

Commonwealth of Dominica

Final Draft

April 7, 2004

PLANT PROTECTION AND QUARANTINE) ACT

Part I

Title and Preliminaries

An Act to prevent the introduction and to control the spread of plant pests; to protect plant resources; to facilitate trade in plants and plant products; and to regulate other matters connected thereto.

BE IT ENACTED by the Parliament of the Commonwealth of Dominica as follows –

1. This Act shall be cited as the Plant Protection and Quarantine Act.

Part II

Definitions

2. In this Act, unless the context otherwise requires –

“affected” means infected or infested with a pest;

“area” means an area, place or site of production;

“area of low pest prevalence” means an area, whether all of Dominica or part of Dominica, as prescribed by the Minister, having regard to international standards in which a specific pest occurs at low levels and which is subject to effective surveillance, control or eradication measures;

“beneficial organism” means any organism (including fungi, bacteria, viruses, virus-like organisms and invertebrate or other animals) which is declared by the Minister in writing to be beneficial to flora or agricultural production;

“consignment” means a quantity of plants, plant products or other regulated articles being moved from one country to another and covered, when required, by a single phytosanitary certificate;

“contain” means to apply phytosanitary measures in and around an infested area to prevent the spread of a pest;

“container” means a box, bag or other receptacle in which plants, plant products or other regulated articles that may carry pests have been or are being transported;

“control” means to suppress, contain or eradicate a pest population;

“conveyance” means any vessel, aircraft, train, vehicle, cart, container, animal or other thing that can convey plants, plant products, pests, beneficial organisms or other regulated articles from one place to another;

“detain” means to keep a consignment in official custody or confinement for phytosanitary reasons, and “detention” shall have a corresponding meaning;

“entry” means the movement of a pest into an area where it is not yet present, or present but not widely distributed and being officially controlled;

“eradicate” means to apply phytosanitary measures to eliminate a pest from an area, and “eradication” shall have a corresponding meaning;

“establishment” means the perpetuation, for the foreseeable future, of a pest within an area after entry;

“Fund” means the Phytosanitary Emergency Fund established under section 10(1);

“germplasm” means plants intended for use in breeding or conservation programmes;

“import permit” means a permit in the form of Schedule 3;

“importer” means anyone who, whether as owner, consignor, consignee, agent, broker or otherwise, is in possession of or in any way entitled to the custody of any plant, plant product, pest, beneficial organism or other regulated article landed or likely to be landed in Dominica from another country;

“inspection” means official visual examination of plants, plant products or other regulated articles to determine if pests are present or to determine compliance with phytosanitary regulations;

“inspector” means a person designated or appointed under section 5 and authorised by the Plant Protection Officer to discharge its functions;

“introduction” means the entry of a pest resulting in its establishment in Dominica;

“IPPC” means the New Revised Text of the International Plant Protection Convention;

“IPPC Secretariat” means the Secretariat of the International Plant Protection Convention;

“Minister” means the Minister responsible for agriculture;

“occupier”, in relation to any land or building, means a person in actual occupation thereof;

“official” means established, authorised or performed by the Chief Plant Protection Officer;

“official control” means the active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated non-quarantine pests;

“outbreak” means an isolated pest population, recently detected and expected to survive for the immediate future;

“owner”, in relation to any thing, includes any person having for the time being the possession, custody or control thereof;

“packaging” means any material used to pack, contain or keep plants, plant products or other regulated articles;

“pest” means any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products;

“pest free area” means an area in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained;

“pest risk analysis” means the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it;

“phytosanitary certificate” means a certificate patterned after the model certificate of the IPPC, and as prescribed by the Minister;

“phytosanitary emergency” means an emergency declared under section 14(b) or 22;

“phytosanitary measure” means any regulation having the purpose of preventing the introduction or spread of quarantine pests, or limiting the economic impact of regulated non-quarantine pests;

“plant products” means any un-manufactured material of plant origin (including grain) and those manufactured products which, by their nature or that of their processing, may create a risk for the introduction and spread of pests;

“plants” means living plants and parts thereof, including seeds and germplasm;

