



Province of Alberta

ENVIRONMENTAL PROTECTION AND
ENHANCEMENT ACT

**PESTICIDE SALES, HANDLING, USE
AND APPLICATION REGULATION**

Alberta Regulation 24/1997

With amendments up to and including Alberta Regulation 109/2018

Current as June 7, 2018

Office Consolidation

© Published by Alberta Queen's Printer

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(Consolidated up to 109/2018)

ALBERTA REGULATION 24/97

Environmental Protection and Enhancement Act

**PESTICIDE SALES, HANDLING, USE
AND APPLICATION REGULATION**

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Definitions

1 In this Regulation,

- (a) “acreage” means cultivated land that is not located in residential, commercial or industrial areas within the boundaries of a city, town, village, summer village or hamlet;
- (b) “Act” means the *Environmental Protection and Enhancement Act*;
- (c) “active ingredient” means the component of a pesticide formulation, also known as the technical product or guarantee, that is responsible for killing or modifying the actions of a pest;
- (d) “agricultural production” means the primary production of an agricultural, horticultural or arboricultural commodity, including greenhouse production, for financial gain;
- (e) “air gap” means a space between the end of a water delivery hose or line and the water or other solution in a holding or spray tank;
- (f) “antimicrobial pesticide” means any product that is used for the control of bacteria, fungi, viruses or other microbes in or on inanimate objects, and includes anti-fouling paints, hard-surface disinfectants, laundry additives, material preservatives, sanitizers, slimicides and swimming pool algicides and bactericides, but does not include wood preservatives;
- (g) “applicator” means the holder of the appropriate class of applicator certificate;

- (h) “applicator certificate” means a certificate of qualification referred to in section 3 of the *Pesticide (Ministerial) Regulation*;
- (i) “assistant” means a person who is not an applicator but who uses or applies a pesticide under the supervision of an applicator;
- (j) “backflow prevention device” means a device that prevents the reverse flow of water drawn from a water supply into a hose back into the water supply;
- (k) “bed and shore” means land that is or has been covered by water to the extent that
 - (i) no vegetation grows on the land, or
 - (ii) the vegetation that grows on the land is aquatic vegetation that must be partially submerged in water for part of its life cycle to survive;
- (l) “code” means the three letter code used by federal authorities responsible for the *Pest Control Products Act* (Canada) to identify active ingredients;
- (m) “commercial agriculturalist” means a person who is engaged in agricultural production, but does not include a person who
 - (i) sells a pesticide or transfers a pesticide for sale,
 - (ii) uses or applies a pesticide for hire or reward, or
 - (iii) stores a pesticide to be sold, transferred, used or applied for reward;
- (n) “container collection site” means a site for the collection of pesticide containers for a temporary period of time and that meets the design and location requirements of the Director;
- (o) “cross through an open body of water” means navigating on or through an open body of water, but does not include crossing over the water by means of a bridge or by air;
- (p) “Director” means the person designated by Ministerial order as Director for the purposes of this Regulation;
- (q) “dispenser” means a person 18 years of age or older who holds a dispenser certificate recognized by the Director or has other qualifications recognized by the Director;

- (r) “display a pesticide” means to keep a pesticide for sale in an area accessible to the public;
- (s) “fertilizer” has the same meaning as in the *Fertilizers Act* (Canada);
- (t) “fish toxicant” means a pesticide that is used for the management or control of fish;
- (u) “food” means any commodity, including a beverage, that is used for human or livestock consumption;
- (v) “forest” means an area that is in forest cover in the Green Area;
- (w) “formulant” means any ingredient or component that by itself is not responsible for the control of a pest, and includes, but is not limited to, solvents, diluents and emulsifiers;
- (x) “formulation” means the active ingredient that is mixed with formulants and is registered under a unique number pursuant to the *Pest Control Products Act* (Canada);
- (y) “fumigant” means any pesticide listed as a fumigant in Schedule 1;
- (z) “fumigation” means the use or application of a fumigant or a suspension in air;
- (aa) “Green Area” means that part of Alberta shown outlined and coloured green on the map annexed to
 - (i) a Ministerial Order dated May 7, 1985 and made pursuant to section 10 of the *Public Lands Act* (RSA 1980 cP-30), as that Order is amended from time to time, or
 - (ii) any order made in substitution for the order referred to in subclause (i), as amended from time to time;
- (bb) “greenhouse” means a greenhouse having an area of at least 100 square metres;
- (cc) “grocery store” means a store that sells primarily food, including but not limited to
 - (i) fresh or frozen meat,
 - (ii) fresh or frozen produce,
 - (iii) fresh dairy products, and

