

800.186.268-7

ORDINANCE N° 004
(February 29, 2016)

“BY MEANS OF WHICH THE ELABORATION, SALE, USE, AND MANAGEMENT OF CATEGORIES I AND II SYSTEMIC AGROCHEMICALS WITHOUT A CORRESPONDING CONTROL IS PROHIBITED IN THE ARCHIPELAGO OF SAN ANDRES, OLD PROVIDENCE, AND KETHLEENA ”.

The Departmental Assembly of San Andres, Providence, and Kethleena, in full use of its legal faculties and, especially those conferred by the Articles 2 and 300, numerals 1, 2, 10 and the Article 311 of the Political Constitution of Colombia (Constitución Política de Colombia), and in accordance with Law 09 of 1979; Articles 7 and 8 and literals a, c and d from the Article 11 of Law 47 of 1993; the Articles 1 and 40 of Law 915 of 2004; Articles 60, 72, 73, and 74 from Decree 1222 of 1986 and, the Ordinance 005 of June 11, 2009.

ORDERS:

ARTICLE 1. For the purposes of epidemiologic control and surveillance in the Department Archipelago, the following definitions will be applied:

ENVIRONMENT. the milieu, including water, air, and ground, and its interrelation, just as the relations between these elements and any other living organism.

Systemic: It means it affects the entire body, instead of just a sole part or organ.

APPLICATION. All actions made by a suitable staff linked or not to a company, tending to control or eliminate plagues with officially registered and of authorized use chemical or biological substances, employing techniques, equipment, and utensils approved by the health authorities and the Colombian Agricultural Institute (Instituto Colombiano Agropecuario).

EXTERMINATOR. Any natural or legal person dedicated to the application of pesticides.

APPLICATION AREA. Any place where pesticides and fumigants are applied for sanitary purposes.

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PUBLIC AREA. Places of public or common use such as: parks, water pipes, dumpsters, landfills, routes, roads, etc.

SANITARY AUTHORITY. Worker belonging to an official entity with responsibilities in human health protections, vegetal and animal or environmental sanity.

MEDIAN LETHAL DOSE (LC50). Statistical estimation of the minimum toxic concentration in air, needed to kill the 50% of an experimental species population under controlled conditions that include indication of species, sex, and age of the animals used in the experiment. It is expressed in toxic micrograms per cubic decimeter or in parts per million.

MEDIAN LETHAL DOSE BY INHALATION (LC50 BY INHALATION). Statistical estimation of the minimum toxic concentration in air breath during an hour, capable of killing within a time lapse of 14 days, half the population composed by at least 10 lab animals. It is determined via a series of controlled tests under specific and widely accepted criteria. It is expressed in micrograms per cubic decimeter when related to gas and vapors, with indications of species, sex, and age of the animals used in the experiment.

CONCEPT OF EFFECTIVENESS. Certification of a product that has a biological or physical positive action, based on a technical scientific documentation and on results of agricultural tests, vector control and/or supervision conducted in the conditions of the country.

CONTAMINATION. Altering of the purity or quality of air, water, soil, or products by the effects of adding or accidentally, or intentionally, getting in contact with pesticides.

INTEGRATED PEST CONTROL AND/OR SPECIFIC VECTORS. Systems to fight pests and/or specific vectors that, in the associated environment context, and harmful species population dynamics, uses all techniques, methods, environmental sanitation practices fit to the most compatible form and eliminates or keeps the infestation below the levels in which damage or economic prejudice are produced, or damage to human, vegetal or animal health is caused.

DEFOLIANT. Any substance or mix of substances destined to provoke artificial fall of plant's leaves.

ESPECIAL WASTE OR RESIDUES. Packing or containers that have contained pesticides, remainders, surplus, or subproducts of these, pesticides that by any reason cannot be used; or the produce of the cleaning or cleansing of objects or elements that

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have been in contact with pesticides such as: work clothes, application equipment, processing equipment, etc.

DISINFESTATION. Chemical, physical or biological process to exterminate or eliminate arthropods or rodents – plagues that are found in people's or domestic animals' bodies, clothes, committees or in the environment.

MEDIAN LETHAL DOSE (LD50). Statistical estimation of the minimum dose necessary to kill the 50% of the lab animal population under controlled conditions. It is expressed in toxic milligrams per kilogram of the animal weight, with indications of species, sex, and age of the animals used in the experiment. It is applied on oral, dermal, mucosal and parenteral cavities.

ACUTE ORAL MEDIAN LETHAL DOSE (ACUTE ORAL LD50). Statistical estimation of the toxic dose that once administered orally, it is capable of killing the 50% of a minimum animal population of 10 observed for 14 days in a laboratory. It is determined via a series of controlled tests under specific and widely accepted criteria. It is expressed in toxic milligrams per kilogram of animal weight, with indications of the species, sex, and age of the animals used in the experiment.

ACUTE DERMAL MEDIAN LETHAL DOSE (ACUTE DERMAL LD50). Statistical estimation of the toxic dose that, once in contact with bare skin during 24 hours, it is capable of killing by absorption, within 14 days, half the population composed by at least 10 laboratory animals. It is determined by a series of controlled tests under specific and widely accepted criteria. It is expressed in milligrams of toxic per kilogram of animal weight, indicating species, sex, and age of the animals used in the experiment.