“pre-clearance” means phytosanitary certification or clearance in the exporting country, performed by or under the supervision of the Chief Plant Protection Officer;

“premises” means land or any building or other structure situated on land;

“quarantine pest” means a pest of potential economic importance to the area endangered thereby, not yet present there, or present but not widely distributed and being officially controlled, and declared as such in Schedule 1 to this Act;

“regular business hours” means the normal operating hours of government offices in Dominica;

“regulated article” means any storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring or spreading pests, deemed to require phytosanitary measures, particularly where international transportation is involved, and includes beneficial organisms;

“regulated non-quarantine pest” means any pest which is not a quarantine pest, whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated within Dominica and which is prescribed under the Act;

“regulated pest” means a quarantine pest or a regulated non-quarantine pest;

“soil” means material wholly or partly derived from the upper layer of the earth’s crust which is capable of sustaining plant life and which contains solid organic substances such as parts of plants, humus, peat or bark, but excluding any medium which is sterile, composed entirely of unused peat or otherwise incapable of harbouring or transmitting pests;

“surveillance” means an official process which collects and records data on pest occurrence or absence by survey, monitoring or other procedures;

“treatment” means an officially authorised procedure for the killing or removal of pests or rendering pests infertile.

Part III

Administration

3. The Plant Protection Office is hereby designated the National Protection organization for Dominica.

4. The Chief Plant Protection Officer shall perform at least the following functions –

(a) implementation of the IPPC (as and when satisfied by Dominica) and the International Standards for Phytosanitary Measures established thereto, including the following responsibilities

–

(i) issuing Phytosanitary certificates;

(ii) carrying out surveillance of growing plants, including areas under cultivation and wild flora, and of plants and plant products in storage or in transport, for the purpose of reporting the occurrence, outbreak and spread of pests, and of controlling those pests;

(iii) inspecting consignments of plants and plant products and, where appropriate, inspecting other regulated articles, for the purpose of preventing the introduction and/or spread of pests;

(iv) carrying out pre-clearance inspections where requested;

(v) disinfesting or disinfecting consignments of plants, plant products and other regulated articles;

(vi) protecting endangered areas, and designating, maintaining and surveying pest free areas and areas of low pest prevalence;

(vii) providing justification to other countries concerning phytosanitary measures applied, either through pest risk analysis or by reference to applicable international standards;

(viii) notifying trading partners of relevant instances of non-compliance with import requirements;

(ix) ensuring the phytosanitary security of consignments after certification and before export;

(x) establishing auditing and trace-back procedures for plants, plant products and other regulated articles for phytosanitary certification;

(xi) establishing any minimum qualifications for the employment of inspectors as well as overseeing training and development of inspectors and other Plant Protection Officer staff;

(xii) distributing information regarding regulated pests and the means of their prevention and control;

(xiii) proposing, reviewing, preparing and enforcing phytosanitary measures and other necessary legislation;

(xiv) notifying phytosanitary measures to other countries in accordance with international obligations;

(xv) providing information regarding import and export regulations in force, and technical requirements for plants, plant products and other regulated articles, on request of any interested international, regional or other national plant protection organisation.

(b) the enforcement of the present Act, as well as any other legislation relating to plant protection that the Minister may identify;

(c) the development of pest diagnostic, investigative and analytical capabilities as well as the establishment of laboratories and quarantine stations at such places as may be deemed necessary;

(d) the establishment of procedures for accreditation of any quarantine station, official analyst, official laboratory or any other person or institution from the public or private sector involved in phytosanitary matters; and

e. the performance of any other functions the Minister deems necessary to

achieve the objectives of this Act.

f. The representation of Dominica in bilateral, regional and international forums related to Phytosanitary matters.

5. The Minister may designate officers of the Plant Protection Office or such other public officers to carry out the functions assigned to inspectors under this Act.

