

Required Report - public distribution

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## **Bermuda**

### **Food and Agricultural Import Regulations and Standards - Narrative**

### **FAIRS Country Report**

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**Report Highlights:**

Sections Updated: All, except Section III

Overall Bermuda is very receptive to U.S. products. Bermuda accepts USDA and FDA food standards and regulations on all food products imported from the United States. A few products, mainly meat, have specific import requirements, but they can be easily met by U.S. suppliers. On the other hand, milk imports are generally prohibited, and imports of select produce items may be temporarily restricted as well. Product clearance is usually quick and straightforward.

**Section I. Food Laws:**

NOTE: This report was prepared by the Caribbean Basin Agricultural Trade Office of the USDA/ Foreign Agricultural Service in Miami, Florida for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information

provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

The main law governing food products is the Public Health Act 1949 and its implementing regulations (Public Health Food Regulations 1950). Traditionally, most all foods complying with the requirements of the country of origin can be imported into Bermuda. There are several regulatory agencies involved with the importation of food products. The main regulatory agency is the Ministry of Health's own Department of Health. The department's Environmental Health Office ensures food safety in food production, importation, storage and preparation. Through the department's Central Government Laboratory it also provides water and food analysis. The Department of Environmental Protection, a dependency of the Ministry of the Environment and Sports, is also engaged with regulating the importation of live animals, animal products and plant products. To some extent, the Department of Consumer Affairs, a dependency of the Ministry of Culture and Social Rehabilitation, may also be involved with food product imports, especially when involving food quality issues.

As in most islands, enforcement of most food requirements and regulations is done at the port of entry. However, products are also monitored at the retail and wholesale level by the Department of Health and the Department of Environmental Protection. The Department of Consumer Affairs may also be involved in enforcement of product recalls.

## **Section II. Labeling Requirements:**

Bermuda has no food labeling legislation. However, new legislation has been developed for domestically produced foods and is expected to be enacted by 2010. This new legislation would make certain information mandatory on labels of domestic foods and beverages, particularly in terms of product dating. To date, local producers have been operating under a voluntary agreement of understanding with the Government, where they provide some basic information on the labels, such as:

- Name of product
- Name of Manufacturer or Distributor
- Address and contact number of Manufacturer or Distributor
- List of all ingredients in descending order of quantity
- Additives- Natural or Artificial
- Net quantity of the food (by weight if solid, by volume if liquid)

Imported products will not be affected by this new legislation. In fact, the explicit intent of this new legislation is not to affect trade. U.S. labels continue to be fully acceptable.

The Public Health Act does have some important provisions related to imported foods which state that no person may import into Bermuda any food which:

- a) has been manufactured or prepared under unsanitary conditions; or
- b) has been adulterated; or
- c) is not permitted to be sold, or whose sale is restricted in the country from which it is exported.

As a general rule of thumb, the Government of Bermuda also requires that labels be applied to all foods prior to being exported to Bermuda.

### **Section III. Packaging and Container Regulations:**

1. Packing and container regulations exist for water, milk and cream only. For artificially sweetened aerated water, the Public Health (Food) Regulations 1950 state: "A person shall not sell, or have for the purposes of sale or other disposal in the way of trade or business, artificially sweetened aerated water in any can, bottle, or other container unless that can, bottle or other container is of a kind or size approved by the Chief Medical Officer."

2. The following is a schedule of type and specification of manufactured milk;

Filled Milk (Red Container)

Low Fat Filled Milk (Pink Container)

Filled Cream (Brown Container)

Recombined Skim or Skimmed Milk (Green Container)

"Notwithstanding anything contained in these regulations, no milk shall be imported into Bermuda or if imported sold or offered for sale for human consumption unless it is milk of a type which has been approved in writing by the Chief Medical Officer. No such approval shall be granted unless the Chief Medical Officer is satisfied:

- a) as to the source and quality of the milk;
- b) as to the methods of heat treatment of the milk and the packing operations in respect thereof;
- c) as to the chemical and bacteriological standard of the milk;
- d) as to the manner and conditions under which the milk is transported to Bermuda and the distribution thereof within Bermuda;
- e) as to the capacity, type and material of the container in which the milk is packed and that the capacity of any such container does not exceed the capacity specified in writing by the Chief Medical Officer."