BUILDINGS. Constructions destined to housing, education, rest, recreation, work, hospital and prison activities, among others.

TAG OR LABEL. Written, print, graphic, engraved, or adhered material in a recipient, pack, container, or packaging for pesticides.

EXPERIMENTATION. Scientific method that seeks to acquire needed information about pesticides behavior and its effects in humans, animals, vegetation, and environment.

DEVELOPMENT PHASES: Characterized stage of the investigation process of a product, from its synthesis to its commercialization.

INITIAL PHASES OF EXPERIMENTATION. Research and development of a product that is done in experimental farms and/or laboratories.

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FINAL PHASES OF EXPERIMENTATION. Research and development of a product in pre-commercial and commercial stages.

FORMULATION. Presentation of a finished product, for it is relating to the physical state and concentration, ready for use.

SECURITY STRIP. Minimum distance that should exist between the pesticide application site and a place that requires protection.

FUMIGATION. Procedure to destroy weeds, arthropods, rodents-vermin, through the application of gas substances or gas generator.

MAXIMUM RESIDUE LIMIT (MRL). The maximum concentration of a pesticide residue that is allowed or legally recognized as acceptable in or about an agricultural product or food for human or animal consumption.

COMMON NAME. The one assigned to an active pesticide ingredient to be used as a generic or unpatented name.

PESTICIDE. All agents of chemical, physical or biological nature that only in mixture, or combination, it is used in prevention, repression, attraction, or control of insect, akars, pathogenic agents, nematodes, weeds, rodents, or other harmful organisms to animals, or to plants, or its derived products, health, or beneficial fauna. The definition also includes the products used as defoliants, physiologic regulators, pheromones and any other products that, to the judgment of the Ministry of Health or the Ministry of Agriculture, are considered as such.

ALTERED PESTICIDE. It is the one that by natural or accidental causes, such as humidity, temperature, air, light or any other modifying causes, has suffered damage, changes, deterioration, or prejudice in its intrinsic composition, altering its properties or characteristics.

ALTERED OR FRAUDULENT PESTICIDE. It is the one whose composition and, especially the one referring to the concentration of the active ingredient, does not correspond to what's indicated on the label the product was registered or officially authorized.

AUXILIARY PRODUCTS. All substance or mixture of substances that, when added to a pesticide, it improves its diffusion, augments its stability or prolongs its period of effectiveness.

EFFECTIVENESS TEST. Experimental work that is done with the object to obtain information about the biological activity relative to pesticide products.

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PROCESSES. Phases or stages involved in pest experimentation, production, storage, sales, distribution, transportation and application.

REGISTRATION. Document issued by the competent sanitary authority to produce, import, distribute, use, and manage pesticides, based on a technical-scientific and administrative process.

RESIDUE. Any specified substance present in food, agriculture products or animal food as a consequence of pesticide usage. The term includes any derivative of a pesticide as conversion, metabolic, and reaction products, and all impurities considered of toxicological importance. The term "pesticide residue" includes all residues of unknown or inevitable origin (for example, environmental) and also those chemical substance derivatives of known use.

RISK. Probability that a pesticide causes a harmful effect in the conditions it is used.

TOXICITY. Physiological or biological property that determine the capacity of a chemical substance to produce prejudice, or make damage to a living organism by non mechanical means.

PESTICIDE USE AND MANAGEMENT. It comprises all activities related to these substances, such as synthesis, experimentation, import, export, formulation, transportation, storage, distribution, sale, application, and final disposal of pesticide waste or remainder.

VEHICLES. Sea, fluvial, air, or land means of transportation.

ARTICLE 2. The elaboration, sale, use and management of systemic agrochemicals categories I and II in the Department of San Andres, Providence, and Kethleena without the corresponding controls because they constitute a grave risk to people's health, animal sanitation, and environment preservation; according to Law 9, 1979 and its reglamentary decree 1843 of 1991.

PARAGRAPH. Only agrochemicals categories I and II can be entered when required by the institution authorized: **CORALINA, ICA, SECRETARIAT OF HEALTH, SECRETARIAT OF AGRICULTURE AND FISHING**, that will be in charge of its entry and use in the Department, with the accompaniment of the other institutions mentioned in the Ordinance.

ARTICLE 3. The epidemiologic control and surveillance of the usage and management of pesticides must be made with the objective of avoiding the community's health alteration, animal and vegetal sanitation, or deterioration of the Department's environment.

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ARTICLE 4. All natural or legal person that imports or elaborates pesticide products to apply in the Department Archipelago, independent from quantity, that requires to import or commercialize, must obtain previous and favorable concept of the Secretariat of Health, ICA, and CORALINA, about toxicological classification and use permit in the Department Archipelago.

PARAGRAPH. To this effect, Dirección de Aduanas Nacionales (DIAN), POLFA Customs and Tax Police (Policía Fiscal y aduanera POLFA) will be notified before the entry of this agrochemicals in the Island territory.