6. Inspectors shall, where necessary –

(1) (a) inspect plants, plant products or other regulated articles under cultivation, in storage or in transit, in order to report the existence, outbreak and spread of pests listed in Schedule 1;

(b) inspect consignments of plants, plant products or other regulated articles destined for import into or export from Dominica to determine whether they are affected, and where necessary verify the pest status of consignments by the taking of samples or otherwise;

(c) ensure the disinfection or disinfestation of consignments of plants, plant products or other regulated articles destined for import into or export from Dominica, as well as their containers, packaging, storage places and transport facilities;

(d) ensure that where waste is being disposed of from –

(i) aircraft, ships and pleasure craft arriving in Dominica; and

(ii) premises which process or wash imported plants, plant products or other regulated articles;

no threat to plant resources in Dominica is caused.

- (e) issue phytosanitary certificates on behalf of the Chief Plant Protection Office;
- (f) inspect and certify exports of plants, plant products and other regulated articles from Dominica;
- (g) carry out detection activities and maintain up-to-date information on the pest status of Dominica;
- (h) institute inquiries and request information or documentation upon suspicion that the provisions of this Act are being violated.
- (i) attend to such other matters as the Chief Plant Protection Officer may prescribe.

(2) At the invitation of an exporting country, an inspector may carry out an inspection under sub-section (1)(b) on the territory of the exporting country as a pre-clearance inspection.

(3) Where exercising any authority under sub-section (1) or (2), an inspector shall upon request identify himself as an inspector carrying out official duties under this Act by showing his identification card.

7. The Minister may designate one or more –

- (a) laboratories to be official laboratories; and
- (b) analysts to be official analysts and carry out analyses,

under this Act.

8. (1) A Plant Protection Advisory Committee is hereby established, to consist of –

(a) three staff members of the Ministry responsible for agriculture, including the Chief Plant Protection Officer, the Director of Forestry or his designate, Wildlife and Parks and the Chief Veterinary Officer and;

(b) one representative of each of the following –

- i. the Ministry responsible for health;
- ii. the Ministry responsible for trade;
- iii. the Customs Department;
- iv. the Dominican Port Authority;
- v. the Pesticides Control Board;
- vi. an institution of higher learning;

- vii. importers;
 - viii. the Dominica Hucksters Association;
 - ix. growers;
 - x. nursery owners;
2. The Minister shall appoint a chairman for the Plant Advisory Committee
 3. Members shall serve for a period of three years and shall be eligible for reappointment.
 4. The quorum at a meeting of the Committee shall be at least one half of the membership and shall include the Chief Plant Protection Officer.
 5. The Committee shall meet as required.
 6. Except as provided in sub-sections (1) to (5), the Committee shall regulate its own procedure.
9. The Advisory Committee shall act in an advisory role to the Minister on issues of plant protection and shall be responsible for-
- (a) assisting in the determination of criteria for the declaration of a phytosanitary emergency under section 18(b) or 22; and
 - (b) determining appeals filed in respect of decisions and actions taken by inspectors, in the manner to be prescribed by regulation.
 - (c) Recommend changes to legislation as required: including the recommending of changes to regulations, orders, schedules and notice to be issued or amended under this Act.
10. (1) The Minister shall establish a Phytosanitary Emergency Fund to enable
the NPPO to respond to a phytosanitary emergency.
- (2) The resources of the Fund shall be made available to the Plant Protection Act immediately upon declaration of a phytosanitary emergency under section 18(b) or 24.

Part IV

Imports

11. (1) Plants, plant products and other regulated articles may be imported into Dominica only at the approved ports of entry listed in Schedule 2.

(2) The Plant Protection Officer may require that certain plants, plant products or other regulated articles not be imported except –

(a) by authority of an import permit granted under section 12(1);

(b) where accompanied by an original phytosanitary certificate dated not more than one month before the entry of the items into Dominica.

12. (1) Where an import permit is required under section 11(2)(a), an importer shall apply in the manner prescribed by regulation and pay any prescribed fee.

(2) In the evaluation of an application for an import permit, the Plant Protection Officer shall apply existing international standards or conduct pest risk analysis in order to determine the applicable phytosanitary requirements.

13. (1) Plants, plant products and other regulated articles shall, upon importation into Dominica, be subject to inspection by an inspector at the port of entry.