### **Section IV. Food Additives Regulations:**

Bermuda has regulations pertaining to food additives, but they are quite outdated. Government regulators generally rely on internationally accepted Codex standards and on the requirements from the country of origin of the product in question.

### **Section V. Pesticides and Other Contaminants:**

Earlier this year, a Pesticide Safety Act was passed. Implementing regulations are currently being developed, including an approved list of pesticides. Until now, Bermuda authorities have followed the lead of Codex standards in terms of prohibited products and maximum residue limits (MRL's). Pesticides for outdoor use are registered with the Department of Environmental Protection. Pesticides for indoor use are registered with the Department of Health. Applications should be submitted with the Material Safety Data Sheet (MSDS) with a copy of the pesticide label. An approved list of products monitored at the retail and wholesale/distribution levels can be

found at both agencies.

#### **Section VI. Other Regulations and Requirements:**

Milk: The importation of any of the following dairy products is prohibited except where authorized by the Minister responsible for Agriculture:

- Raw milk
- Pasteurized milk
- Ultra-pasteurized milk
- Ultra heat treated milk
- Manufactured milk

More information can be found in the Importation of Milk (Prohibition) Act 1997 which is available via Bermuda Laws Online. See Appendix I for more information.

Produce: The Government of Bermuda may prohibit the importation of specified fresh fruits, vegetables and flowers into Bermuda during unspecified periods throughout the year. For a complete and current listing of embargoed plants, U.S. exporters must refer to the most recent Embargo notice issued by the Government Marketing Centre. See Appendix I for contact information.

Meat: All meat imported into Bermuda, except as described below, must be accompanied by an 'Official Certificate' provided by the Official Meat Inspection Authority of the exporting country. Persons arriving in Bermuda by ship or aircraft are permitted to import as a part of their accompanied passenger baggage up to 50lbs of meat for their own consumption without an "Official Certificate".

The following meats and meat products may be imported in any quantities without an "Official Certificate":

- meat cooked or otherwise prepared (i.e. smoked hams, bacon);
- meat in airtight containers (i.e. canned meats);
- rendered animal fats;
- pies, sausages, or other prepared or manufactured articles of food containing any meat or cooked or dried meat; and
- poultry, game, either whole or predressed and packed.

The following meat items are prohibited:

- a) scrap meat, trimmings or other pieces with or without bone, of such shape or condition as to afford insufficient means of identification with a definite part of a carcass;
- b) meat comprising the wall of the thorax or abdomen from which any part of the pleura or, except in the case of a pig, the peritoneum has been detached, other than a necessarily removed in preparing the meat; and
- c) meat from which a lymphatic gland, except a gland necessarily removed in preparing the meat, has been removed; and
- d) the head of an animal without submaxillary glands.

More information can be found in the Public Health (Imported Meat) Regulations 1956 which is

available via Bermuda Laws Online. See Appendix I for more information.

Fish: Imported fish must be clearly identified by species and by the country of origin or export. It must also be certified as to its quality by the health authority of the country of origin or export. The Government of Bermuda prohibits the possession of any of the following "protected fish" lighter in weight or smaller in size than the size or weight specified below.

- black rockfish 75cm (30 ins) fork length
- monkey rockfish 50cm (20 ins) fork length
- red hind 35cm (14 ins) fork length
- hog fish 35cm (14 ins) fork length
- yellowtail snapper 30cm (12 ins) fork length
- lane snapper 25cm (10 ins) fork length
- yellow fin tuna 3.2kg (7lbs)
- bigeye tuna 3.2kg (7lbs)
- bluefin tuna 115cm (45 ins) fork length or 30kg (66lbs);
- swordfish 125cm (49 ins) lower jaw to fork length or 25kg(55lbs)
- blue marlin 114 kgs (250 lbs)
- white marlin 23 kgs (50 lbs)."

More information can be found in the Fisheries Regulations 1972 and subsequent amendments which are available via Bermuda Laws Online. See Appendix I for more information.

