

Required Report: Required - Public Distribution

Date: December 20, 2021

Report Number: BD2021-0001

Report Name: FAIRS Annual Country Report Annual

Country: Bermuda

Post: Miami ATO

Report Category: FAIRS Annual Country Report

Prepared By: Omar Gonzalez

Approved By: Candice Bruce

Report Highlights:

The United States is far and away Bermuda's main agricultural trading partner, accounting for nearly three quarters of its imports of agricultural and related products. Bermuda is very receptive to U.S. products, and thus the list of items that carry specific import requirements is quite small (mainly live animals, meats, plants and plant products, and seafood). This report outlines Bermuda's import requirements for food and agricultural products, which U.S. suppliers should not find difficult to comply with.

DISCLAIMER: “This report was prepared by the Caribbean Basin Agricultural Trade Office (CBATO) of the U.S. Department of Agriculture’s (USDA) Foreign Agricultural Service (FAS) in Miami, Florida, for U.S. exporters of domestic food and agricultural products. While every possible care has been 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 PRODUCTS IS SUBJECT TO THE IMPORTING COUNTRY’S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**”

Contents

Executive Summary 3

Section I. Food Laws: 3

Section II. Labeling Requirements: 3

Section III. Packaging and Container Regulations: 4

Section IV. Food Additives Regulations:..... 5

Section V. Pesticides and Other Contaminants:..... 5

Section VI. Other Requirements, Regulations and Registration Measures: 6

Product registration is not required in Bermuda. 10

Section VII. Other Specific Standards: 10

Section VIII. Trademarks, Brand Names and Intellectual Property Rights: 10

Section IX. Import Procedures:..... 10

Section X. Trade Facilitation: 11

Appendix I. Government Regulatory Agency Contacts: 12

Appendix II. Other Import Specialist Contacts:..... 14

Executive Summary

Bermuda, an Overseas Territory of the United Kingdom, is located 918 km (570 miles) east-southeast of Cape Hatteras, North Carolina. The territory is an archipelago of small islands and islets totaling 54 square km. (21 square miles), roughly one-third the size of Washington, D.C. Bermuda has a population of 72,084 (July 2021 estimate) and enjoys one of the highest per capita incomes in the world. Given its minute land mass and no rivers or freshwater lakes, agriculture is quite limited. Bermuda relies on imports for practically all its food needs. Given its proximity to the United States, Bermuda sources most of its food imports from U.S. suppliers. In 2020, Bermuda imported a total of \$134.7 million in agricultural and related products from all sources, of which \$99.2 million (74 percent) were from the United States. Consumer-oriented agricultural products make up 86 percent of U.S. agricultural and related product exports to Bermuda.

In general, U.S. suppliers will find Bermuda to be very import friendly. Import requirements for food and agricultural products are very straightforward, and for the most part laws and regulations governing imports can be found online on government websites listed in this report. Bermuda accepts standard U.S. food labels and is known to follow internationally accepted Codex standards.

Section I. Food Laws:

The main law governing food products is the Public Health Act 1949 and its implementing regulations (Public Health Food Regulations 1950). Traditionally, most foods that comply 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 Environment and Natural Resources, a dependency of the Ministry of Home Affairs, is also engaged with regulating the importation of live animals, milk, animal products, plants, plant products, seafood, and pesticides.

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, primarily by Department of Health and Department of Environment and Natural Resources inspectors. The Department of Consumer Affairs, a dependency of the Ministry of Home Affairs, may also be involved in food quality issues and enforcement of product recalls.

Section II. Labeling Requirements:

Bermuda has no food labeling legislation. 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)

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 that:

- 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, the Government of Bermuda also requires that labels be applied to all foods prior to being exported to Bermuda.

Requirements for Other Specific Labeling Requirements

N/A. No additional information is available on the subject.

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) Recombined Skim or Skimmed Milk (Green Container).

Packaging Sustainability Measures:

The Government of Bermuda is seeking to regulate single-use plastics, which would include a phased ban on the following products, among others:

- Styrofoam products. These include food service containers (e.g., clamshell and hinge containers, bowls, plates, hot and cold beverage cups, and egg cartons).
- Plastic utensils. These include cups, spoons, forks and knives, lids, straws, and stirrers.