(2) Upon application by the importer and where the container has been sealed and marked as prescribed, certain plants, plant products and other regulated articles may be inspected by an inspector at their final destination.

(3) Inspections under sub-section (1) or (2) shall be carried out during regular business hours, except where the plants, plant products or other regulated articles are in transit or extremely perishable or where their entry has otherwise been delayed, in which case, upon application by the importer and upon payment of any prescribed fee, the Chief Plant Protection Officer may agree to an inspection being carried out at any other time.

14. (1) If, upon inspection carried out in accordance with section 13(1), (2) or (3), the inspector determines that the imported plants, plant products or other regulated articles are not accompanied by any relevant documentation required by section 11(2), or present any risk for the introduction or spread of pests, the inspector shall detain the items and immediately serve written notice on the importer that some or all of the imported plants, plant products or other regulated articles may be subject within the time period specified in the notice to –

(a) appropriate treatment in order to remove the risk;

(b) re-exportation;

- c. Transshipment
- d. confiscation; or
- e. destruction.

(2) The inspector may forgo notice and carry out any of the actions listed under sub-section (1) where in his opinion destruction of the imported plants, plant products or other regulated articles is urgently required or the giving of notice is impracticable.

(3) Where, after their entry into Dominica or after treatment, imported plants, plant products or other regulated articles lie unclaimed for a period of time specified by regulation, the Chief Plant Protection Officer may take action to destroy them.

(4) The costs and responsibility for any action taken under sub-section (1), (2) or (3) of this section shall be borne by the importer.

(5) Where any action is taken under sub-section (1), (2) or (3) of this section, the methods used to calculate costs charged therefore shall be those set out in Schedule 8.

(6) The Government of Dominica shall bear no liability for the destruction or disposal of plants, plant products or other regulated articles imported into Dominica in contravention of this Act.

15. If upon inspection carried out under section 13(1), (2) or (3) the inspector determines that the imported plants, plant products or other regulated articles do not present any risk for the importation and spread of pests, he or she may release the consignment to the importer.

16. The Minister may, to protect plant resources or the environment

(a) prohibit or restrict the entry of any plants, plant products or other regulated articles;

(b) take any other necessary action to prevent the introduction or spread of pests listed in Schedule 1;

(c) declare a phytosanitary emergency;

(d) permit the entry of any plant, plant product or regulated article for scientific or experimental purposes, subject to such terms and conditions as the Minister, on the advice of the Chief Plant Protection Officer, considers appropriate.

17. The Chief Plant Protection Officer may--

(a) designate certain places as plant quarantine stations where plants, plant products or other regulated articles may be kept for phytosanitary observation, research, inspection, testing, treatment, detention or destruction;

(b) require that imported material be kept or cultivated at a plant quarantine station, or at any other location identified by the Plant Protection Officer, and kept under the supervision of the Chief Plant Protection Officer for such time as the Chief Plant Protection Officer deems necessary.

18. (1) Any employee of the postal service or a private shipping concern, or any official of the Customs Department, Port Authority or Dominican Police Force, the Ministry of Agriculture or the Environment including the Forestry and Fisheries Department, who learns of the arrival of any plants, plant products or other regulated articles in Dominica, shall promptly report such arrival to the Chief Plant Protection Officer and shall detain such plants, plant products or other regulated articles until the inspector takes custody of them.

(2) The Chief Plant Protection Officer shall take custody of any items detained under sub-section (1) within three days of their detention.

Part V

Containment and Eradication of Pests

19. The occupier or owner of any land or premises on which a pest listed in Schedule 1 is present or is suspected to be present shall immediately notify the Chief Plant Protection Officer, or a regional agriculture office, who in turn shall notify the Chief Plant Protection Officer.

20. (1) The Minister may on the advice of the Chief Plant Protection Officer—

(a) declare any land, premises or area that is affected or is suspected of being affected with any pest listed in Schedule 1 to be under quarantine;

(b) prescribe measures for the treatment or disposal of plants, plant products or other regulated articles, and the treatment of conveyances whether or not they have been found to be affected, in order to limit the spread of any pest listed in Schedule 1;

(c) prescribe the period of quarantine.