- (iv) baked goods;
- (dd) “grounds” means the land that surrounds a building and is used for the same purposes that the building is used for;
- (ee) “hire or reward” means compensation through the exchange of money, commodities or services;
- (ff) “hobby greenhouse” means a greenhouse having an area of less than 100 square metres;
- (gg) “holding tank” means any vessel, other than a pesticide container or a pesticide spray tank, that is used to hold a pesticide concentrate or pesticide solution prior to application;
- (hh) “hose-end sprayer” means an apparatus that contains a pesticide concentrate or solution attached to a water source by a hose so that the pesticide is mixed with water and released as water flows through the apparatus;
- (ii) “loading” means the process of placing a pesticide concentrate into a holding, mixing or spray tank;
- (jj) “mixing” means the act of diluting a pesticide to create or alter a pesticide solution;
- (kk) “mixing and loading site” means any location used for mixing and loading pesticides;
- (ll) “open body of water” means the bed and shore of an irrigation canal, drainage canal, reservoir, river, stream, creek, lake, marsh or other body of water, but does not include the following:
 - (i) waterworks systems;
 - (ii) reservoirs, lakes, marshes or other bodies of water that are completely surrounded by private land, that have an area of less than 4 hectares and have no outflow of water beyond the private land;
 - (iii) reservoirs, lakes, marshes or other bodies of water that are located on public land, that have an area of less than 0.4 hectares, and have no outflow of water;
 - (iv) irrigation and drainage canals that are completely surrounded by private land and have no outflow beyond the private land;
 - (v) roadside ditches;

- (vi) wastewater systems;
 - (vii) storm drainage systems;
 - (viii) dry streams having a bed and shore averaging 0.5 metres or less in width within the boundaries of the treatment area;
 - (ix) a constructed water hazard that is located on a golf course and has no outflow of water beyond the golf course boundary;
- (mm) “personal use items” means
- (i) prescription and non-prescription drugs,
 - (ii) first aid supplies,
 - (iii) feminine hygiene products,
 - (iv) disposable diapers and incontinent products,
 - (v) personal grooming products, and
 - (vi) health care supplies;
- (nn) “pesticide” means a pesticide as defined in the Act, but does not include a pest control product or device that is designated by a “ZZA, ZZB, ZZD, ZZE, ZZG, ZZP or ZZZ” code and does not contain an active ingredient;
- (oo) “pesticide concentrate” means a pesticide product or formulation that is either used full strength or requires dilution with water or any other diluent;
- (pp) “pesticide rinsate” means a pesticide and water solution resulting from spray tank washing, spray tank or spray line flushing, or from pesticide container rinsing;
- (qq) “pesticide service registration” means a pesticide service registration referred to in section 8 of the *Pesticide (Ministerial) Regulation*;
- (rr) “pesticide solution” means a mixture of water or any other diluent and pesticide that has been prepared according to label directions;
- (ss) “private land” means land that is not public land;
- (tt) “public land” means land owned by the Government, the Government of Canada, a local authority or an irrigation

district, but does not include such land that is leased for grazing or agricultural purposes;