Lobster: Seasonal protection and minimum size limits are also applied to the importation of any Caribbean spiny lobster (Bermuda/Florida/Bahamian lobster). The closed season is April 1<sup>st</sup> through August 31st of each year. The minimum size permissible is a carapace length of 3 5/8 inches (92mm) as measured from the end of the carapace to the ridge at the base of the horns. In the case of frozen lobster tails, the minimum weight is 12 ounces (340 grammes).

More information can be found in the Fisheries Regulations 1972 and subsequent amendments which are available via Bermuda Laws Online. See Appendix I for more information.

#### **Section VII. Other Specific Standards:**

Standard weights and measures are required for imported food.

#### **Section VIII. Copyright and/or Trademark Laws:**

Trademark Registration is governed by the Trademark Act of 1974 and carried out by the Intellectual Property Office which is a division of the Registry General of the Government of Bermuda. Registration of trademarks for imported foods and beverages is voluntary, but recommended. Registration of a trademark can be completed by anyone thru a local agent/law firm. Initial registrations are granted for a 7 year period and are renewable indefinitely for 14 year periods. U.S. suppliers interested in conducting searches of registered trademarks and/or registering their own trademarks may contact the Registry General for further information (See Appendix I).

#### **Section IX. Import Procedures:**

U.S. suppliers should be aware that the vast majority of cargo shipped to Bermuda is transported in 20 ft. rather than 40 ft. containers. This is due mainly to road limitations which make trucking 40 ft.

containers throughout the island very difficult. Under special circumstances, import of 40 ft. containers is allowed, but permission must be obtained in advance by the importer in order for special logistic arrangements to be made.

Customs clearance is done by the importer or receiving agent. The process is electronic to a large extent, and thus cargo clearance is handled expeditiously in most cases. After arrival at the port, a customs officer will inspect the shipment and documentation (i.e. customs declaration, commercial invoice, packing list, certificate of origin, etc.), and then the shipment can be released to the importer. All plants and plant products must be inspected by the Department of Environmental Protection prior to release to the importer.

Duty is paid directly to the Department of Customs. Bermuda's complete tariff schedule is available on-line (see Appendix I for more information).

Cargo arriving on ship in Hamilton will be inspected on weekdays during normal working hours. Any shipments arriving outside this time frame will be held until the following week. Flight arrivals are guaranteed to be inspected on arrival. Customs will work until the last expected shipment arrives. However, additional fees may apply when such clearance is outside normal working hours, even on weekdays. Bermuda has a detailed Customs review and appeals process which is outlined in Bermuda Customs Public Notice 15 of 1997. A copy of such notice can be obtained on-line at Bermuda Laws On-line (see Appendix I for more information).

#### **Appendix I. Government Regulatory Agency Contacts:**

##### **A. Key Regulatory Contacts**

##### **FOR FOOD SAFETY ISSUES FOR MOST IMPORTED FOOD PRODUCTS CONTACT:**

Mr. David Kendell  
Chief Environmental Health Officer  
Department of Health  
Ministry of Health  
P.O. Box HM 1195  
Hamilton HM EX  
Phone: (441) 278-4975  
Fax: (441) 232-1941  
E-Mail: [dskendell@gov.bm](mailto:dskendell@gov.bm)

##### **FOR IMPORTS OF LIVE ANIMALS AND MEAT PRODUCTS CONTACT:**

Dr. Jonathan Nisbett  
Government Veterinary Officer  
Department of Environmental Protection  
Ministry of the Environment and Sports  
P.O. Box HM-834  
Hamilton, Bermuda HM-CX  
Phone: (441) 236-4201  
Fax: (441) 232-0046  
E-mail: [animals@gov.bm](mailto:animals@gov.bm)

Website: [www.animals.gov.bm](http://www.animals.gov.bm)

FOR IMPORTS OF PLANTS PRODUCTS CONTACT:

Ms. Terry Lynn Thompson  
Senior Plant Protection Officer  
Department of Environmental Protection  
Ministry of the Environment and Sports  
169 South Road  
Paget DV 04, Bermuda  
Phone: (441) 236-4201  
Fax: (441) 232-4866  
Email : [tthomps@gov.bm](mailto:tthomps@gov.bm); [plants@gov.bm](mailto:plants@gov.bm)