(2) For the purpose of sub-section (1), “quarantine” includes –

(a) prohibiting the movement of people, conveyances, plants, plant products or other regulated articles from or to a specified location (land, premises or area);

(b) prohibiting the planting or replanting of a specified location;

(c) any other measure which the Minister on the advice of the Board deems necessary under the circumstances.

21. If the Chief Plant Protection Officer believes that a pest listed in Schedule 1 is present at any place, it may –

(1) authorise an inspector to –

(a) enter into such place at any reasonable time;

(b) inspect any plants, plant products or other regulated articles; and

(c) take such samples as he or she may consider necessary.

(2) require, by notice in writing, the owner or occupier of such place, and if the Chief Plant Protection Officer deems it appropriate, the owner or occupier of any land or premises in the vicinity, to take within a specified time period whatever measures on their land the Plant Protection Officer considers appropriate to eradicate, contain or restrict the spread of the pest.

22. Based on an inspection carried out under section 21(1)(b), or on analysis of any samples taken under section 21(1)(c), the Minister, to protect plant resources, may on the advice of the Board declare a phytosanitary emergency.

23. (1) If an owner or occupier fails to comply with any term of a notice issued under section 21(2), the Chief Plant Protection Officer may authorise an inspector or other person to enter upon the land or premises in question in order to carry out the requirements of the notice and, where circumstances so require, destroy plants, plant products or other regulated articles in order to eradicate, contain or restrict the spread of the pest.

(2) The costs and responsibility for any action taken under sub-section (1) shall be borne by the owner, except where in exceptional cases the Chief Plant Protection Officer determines that the government should take responsibility for the associated costs.

(3) The government's assumption of financial responsibility in specific instances under sub-section (2) is without prejudice to its later recovering the costs as a debt.

(4) The Government of Dominica shall bear no liability for the destruction or disposal of plants, plant products or other regulated articles carried out under the authority of this section.

24. The Minister shall regularly review the situation in respect of any land placed under quarantine under section 20(1)(a), and as soon as either –

(a) the relevant quarantine pest is considered no longer to be present; or

(b) the Chief Plant Protection Officer determines that it is no longer appropriate for the quarantine to be maintained in respect of some or all of the affected land;

he may by written notice served on all affected owners or occupiers of land, lift the quarantine.

25. (1) Where the Chief Plant Protection Officer is satisfied based on ISPM guidelines of IPPC that a pest is not present in an area, adopts phytosanitary measures to keep the area free of the pest and institutes a surveillance system to verify that the area remains free of the pest, the Minister may declare it a pest free area.

(2) Where the Chief Plant Protection Officer is satisfied that a pest occurs in an area, adopts phytosanitary measures to eradicate or keep the pest levels low and institutes a surveillance system to verify that the pest levels remain low, the Minister may declare it an area of low pest prevalence.

Part VI

Phytosanitary Certification for Export

26. No person shall export plants, plant products or other regulated articles from Dominica unless he –

(a) applies to the Chief Plant Protection Office in the manner prescribed by regulation;

(b) provides all documentation required by regulation;

(c) makes the consignment available for inspection under this Act or any regulations made hereunder; and

d. pays any prescribed fee set out.

27. (1) The Chief Plant Protection Officer shall, upon application by an exporter under section 26(a), cause an inspection of the consignment to be carried out, and shall –

(a) grant phytosanitary certification and issue a phytosanitary certificate in the prescribed form where –

(i) the consignment meets the importing country's documentary and other requirements for export;

(ii) the consignment satisfies any other requirements for export elaborated by the Chief Plant Protection Officer or established under any other applicable legislation in Dominica.

(b) deny certification where the requirements listed in sub-section (1)(a) have not been met.

2. Upon issuance of a phytosanitary certificate under sub-section (1)(a), the exporter shall pay any prescribed fee.

3. Where the plant to be exported is a indigenous plant then an application shall also be made to the Director of Forestry and Wildlife for permission to export the plant.

Part VII

Enforcement

28. (1) Inspectors may without a warrant enter and inspect any land, area or premises where they suspect that a violation of this Act has taken or is taking place.