- Plastic bags. Careful consideration needs to be given to the definition and scope included.
- Plastic trays. These includes trays for fruit, meat, and vegetables.
- Plastic water bottles and other plastic beverage bottles. Exceptions can be made for large plastic water bottles that are returned and refilled.
- Plastic single-serving food sachets such as mayonnaise and ketchup sachets.
- Plastic-lined paper cups and food containers.
- Plastic single-use beverage pods (e.g., coffee and tea pods).
- Oxo-degradable plastic.
- ‘Biodegradable’ plastic.

For this purpose, the government set forth a policy paper and welcomed public comments during a two-month period concluding on October 31, 2021. A link to the policy paper and further information is provided in Appendix I.

Section IV. Food Additives Regulations:

Bermuda has regulations pertaining to food additives, but they are quite dated. 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:

The Department of Health and the Department of Environment and Natural Resources work jointly to regulate the importation, sale, use and storage of pesticides in conformity with the Pesticide Safety Act of 2009.

To import a pesticide into Bermuda, importers must complete and submit an application along with:

- a link to or a paper copy of the Material Safety Data Sheet (MSDS)
- a link to or a paper copy of the actual product label

Importers must also submit all Bermuda Customs Declaration forms for incoming shipments containing pesticides to the Plant Protection Laboratory at the Department of the Environment and Natural Resources. This must be done before submitting the documents to Customs for compliance review, stamps, and signature. The application also requires a fee. More information on importing pesticides (including application forms, fee structure, and a list of prohibited and restricted pesticides) can be found in Appendix I.

Completed applications are processed within five business days, unless the application contains new active ingredients, new products, or newly documented environmental or health risks. These

applications will require an in-depth review. Approval to import pesticides takes into consideration the importer and their pesticide application experience, the expected use of the product, and the active ingredients in the product.

Section VI. Other Requirements, Regulations and Registration Measures:

Milk: The Importation of Milk (Prohibition) Act 1997 prohibits the importation of any of the following dairy products into Bermuda:

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

The few, if any, permitted milk products fall within the purview of the Public Health Act's Public Health (Milk and Dairy farm) Regulations of 1952, which reads: "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."

More information can be found in the Importation of Milk (Prohibition) Act 1997 and in the Public Health Act's Public Health (Milk and Dairy Farm) Regulations of 1952, which are available via Bermuda Laws Online. See Appendix I for more information.

Prohibited Produce: Certain fresh produce is prohibited entry based upon pest, disease or quarantine risk. Prohibited produce can enter Bermuda only if the produce is no longer fresh. The following items are considered prohibited produce:

- Carrots

- Corn
- Green/Water Coconut
- Guava
- Papaya
- Sweet Potato/ North American Yam

Regulated Produce: This term refers to fresh produce which is regulated with treatments (hot water or fumigation) prior to or upon entry into Bermuda based upon pest, disease, or quarantine risk. Regulated produce may be permitted without treatment provided that it meets the Department of Environment and Natural Resources entry requirements.

- Asian/Exotic fruits
- Breadfruit
- Cherries
- Citrus
- Coconut
- Dates
- Mango
- Pineapples
- Potatoes
- Pumpkins (and other cucurbits)
- Sorrel
- Stone fruits
- Sugarcane
- Taro
- Turmeric

The plant health/quarantine status of produce items may change, which is why U.S. suppliers should have their importer verify such status and any special import requirements with the Department of

Environment and Natural Resources. See Appendix I for contact information. Special requirements may also apply to different plants and plant products. The link entitled "Importing and Exporting Plants" provided in Appendix I provides more information on import requirements for Christmas trees, live flowers/floral arrangements/greenery, plant material for propagation, potting soil, produce, and seeds.

Meat: All meat imported into Bermuda, except as described below, must be accompanied by an 'Official Certificate' provided by the Competent Authority of the exporting country. Persons arriving in Bermuda by ship or aircraft are permitted to import up to 20lbs of meat for their own consumption as a part of their accompanied passenger baggage 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

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 95cm (37ins) fork length
- monkey rockfish 50cm (20 ins) fork length
- red hind 35cm (14 ins) fork length
- hog fish 45cm (18 ins) fork length
- yellowtail snapper 30cm (12 ins) fork length
- lane snapper 25cm (10 ins) fork length
- yellow fin tuna 3.2kg (7lbs)
- wahoo 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 kg (250 lbs.)
- white marlin 23 kg (50 lbs.)."