- (uu) “refillable container” means a pesticide container that has been specifically designed and approved by the manufacturer for re-filling with the same pesticide that originally was sold in the container;
- (vv) “registrant” means the person in whose name a certificate of registration is issued under the *Pest Control Products Act* (Canada) or the *Fertilizers Act* (Canada);
- (ww) “research or testing” means the evaluation of a pesticide to support a new label use or application rate, or to modify an existing label use;
- (xx) “researcher” means a person qualified to perform pesticide research or testing and is employed by
 - (i) a university or other institution of research or testing,
 - (ii) the Government or a Government agency or the Government of Canada or an agency of the Government of Canada, or
 - (iii) a registrant or the registrant’s agent;
- (yy) “residential area” means any area of land that has been subdivided for residential purposes where any individual land parcel within the subdivision is less than 20 acres, excluding individual farmsteads;
- (zz) “retail vendor registration” means a retail vendor registration referred to in section 14(2) of the *Pesticide (Ministerial) Regulation*;
- (aaa) “road” means a highway or road that the public is ordinarily permitted to use for the passage or parking of vehicles, but does not include a privately owned road;
- (bbb) “Schedule 1, 2, 3, 4 or 5” means Schedule 1, 2, 3, 4 or 5 of the *Pesticide (Ministerial) Regulation*;
- (ccc) “sell at retail” means to transfer a pesticide or to sell or offer to sell a pesticide to a purchaser for the purpose of use and not for resale;
- (ddd) “sell at wholesale” means to transfer a pesticide or to sell or offer to sell a pesticide, other than at retail, and includes the operation of a storage facility;

- (eee) “spray tank” means a vessel used to hold a pesticide concentrate or solution for the purpose of using or applying the pesticide;
- (fff) “storage facility” means a place where pesticides are stored, including, without limitation, a building, a room, a cabinet, a storage tank, a compound or a compartment in a building or a vehicle;
- (ggg) “storage site” means the grounds on which a storage facility is located;
- (hhh) “suspension in air” means a pesticide that is listed as a suspension in air in Schedule 1;
- (iii) “transfer” means to move a pesticide from one location to another or from one person to another as part of the distribution rather than the sale of the pesticide;
- (jjj) “vertebrate toxicant” means a pesticide used to control vertebrate animals but does not include fish toxicants;
- (kkk) “watering point” means a watering point as defined in section 1(1)(n) of the *Potable Water Regulation*;
- (lll) “wholesale vendor registration” means a wholesale vendor registration referred to in section 14(1) of the *Pesticide (Ministerial) Regulation*;
- (mmm) “wood preservative” means any pesticide registered under the *Pest Control Products Act* (Canada) whose label use patterns indicate that the pesticide is to be used for the preservation and protection of wood or wood products, but does not include a pesticide that is used to protect cut logs against wood-boring insects;
- (nnn) “woodland” means any area of trees but does not include the following:
 - (i) a forest;
 - (ii) a tree nursery;
 - (iii) a farm shelterbelt;
 - (iv) an orchard;
 - (v) an area of trees that is smaller than 4 hectares in size, is completely surrounded by private land and is separated from trees on adjoining land;
 - (vi) a seed orchard;

(vii) a progeny test site.

AR 24/97 s1;251/2001;271/2003;109/2018

Application of other laws

2(1) The requirements of this Regulation are in addition to any applicable provisions of the *Fertilizers Act* (Canada) and the *Pest Control Products Act* (Canada) and the regulations under those Acts.

(2) If there is a conflict between the requirements of this Regulation and any applicable provision of the *Fertilizers Act* (Canada) and the *Pest Control Products Act* (Canada) and the regulations under those Acts, the most stringent requirement prevails.

Exemption for research and testing

3 A researcher who is conducting research or testing in accordance with the *Pest Control Products Act* (Canada) is exempt from

- (a) section 163 of the Act,
- (b) this Regulation, except sections 2 and 5, and
- (c) the *Pesticide (Ministerial) Regulation* (AR 43/97), except section 9.

AR 24/97 s3;251/2001;271/2003

Veterinarians' exemption

3.1 A person authorized by the *Veterinary Profession Act* when acting under the authority of that Act is exempt from sections 14 and 14.1 of the *Pesticide (Ministerial) Regulation*.

AR 109/2018 s3

Exempted pesticides

4 Pesticides listed in Schedule 4 are exempt from

- (a) the application of Part 8, Division 2 of the Act, except section 163, and
- (b) this Regulation, except sections 2, 5, 6, 13, 17, 29, 31, 32, 33 and 34.

AR 24/97 s4;251/2001

Prohibition

4.1 No person shall use, apply, supply, sell or display any pesticide that is a herbicide formulated in combination with a fertilizer as an end-use product and registered under the *Fertilizers Act* (Canada) or the *Pest Control Products Act* (Canada).

