Act or the regulations for the use of persons not living in that dwelling house, before entering that dwelling house give 24 hours notice of his intention to the occupier of the dwelling house.

(3) This Section applies to any land or premises—

(a) on which a pesticide is being, has recently been, or is about to be used, manufactured sold, packaged or stored;

(b) which is being used or has recently been used or is about to be used for a purpose connected with the use, manufacture, sale packaging or storage of pesticides;

(c) on which apparatus and facilities required to be kept by the regulations are kept; or

(d) which an inspector has reasonable cause to believe to be land or premises mentioned in paragraphs (a) to (c).

6.—(1) An inspector may—

**Powers of
Inspectors.**

(a) require the production of the article, examine and copy registers, records or other documents required to be kept by the regulations;

(b) make examinations and enquiries to discover whether this Act and the regulations are complied with;

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- (c) require any person he finds on land or premises mentioned in section 5 (3) to give information to the best of his knowledge as to who is the occupier of that land and who is employer of workers employed to work thereon;
 - (d) interview either alone or in the presence of any other person with respect to the observance of this Act or the regulations, any person he finds on any land or premises mentioned in section 5 (3) or whom he has reasonable cause to believe to be, or to have been within the preceding 2 months, employed to work thereon, but a person so interviewed may not be required to answer any question or make any statement tending to incriminate himself;
 - (e) require persons suffering or believed to be suffering from toxic effects produced by pesticides to be examined by the appropriate Medical Officer without delay.
 - (f) take samples under section 8;
 - (g) seize and detain for such time as may be necessary any article by means of which or in relation to which he reasonably believes any provision of this Act or the regulations has been violated;
 - (h) exercise such other powers as may be necessary for carrying into effect this Act and the regulations.

(2) An inspector shall release and article seized under sub-section (1) when he is satisfied that all the provisions of the Act and the regulations have been complied with.

(3) Any article seized under paragraph (g) of subsection (1) may at the option of an inspector be kept or stored in the building or place where it is seized or may at the direction of an inspector be removed to another place.

(4) Where an inspector seizes an article under paragraph (g) of subsection (1) and the owner then consents to its destruction the article shall thereupon be forfeited to the Crown and may be destroyed or otherwise disposed of as the Board may direct.

7.—(1) Any person who—

- (a) assaults, resists, obstructs or intimidates any inspector in the execution of his duty;
- (b) use indecent, abusive, or insulting language to any inspector in the execution of his duty;
- (c) by any gratuity, bribe, promise or other inducement prevents or attempts to prevent any inspector from carrying out his duty;
- (d) without the authority of an inspector removes, alters or interferes in any way with an article seized under paragraph (g) of section 6 (1);
- (e) contravenes any provision of this Act or the regulations;

Offences and penalties.

is guilty of an offence and liable on summary conviction to a fine not exceeding \$250, and in the case of a continuing offence to fine not exceeding \$50 for each day or part thereof during which the offence continues.

(2) The court may, in addition to any other penalty it may impose order that—

- (a) the articles in respect of which the offence was committed be forfeited;

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- (b) stocks held in other parts of the island by the accused be forfeited;
 - (c) the accused be permitted to modify the articles in question within a stated period to bring them into conformity with the Act and the Regulations; if this is not done to the satisfaction of the Board then the articles be forfeited;
 - (d) the accused be disqualified from holding or obtaining a licence to import, manufacture, sell or use pesticides under this Act or the regulations.

**Taking
samples
without com-
pensation.**

8.—(1) An inspector may take samples of articles to which this Act and the regulations apply without paying compensation to the owner—

- (a) where those articles are being used, are exposed for sale, are in storage or are being transported; or
- (b) with the approval of the Comptroller of Customs where the articles are imported and are still within the control of the Comptroller of Customs.

(2) An inspector taking a sample under subsection (1) with the intention of having it analysed shall if practicable—

- (a) forthwith after taking it give notice of his intention to the owner of the article;
- (b) immediately divide the sample into parts and mark, seal and fasten each part in such manner as its nature will permit; and

- (i) on the request of an owner deliver one part to him;
- (ii) retain one part for future comparison; and
- (iii) if the inspector thinks it fit to have an analysis made, submit one part to an approved analyst.

(3) Where it is not practicable for an inspector to give notice under subsection (2) he shall, if he intends to have the sample analysed and can ascertain the name and address of the owner, forward one part of the sample to him by registered post or otherwise, together with a notice informing him that he intends to have the samples analysed.

(4) Notwithstanding subsections (2) and (3)--

- (a) where the inspector is of the opinion that division of a sample would affect the accuracy of the analysis the inspector may, subject to paragraph (c) submit the entire sample for examination;
- (b) where an entire sample is submitted under paragraph (a) the analyst shall, before making the analysis, divide the sample into 2 parts and retain 1 part for future comparison;
- (c) where the owner objects to the procedure set out in paragraph (a) and at his own expense supplies a quantity of the same article which in the opinion of the inspector is sufficient for a division

under subsection (2) to be made, the inspector shall follow the procedure set out in subsection (2).

(5) A document purporting to be a certificate by an approved analyst as to the result of an analysis of a sample shall in proceedings under this Act be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.

(6) If in any proceedings under this Act the informant intends to reply on evidence relating to a sample taken under this section—

(a) a copy of the analyst's certificate shall be served with the summons; and

(b) the part of the sample retained by the inspector for future comparison may be produced at the hearing.

(7) The court before which proceedings are taken under this Act may, on the application of a party to the proceedings, cause the part of any sample produced to be sent to an approved analyst, other than the analyst whose certificate is then before the court, who shall make an analysis and transmit to the court a certificate of the result thereof, and the court may, after determination of the case make an order for recovery of the costs incurred in respect of the analysis.

Commence-
ment.

9. This Act shall come into operation on such day as the Governor may appoint by proclamation.

Passed in the House of Representatives this 24th day of August, 1973.

CURTIS V. STRACHAN
Clerk of the House of Representatives.

Passed in the Senate this 27th day of August, 1973.

CURTIS V. STRACHAN
Clerk of the Senate.

GRENADA.

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