ARTICLE 5. For the effects of classification, the following pesticide toxicological categories are established either because of its formulation or by one of its components:

CATEGORY I "Extremely toxic".

CATEGORY II "Highly toxic".

CATEGORY III "Moderately toxic".

CATEGORY IV "Slightly toxic".

ARTICLE 6. The Secretariat of Health of the Department, the regional office of the Colombian Agricultural Institute ICA (Instituto Colombiano Agropecuario) and the Sustainable Environmental Corporation-CORALINA (Corporación Ambiental Sostenible-CORALINA) will be responsible for coordinating with other private and official entities to apply all orders related to surveillance and control of the use and manipulation of pesticides in the Department.

ARTICLE 7. For all the epidemiologic surveillance, sanitary and environmental control purposes, the sanitary and environmental authorities, in relation to usage and manipulation of pesticides, will have the right for free access, any day, any time, to the place, vehicle, building, or product where pesticides are known to be used or handled.

Paragraph 1. In the elaboration of this article, the sanitary and environmental authorities will be able to obtain all the information they judge or consider necessary; run tests, take samples, as well as carry out any other activity in the orbit of its functions; for which and if necessary, will be able to conclude agreements with public or private entities in order to comply with the already stated purpose.

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Paragraph 2. All natural or legal person involved in the use and manipulation of pesticides is obliged to submit technical, scientific or any other sort of information required by the sanitary and environmental authorities.

ARTICLE 8. The sanitary and environmental authorities the last article makes reference to, are also empowered to:

- a. Take samples;
- b. Retain or confiscate and the offender must respond for the removal of the product from the Archipelago in order to avoid environmental damage from misuse or shedding in the Department Archipelago.
- c. Initiate all necessary procedures when natural or legal persons make an infraction or omission that merit administrative fines, or imposition of preventive sanitary or security measures considered necessary, and
- d. Receive and process complaints of other employees or of the community for all infractions, violation or omission of any of the norms.

ARTICLE 9. The sanctions and their procedure will be the same ones stipulated by the Law 09 of 1979 and its regulatory Decree.

ARTICLE 10. The warning, fines, and their quantity will be the same stipulated in the Law 09 of 1979 and its regulatory Decree.

ARTICLE 11. The payment of fines must be made at the Treasury of the Department within the five (5) work days after the date of the execution of the corresponding order. Not paying in the terms and quantities indicated may lead to a cancellation of the license or closing of the establishment. The fine can be made effective by coercive jurisdiction.

ARTICLE 12. All sums raised under the concept of fines will be join the Department's Budget as current incomes .

ARTICLE 13. Be conformed an Interinstitutional Technical Committee to evaluate the total amount of agrochemicals in the Archipelago.

ARTICLE 14. The ordinance hereby prohibits the elaboration, sale, use and management of systemic agrochemicals in the Department of San Andres, Old Providence and Kethleena without the corresponding controls, derogating all previous

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ordinances and al rulings that may be contrary. The ordinance hereby goes into effect from the moment it is sanctioned and published.

Approved at the Hall of Sessions of the Honorable Departmental Assembly, during its ordinary session on February twenty ninth (29), two thousand sixteen (2016).


OSCAR BOWIE STEPHENS

President


JENIFER BENT OLMOS

General Secretary

THE DEPARTMENTAL ASSEMBLY OF SAN ANDRES, PROVIDENCE, AND KETHLEENA, THE GENERAL SECRETARY OF THE DEPARTMENTAL ASSEMBLY OF SAN ANDRES, PROVIDENCE AND KETHLEENA CERTIFIES: that the ordinance hereby went under the three obligatory debates in different dates and Ordinary Sessions: **FIRST DEBATE IN COMISSION**, on February 22, 2016, **SECOND PLENARY DEBATE**, on February 26, 2016, **THIRD PLENARY DEBATE**, on February 29, 2016; becoming the Ordinance 004 of February 29, 2016.


JENIFER BENT OLMOS

General Secretary



GOBERNACIÓN

Departamento Archipiélago de San Andrés,
Providencia y Santa Catalina
Reserva de Biosfera Scaflower
Nit: 892.400.038-2

CONTINUATION OF THE **ORDINANCE No. 004** "BY MEANS OF WHICH THE ELABORATION, SALE, USE, AND MANAGEMENT OF CATEGORIES I AND II SYSTEMIC AGROCHEMICALS WITHOUT A CORRESPONDING CONTROL IS PROHIBITED IN THE ARCHIPELAGO OF SAN ANDRES, OLD PROVIDENCE, AND KETHLEENA".

DEPARTMENT ARCHIPELAGO OF SAN ANDRES, OLD PROVIDENCE, AND KETHLEENA.

PRIVATE SECRETARY: San Andres island, March 9, 2016: I received the Ordinance hereby and hand it to the Governor's Office for its sanction.

VANESSA CORREAL CAMARGO
Secretary Private

GOVERNOR'S OFFICE, San Andres Island, March 15, 2016.

BE IT EXECUTED AND COMPLIED

ALBERTO ESCOBAR ALCALA
Acting Governor