AR 222/2009 s2

Prohibition - adverse effect

5(1) No person shall

- (a) use, apply, supply, handle, transport, display, store or dispose of
 - (i) a pesticide, or a container used to hold a pesticide,
 - (ii) seed that has been treated or mixed with a pesticide, or
 - (iii) wood that has been treated with a pesticide,
- or
- (b) operate any machine, equipment or vehicle, aircraft or vessel in connection with the use, application, handling, transportation, storage or disposal of a pesticide

in a manner or at a time or place that causes or is likely to cause an adverse effect.

(2) For the purposes of subsection (1), “adverse effect” does not include an effect that results from the application of a pesticide on an intended application site in a manner that conforms with the label, this Regulation and the *Pesticide (Ministerial) Regulation*.

Use of containers

6(1) No person shall

- (a) sell or offer to sell a pesticide in a container other than the container in which the pesticide was originally stored or offered for sale after its manufacture, or
- (b) possess a pesticide in a container other than the container in which the pesticide was originally stored or offered for sale after its manufacture.

(2) Subsection (1)(b) does not apply

- (a) to storing or keeping pesticides in holding or spray tanks, or

- (b) where the container in which a pesticide was originally stored or offered for sale after its manufacture is damaged and the pesticide is moved to a temporary container to prevent spillage.

(3) Where subsection (2)(b) applies, the person responsible for the pesticide shall ensure that the product label from the pesticide or a copy of it is securely attached to the temporary container.

Crossing through water

7 Subject to the terms and conditions in an approval, no person shall cross through an open body of water with any equipment used to hold, mix or apply a pesticide unless

- (a) pesticide concentrate is confined within a secured, leakproof secondary container,
- (b) containers of pesticide solutions are securely attached to the vehicle or vessel,
- (c) spray booms, spray equipment and the surface of the sprayer decks are kept above the water, and
- (d) crossing points have a solid bottom and water shallow enough to allow easy passage for the equipment, where the equipment is or is carried by something other than a boat.

Water precautions

8(1) Subject to any terms and conditions in an approval, no person shall draw or pump water from an open body of water directly into an aircraft, vessel, vehicle, machine, equipment or container used to hold, mix or apply a pesticide unless

- (a) where the spray tank is filled from the top,
 - (i) an air gap is maintained between the water supply outlet and the aircraft, vessel, vehicle, machine, equipment or containers, and
 - (ii) a person 16 years of age or older is present at all times during the filling procedure,

and

- (b) where the spray tank is filled at a location other than the top, an operating system is in place to prevent backflow or back-siphonage from the spray tank.

- (2) No person shall draw or pump water from a watering point directly into an aircraft, vessel, vehicle, machine, equipment or container used to hold, mix or apply a pesticide unless
- (a) an air gap is maintained between the watering point and the aircraft, vessel, vehicle, machine, equipment or container,
 - (b) a person over the age of 16 is present at all times during the filling procedure, and
 - (c) the owner of the watering point consents to the operation.
- (3) No person shall draw water from a tap in a residential, commercial or industrial building into a hose-end sprayer unless the sprayer is equipped with a back-flow prevention device that is operational.
- (4) No person shall divert water from a river, stream, lake, natural watercourse or other natural water body for the purposes of pesticide application unless
- (a) the person is an exempted agricultural user under section 19 of the *Water Act*, or
 - (b) the person is diverting water such that
 - (i) no more than 50 cubic metres of water is drawn from any location site in a calendar year,
 - (ii) the water source is not in an area where there is administration of the priority of water licences and registrations under the *Water Act*, and
 - (iii) the diversion of water will not result in a significant adverse effect on the aquatic environment.

AR 24/97 s8;271/2003

Aerial application

- 9(1)** No person shall apply a pesticide by aircraft over an open body of water, woodland or residential area unless the label for the pesticide specifically authorizes aerial application over the open body of water, woodland or residential area for a particular pest.
- (2) Where a pesticide label is silent respecting aerial applications or it is unclear whether the pesticide label specifically authorizes aerial application over open bodies of water, woodlands or residential areas for a particular pest, a person conducting an aerial application must request a determination from the Director and the Director's determination is final.

(3) No person shall apply a pesticide for forest management by any application method unless the pesticide and application method are authorized by the latest edition of the *Environmental Code of Practice for Pesticides* published by the Department.

Use, application and handling of pesticide

10 No applicator shall use, apply or handle a pesticide other than in accordance with the latest edition of the *Environmental Code of Practice for Pesticides* published by the Department.