FOR INFORMATION REGARDING EMBARGO NOTICES (PRODUCE) CONTACT:

Mr. Thomas Sinclair  
Agricultural Officer  
Government Marketing Centre  
Department of Conservation Services  
Ministry of the Environment and Sports  
Phone: (441) 292-4611 / 4356  
E-mail: [govmkt@ibl.bm](mailto:govmkt@ibl.bm)

FOR IMPORTS OF SEAFOOD PRODUCTS CONTACT:

Ms. Tammy Trott  
Acting Senior Marine Resources Officer  
Marine Resources Division  
Department of Environmental Protection  
Ministry of the Environment & Sports  
Bermuda  
Tel: 1 (441) 293-5600 ext. 2225  
Fax: 1 (441) 293-2716  
E-mail: [ttrott@gov.bm](mailto:ttrott@gov.bm)

FOR TRADEMARK REGISTRATION CONTACT:

Mrs. Marlene Christopher  
Registrar General  
The Registry General  
Ministry of Energy, Telecommunications and E- Commerce  
1st Floor, Government Administration Building  
30 Parliament Street  
Hamilton HM 12  
Phone: (441) 297-7705 / 08  
Fax: (441) 296-5158  
E-mail: [mchristopher@gov.bm](mailto:mchristopher@gov.bm)

FOR CUSTOMS AND TARIFF INFORMATION CONTACT:

Ms. Rosita Ball

Senior Customs Officer

H.M. Customs Bermuda

Ministry of Finance

Custom House PO Box HM 2084

Hamilton HMHX

Phone: (441) 295-4816, (441) 278-7432/37

Fax: (441) 295-5392

E-mail: [rball@gov.bm](mailto:rball@gov.bm); [customs@gov.bm](mailto:customs@gov.bm); [tariffclass@gov.bm](mailto:tariffclass@gov.bm); [customs\\_valuation@gov.bm](mailto:customs_valuation@gov.bm)

B. Useful Websites

*The websites below are provided for the readers' convenience; USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained in such websites.*

1. <http://www.bermudalaws.bm/>

This search engine provides information on practically all Bermuda laws and regulations.

2. <http://www.customs.gov.bm>

H.M. Customs Bermuda website provides comprehensive information related to import procedures and regulations.

3.

[http://www.customs.gov.bm/portal/server.pt/gateway/PTARGS\\_0\\_2\\_10793\\_256\\_1438\\_43/http%3B/ptpublisher.gov.bm%3B7087/publishedcontent/publish/ministry\\_of\\_finance/hm\\_customs/quick\\_links\\_2/bermuda\\_customs\\_tariff\\_2008.pdf](http://www.customs.gov.bm/portal/server.pt/gateway/PTARGS_0_2_10793_256_1438_43/http%3B/ptpublisher.gov.bm%3B7087/publishedcontent/publish/ministry_of_finance/hm_customs/quick_links_2/bermuda_customs_tariff_2008.pdf)

Provides Bermuda's complete 2009 tariff schedule.

4. <http://tariff.bermuda.arembis.com/browse.tcl?>

Provides easy tariff search system for all types of products by HS product descriptions.

**Appendix II. Other Import Specialist Contacts:**

Caribbean Basin Agricultural Trade Office

Foreign Agricultural Service

U.S. Department of Agriculture

909 SE 1<sup>st</sup> Avenue, Suite 720

Miami, FL 33131

Tel: (305) 536-5300

Fax: (305) 536-7577

E-mail: [atocaribbeanbasin@fas.usda.gov](mailto:atocaribbeanbasin@fas.usda.gov)

Website: [www.cbato.fas.usda.gov](http://www.cbato.fas.usda.gov)

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E-mail: [omar.gonzalez@fas.usda.gov](mailto:omar.gonzalez@fas.usda.gov)

Graciela Juelle, Ag. Mktg. Assistant

E-mail: [grace.juelle@fas.usda.gov](mailto:grace.juelle@fas.usda.gov)