In addition, a license is required to import live fish and fish intended for the wholesale market. Importation of certain protected marine organisms is prohibited. It should be noted that imported fish are only allowed to be sold on the wholesale market. Retail sale of imported fish to members of the public is not allowed. Moreover, all fish intended or exhibited for sale as imported fish, are required to be clearly identified as such. For this purpose, all invoices, advertisements or labels on the packaged fish, restaurant menu cards or signs exhibited in stores are required to clearly state that the fish is imported. More information can be found in the Fisheries Act of 1972, Fisheries Regulations of 2010 and Fisheries Orders 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 1st 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 grams).

More information can be found in the Fisheries Regulations of 2010 which are available via Bermuda Laws Online. See Appendix I for more information.

Facility Registration

U.S. facilities need not be registered with Bermudian regulatory authorities prior to export.

Product Registration

Product registration is not required in Bermuda.

Section VII. Other Specific Standards:

Standard weights and measures are required for imported food.

Section VIII. Trademarks, Brand Names and Intellectual Property Rights:

Trademark Registration is governed by the Trade Marks Act of 1974, the Trade and Service Marks Regulations of 1993, and the Trade Marks (Modification and Amendment) Act of 1991. Trademark registration is carried out by the Intellectual Property Office of the Registry General, which is part of the Ministry of Home Affairs. Registration of trademarks for imported foods and beverages is voluntary but recommended. Although registration of a trademark can be completed by anyone, registration is usually handled through a local agent/law firm.

After applying for a trademark, the applicant will receive feedback (an 'examination report') within 30 days. The applicant then has six months to resolve any issues outlined in the examination report. Provided the examiner has no objections, the application is then published in Bermuda's Royal Gazette for two months, during which time anyone can oppose it. Once any objections (if any) are resolved, the trademark will be registered, and the applicant will receive a certificate from the Registry General to confirm the registration.

Initial registrations are granted for a seven-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:

The Customs Department monitors and controls imports of all goods entering Bermuda. Inspectors from other regulatory agencies, namely from the Environmental Health Unit of the Department of Health and from the Veterinary Services, the Plant Protection Unit and the Fisheries Division of the Department of Environmental and Natural Resources, may also be involved in the import process.

All Bermuda Customs Declarations (BCDs) must be submitted electronically via the Customs Automated Processing System (CAPS) or by using the Customs Web Trader Service. Customs does not permit manual submission of BCDs. More information on the subject and general guidelines for completing the Bermuda Customs Declaration (BCD) form may be found in Public Notice 17. Specific guidelines relating to imports may be found in Public Notice 17 Supplemental 1 (see Appendix I for links to these guidelines).

Customs clearance is done by the importer or the importer's agent. The process is electronic to a large extent, and thus cargo clearance is generally handled expeditiously. 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.), prior to the shipment being released to the importer. All animals, fish, live marine species (animals, fish, or plants), plants and plant parts (including floral material) must have prior approval from the Department of Environment and Natural Resources, in the form of an import permit normally granted to the importing party, to enter Bermuda. In addition, any and all products listed above may be subject to inspection prior to release to the importer. Duty is paid directly to the Customs Department with checks payable to the Accountant General. 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. Under special circumstances, and with prior approval, cargo may be inspected on Sundays. 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.

Customs decisions can be reviewed or appealed within 30 days of receiving a written decision. Such requests are to be made in writing to the Collector of Customs. There are two stages of appeal: 1) during the first stage the Customs Department reviews the decision in question; 2) in the second stage the Tax Appeal Tribunal (administered by the Ministry of Finance) reviews the appeal. Reviewable decisions fall into three categories: duties, civil penalties, and ancillary matters (decisions involving the exercise of discretion). Customs Department reviews are free of charge. However, appeals to the Tax Appeal Tribunal carry a fee of \$167.

Product samples for trade shows or products not for commercial distribution are generally subject to the same import regulations as all other products. Several courier businesses provide comprehensive customs brokerage and other customs services.

Section X. Trade Facilitation:

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, the import of 40 ft. containers is allowed, but permission must be obtained in advance by the importer for special logistical arrangements to be made.

All items arriving must pay the applicable duty rate based on the value of the goods invoiced. A wharfage fee is also payable to Bermuda Customs, of 1.25 percent of the value of the goods invoiced arriving via Air, Ocean, or Courier. Goods that are imported by mail are exempt.