Term of applicator certificate

11(1) Unless the Director prescribes a shorter period of time, an applicator certificate expires 5 years after the date of issue.

(2) The Director may issue an applicator certificate for a shorter period where the Director considers it appropriate to do so.

Use of assistant

12 An applicator who employs or otherwise uses the services of a person to assist the applicator in applying or mixing pesticides must ensure that the assistant is qualified, trained and supervised in accordance with the latest edition of the *Environmental Code of Practice for Pesticides* published by the Department.

Label applicator designation

13 Where a pesticide label that conforms to the requirements of the *Pest Control Products Act* (Canada) specifies that the pesticide must only be applied by an authorized applicator, certified applicator, approved applicator or pest control operator or contains any similar restriction, no person other than the following shall apply the pesticide:

- (a) an applicator;
- (b) a commercial agriculturalist who has successfully completed training recognized by the Director in the use and application of pesticides;
- (c) a public officer applying the pesticide under the authority of the *Agricultural Pests Act*, the *Bee Act*, the *Public Health Act* or the *Weed Control Act*;
- (d) a designated employee of the Government applying fish toxicants or vertebrate toxicants as part of a program of the Government.

AR 24/97 s13;271/2003

Insurance

14(1) An applicant for or holder of a pesticide service registration must carry insurance for himself and his employees in accordance with the latest edition of the *Environmental Code of Practice for Pesticides* published by the Department.

(2) If the insurance expires or is cancelled, the registration in respect of which the insurance was required under subsection (1) is automatically cancelled.

Term of service registration

15(1) Unless the Director prescribes a shorter period of time, a pesticide service registration expires 10 years after its date of issue.

(2) The Director may issue a pesticide service registration for a shorter period if the Director considers it appropriate to do so.

Fumigants and suspensions in air

16(1) In this section, “adjacent structure” means every structure that has a common floor, ceiling or wall with the structure where the fumigation is to be performed.

(2) No person shall conduct a pesticide fumigation unless

- (a) the area to be fumigated and any adjacent structures are unoccupied and secured against entry until fumigation and ventilation have been completed,
- (b) warning signs have been posted at all entrances to the area being fumigated,
- (c) 2 persons 18 years of age or older are present while the fumigation is being conducted,
- (d) the occupants of any structure where the fumigation may constitute a potential adverse effect have been notified in accordance with the latest edition of the *Environmental Code of Practice for Pesticides* published by the Department, and
- (e) the fumigation is conducted in accordance with the latest edition of *Environmental Code of Practice for Pesticides* published by the Department.

Requirements re registered pesticides

17(1) No registrant or his agent shall supply or offer to supply a pesticide listed in Schedule 1 or 2, unless the registrant or the

registrant's agent has previously given written notice to the Director that includes

- (a) a copy of the pesticide label,
- (b) a material safety data sheet for the pesticide,
- (c) an analytical standard and method of analysis for active ingredients, and
- (d) any additional information the Director may require.

(2) A registrant or registrant's agent must forward to the Director within 30 days of the date of a written request from the Director

- (a) a list of all persons in Alberta to whom the registrant supplies any pesticides listed in Schedule 1, 2, 3 or 4, and
- (b) the names and total quantity of pesticides sold.

(3) All persons who sell pesticides at wholesale must forward to the Director within 30 days of the date of a written request from the Director a list of all persons who sell at retail pesticides supplied by the wholesaler.

(4) Where a registrant, a person who sells at wholesale or a person who sells at retail is supplying or offering to supply a pesticide and that person is unclear whether the pesticide is listed in Schedule 1, 2, 3 or 4, that person must treat the pesticide as if it were listed in the more restrictive category for that class of pesticide and request a decision from the Director.

(5) The Director's decision under subsection (4) is final.

(6) A registrant or the registrant's agent must, within the time prescribed by the Director in a written request to the registrant, collect at a container collection site, or at any other site designated by the Director, any containers that contained any pesticide listed in Schedule 1 or 2 that was manufactured or supplied by the registrant and

- (a) take the containers to a facility designated by the Director to recycle the containers, or
- (b) in the absence of a designated facility, dispose of the containers in a manner acceptable to the Director.