(2) Any inspector who suspects that any person, container or conveyance entering or moving within Dominica is harbouring a pest, may stop and without a warrant search such person, container or conveyance.

(3) Where the seal on a sealed container containing plants, plant products or other regulated articles is to be broken, an inspector must be present.

(4) An inspector may, in the performance of his functions under this section, be accompanied and assisted by a police officer.

(5) In the course of an inspection carried out under sub-sections (1) to (3), an inspector may, as he deems necessary, seize, destroy, detain, treat or otherwise dispose of any plants, plant products or other regulated articles, or order that any such action be taken, at the expense of the owner.

29. Any inspector who causes any thing to be seized, detained, treated, disposed of or destroyed in accordance with this Act shall immediately provide a detention certificate in the prescribed form, and shall, as soon as practicable, notify in writing the owner or person in possession of the item of the steps taken and the reasons therefore.

Part VIII

Offences

30. It is an offence for any person to –

- (a) grow, possess, sell, offer for sale, transport or distribute in any manner any plants, plant products or other regulated articles knowing that they are affected by a pest listed in Schedule 1;
- (b) assault, resist, intimidate, threaten or obstruct any inspector exercising lawful powers under this Act;
- (c) tamper with any samples taken under section 6(1)(b) or 21(1)(c) of this Act;
- (d) fail to comply with any order or direction lawfully made or given under this Act;
- (e) import any plants, plant products or other regulated articles at a port of entry not listed in Schedule 2;
- (f) import any plants, plant products or other regulated articles contrary to any other requirements prescribed under this Act;
- (g) intentionally permit or cause the introduction or spread of any pest listed in Schedule 1;
- (h) export any plants, plant products or other regulated articles except in accordance with Part VI of this Act.
- (i) fail to safeguard the phytosanitary security of a consignment after issuance of a phytosanitary certificate under section 27(1)(a);
- (j) fail to allow a search or inspection or the taking of any sample authorised under this Act;
- (k) break the seal on a sealed container containing plants, plant products or other regulated articles except in the presence of an inspector; or a Custom Officer;
- (l) knowingly or recklessly provide information which is false, for the purpose of obtaining any document under this Act;
- (m) alter, forge, deface or destroy any document issued under this Act;
- (n) submit any written material for publication referring to the occurrence of a quarantine pest in Dominica without prior or simultaneous communication of the existence of the pest to the Chief Plant Protection Office;
- (o) otherwise contravene the provisions of this Act.

31. It shall be an offence for any inspector, official analyst or other staff of the Chief Plant Protection Officer to –

- (a) in connection with any official duties, directly or indirectly ask for or take any personal payment or other reward;
- (b) agree to do, abstain from doing, permit, conceal or connive at any act or thing which is contrary to the proper execution of official duties under this Act or otherwise contrary to the laws of Dominica;
- (c) disclose any information acquired in the performance of official duties relating to any person, firm or business, except when required by his or her supervisor in the course of official duties or where ordered to do so by any court.

32. (1) Any person who commits an offence under this Act shall be punishable –

- (a) on a first conviction by a fine not to exceed \$15,000 or by imprisonment for a period not to exceed one year or both;
- (b) on a subsequent conviction by a fine not to exceed \$30,000 or by imprisonment for a period not to exceed two years or both.

(2) A court convicting a person of an offence under this Act may, in addition to any other penalty imposed, order that any thing used in the perpetration of the offence, be forfeited to the State.

Part IX

Miscellaneous

33. (1) The Minister may make Regulations for the purpose of this Act and for prescribing all things required to be provided and in particular he may make Regulations in regard to any of the following matters-

- (i) procedures to be followed by inspectors in the exercise of their powers under this Act;
- (ii) conditions for the import of any plants, plant products or other regulated articles;
- (iii) which ports of entry in Dominica are appropriate for the import and export of plants, plant products and other regulated articles;
- (iv) the circumstances under which phytosanitary requirements for import may be modified based on pest risk analysis;
- (v) procedures and guidelines for pre-clearance inspections;

(vi) the manner in which permits and certificates shall be issued under this Act, and their form, content and language;