Appendix I. Government Regulatory Agency Contacts:

FOR FOOD SAFETY ISSUES FOR MOST IMPORTED FOOD PRODUCTS INCLUDING MEAT PRODUCTS:

Environmental Health Unit

Department of Health

Ministry of Health

6 Hermitage Road, Devonshire FL 01 Phone: (441) 278-5333 / (441) 278-5397

Fax: (441) 232-1941

E-Mail: envhealth@gov.bm

FOR IMPORTS OF LIVE ANIMALS AND MILK:

Veterinary Services

Department of Environment and Natural Resources

Ministry of Home Affairs

P.O. Box HM-834

Hamilton, Bermuda HM-CX

Phone: (441) 236-4201 Fax: (441) 232-0046

E-mail: animals@gov.bm Website: www.animals.gov.bm

FOR IMPORTS OF PLANTS, PLANT PRODUCTS AND PESTICIDES:

Plant Protection Unit

Department of Environment and Natural Resources

Ministry of Home Affairs

P.O. Box HM 834

Hamilton, HM CX, Bermuda

Phone: (441) 239-2311 / (441) 239-2321 / (441) 239-2322

Fax: (441) 232-4866

E-mail: plants@gov.bm

FOR IMPORTS OF SEAFOOD PRODUCTS:

Fisheries Division

Department of Environment and Natural Resources

Ministry of Home Affairs

Bermuda

Tel: (441) 293-1785 / (441) 293-5600 ext. 2225 Fax: (441) 293-2716

E-mail: animals@gov.bm

FOR TRADEMARK REGISTRATION:

Registry General

Ministry of Home Affairs

1st Floor, Government Administration Building
30 Parliament Street Hamilton HM12, Bermuda
Tel: (441) 297-7706 / (441) 297-7739
Fax: (441) 292-4568

FOR CUSTOMS AND TARIFF INFORMATION:

Department of Customs
Ministry of National Security
PO Box HM 2084 Hamilton HM HX
Phone: (441) 295-4816, (441) 278-7422/23 Fax: (441) 295-5392
E-mail: customs@gov.bm (General Inquiries); tariffclass@gov.bm (Tariff Classification Officer);
customs_valuation@gov.bm (Customs Valuation Officer).

USEFUL WEBSITES/LINKS

The websites/links 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 Bermuda laws and regulations.
2. <http://www.customs.gov.bm> The Department of Customs website provides comprehensive information related to import procedures and regulations, customs forms, and duties.
 - a. <https://www.gov.bm/sites/default/files/Bermuda-Customs-Declaration-Guidelines-Public-Notice-17.pdf> Bermuda General Customs Declaration (BCD) Guidelines.
 - b. https://www.gov.bm/sites/default/files/public_notice_17_supplemental_1_march_04_2011.pdf Bermuda Customs Declaration Guidelines for Imports
 - c. <https://www.gov.bm/sites/default/files/Bermuda-Customs-Tariff-April-2021.pdf> Bermuda's Tariff Schedule.
3. <https://environment.bm/legislation-and-policy> Laws and Policies of the Department of Environment and Natural Resources.
4. <https://www.gov.bm/importing-exporting-plants-bermuda> This webpage provides links to specific import requirements for a variety of plant and plant products.
5. <https://www.gov.bm/online-services/import-pesticides-or-fertilizer> This webpage provides further information on importing pesticides into Bermuda, including application forms and fee structure. It also provides a link to a Prohibited Pesticide List.

6. <https://www.gov.bm/online-services/register-trade-mark>. This page provides general information on trademark registration, information on how to conduct a search of registered trademarks in the registry's database, copies of trademark registration forms, and a schedule of registration fees.

7. <https://forum.gov.bm/en/projects/regulating-single-use-plastics-in-bermuda-policy-paper-for-public-consultation-1/1> Policy paper for public consultation: REGULATING SINGLE-USE PLASTICS IN BERMUDA

Appendix II. Other Import Specialist Contacts:

Caribbean Basin Agricultural Trade Office
Foreign Agricultural Service
U.S. Department of Agriculture
909 SE 1st Avenue, Suite 720
Miami, FL 33131
Tel: (305) 536-5300 Fax: (305) 536-7577
E-mail: atocaribbeanbasin@usda.gov
Website: <https://www.fas.usda.gov>

Attachments:

No Attachments