(vii) the procedures by which an importer may apply for inspection to take place at any location other than the port of entry, and/or outside of regular business hours, and pay any applicable fees;

(viii) the manner in which containers must be sealed and marked if they are to be inspected at their final destination rather than at the port of entry;

(ix) the way in which plants, plant products and other regulated articles must be stored or transported in Dominica;

(x) the procedures to be adopted for the treatment of imported plants, plant products or other regulated articles and the conveyances bringing them into Dominica;

(xi) the location, management and functioning of any plant quarantine stations established under this Act;

(xii) the requirements for the control and care of plants, plant products and other regulated articles kept or maintained at plant quarantine stations;

(xiii) the manner in which inspectors shall arrange for the destruction, removal, uprooting or treatment of plants, plant products or other regulated articles within an area or location declared as under quarantine;

(xiv) the period within which it shall not be lawful to plant or re-plant any thing in all or part of an area declared as under quarantine;

(xv) the manner in which any samples must be taken, marked and retained under this Act;

(xvi) the operating procedures of any official laboratories designated under this Act;

(xvii) the process by which an area may be declared pest free or declared an area of low pest prevalence;

xviii. conditions for the export of any plants, plant products or other regulated articles;

xix. the conditions and documentation required to impart any germplasm material.

xx. operating procedures for the inspection of plants, plant products or other regulated articles for purposes of export;

xxi. the procedures to be followed for lodging an appeal against actions taken by inspectors under this Act;

xxii. criteria for the declaration of a phytosanitary emergency under section 16(b) or 22;

- xxiii. additional measures to be taken for the purpose of preventing the introduction or spread of pests;
- xxiv. prescribing anything required under this Act to be prescribed.

34. (1) Any owner or occupier of land, owner or operator of a conveyance or owner or importer or plants, plant products or other regulated articles who is aggrieved by the decision of an inspector to destroy, dispose of or treat such plants, plant products or other regulated articles may lodge an appeal in the manner prescribed by regulation under this Act.

(2) upon an appeal being filed, the minister shall take all reasonable steps to stay the destruction, disposal or treatment of the articles pending a determination of the appeal by the board, except where in the opinion of the minister any delay would create a significant risk of harm to plant resources in Dominica.

35. (1) The Plant Protection Act, is hereby repealed.

- 2. All regulations in effect upon the coming into force of this Act shall continue in force as if they were issued under the present Act, except where they conflict with the provisions or purposes of this Act.

SCHEDULE 1

PESTS OF QUARANTINE IMPORTANCE

PESTS	BOTANICAL NAME
Papaya White Fly	<i>Toxotrypana curvicauda</i>
Lethal Yellowing	Mycoplasma
Moko	<i>Pseudomonas solanacearum</i>
Black Sigatoka	<i>Mycosphaerella fijiensis</i>
Frog Hopper	<i>Aeneolamina varia saccharina</i>
Citrus Tristeza Virus	
Leaf Rust	<i>Hemileia vastatrix</i>
Coffee Berry Borer	<i>Hypothenemus hempei</i>
Witches Broom	<i>Crinipellis pernicious</i>
Carambola Fruit Fly	<i>Bactrocera carambolae</i>
Scarabee Weevo;	Eucepes
Boll Weevil	<i>Anthonomus grandis</i>
Giant African Snail	<i>Achatina fulica</i>
Papaya Mealybug	<i>Paracoccus marginatus</i>
Sweet Potato Weevil	<i>Cylas formicarius</i>
Red Ring Nematode	<i>Rhadinaphelenchus cocophilus</i>
Leaf Cutting Ant	Atta cephalotes (<i>Acromyrmex octospinosus</i>)
Bacterial Blight	<i>Xanthomonas campestris pv manihotis</i>
Sweet Potato Moth Borer	<i>Megastar grandalis</i> Guenee

SCHEDULE 2

PRESCRIBED PORTS OF ENTRY

Airports

Melville Hall

Canefield

Seaports

Portsmouth

Anse de Mai

Deepwater Harbour (Woodbridge Bay)

Ferry Terminal, Bayfront, Roseau