AR 24/97 s17;271/2003

Dispensers

18 No person shall sell at retail a pesticide listed in Schedule 1, 2 or 3 unless that person employs at least one dispenser at each sales outlet.

Term of vendor registrations

19(1) Unless the Director prescribes a shorter period of time, a wholesale vendor registration and a retail vendor registration expire 10 years after the date of issue.

(2) The Director may issue a wholesale vendor registration or a retail vendor registration for a shorter period if the Director considers it appropriate to do so.

Restrictions on sale

20(1) No person shall sell at wholesale

- (a) a pesticide listed in Schedule 1 or 2 to any person unless that person is the holder of
 - (i) a wholesale vendor registration, or
 - (ii) a retail vendor registration and employs a dispenser,or
- (b) a pesticide listed in Schedule 3 to any person unless that person
 - (i) is the holder of a wholesale vendor registration, or
 - (ii) sells at retail and employs a dispenser.

(2) No person shall sell at retail a pesticide listed in Schedule 1 or 2 to any person unless that person

- (a) holds the appropriate pesticide service registration,
- (b) is an applicator,
- (c) is a commercial agriculturalist, or
- (d) is a person purchasing a pesticide for acreage or hobby greenhouse use where the pesticide is authorized for acreage or hobby greenhouse use as defined by the latest edition of the *Environmental Code of Practice for Pesticides* published by the Department.

AR 24/97 s20;271/2003

Notice at time of sale

21 A person who sells a pesticide listed in Schedule 1 or 2 must, at the time of the sale, provide the purchaser with any information required to be given in respect of the pesticide in accordance with the latest edition of the *Environmental Code of Practice for Pesticides* published by the Department.

Emergency response equipment

22 Any person who sells, displays, stores, uses or applies a pesticide listed in Schedule 1, 2 or 3 must make emergency response equipment available in accordance with the latest edition of the *Environmental Code of Practice for Pesticides* published by the Department.

Storage of pesticides

23(1) Repealed AR 271/2003 s8.

(2) No person shall store food or personal use items in a storage facility where a pesticide listed in Schedule 1 or 2 is stored.

(3) No person shall store a pesticide on a site that is subject to flooding caused by a 24-hour, 1-in-25-year storm.

(4) A person who stores a pesticide listed in Schedule 1 or 2 shall comply with the following requirements:

- (a) the storage facility is secure from public access;
- (b) a warning sign is affixed to the exterior door, entrance or gate of the storage facility;
- (c) floor drains leading directly or indirectly into a wastewater system, storm drainage system, waterworks system or other potable water source, groundwater or an open body of water are protected from a release of a pesticide;
- (d) releases of pesticide concentrate can be contained within the boundaries of the storage site;
- (e) the floor or base of the storage facility is protected from pesticide absorption;
- (f) open containers or packages of pesticide are closed or repackaged in a manner that controls the release of odours and vapours;

- (g) material safety data sheets and emergency telephone numbers are available for all pesticides stored and accessible at the storage facility;
- (h) persons responsible for the pesticide storage facility are knowledgeable of spill clean-up and fire response procedures;
- (i) pesticides are protected from rain, wind and other weather hazards.

(5) Subsections (3) and (4) do not apply to an individual storing pesticides for personal use on property that the individual owns.

AR 24/97 s23;271/2003

Display of pesticides

24 No person shall

- (a) display a pesticide listed in Schedule 1 or 2, or
- (b) store or display a pesticide listed in Schedule 3
 - (i) in the same aisle as food or personal use items,
 - (ii) closer than a distance of 3 metres from food or personal use items,
 - (iii) where floor drains cannot be protected from the release of a pesticide, or
 - (iv) that is not protected from rain, wind and other weather hazards.

Display or sell

25 No person shall display or sell

- (a) a pesticide listed in Schedule 1, 2 or 3 in a grocery store;
- (b) a pesticide listed in Schedule 4 in a grocery store where the display or sale of the pesticide has caused, is causing or may cause an adverse effect.

AR 24/97 s25;271/2003

Transportation of pesticides

26(1) No person shall transport groceries in the same vehicle with a pesticide listed in Schedule 1, 2 or 3 or a container that contains or contained such a pesticide.

(2) A person who transports a container that contains or contained a pesticide must do so in a manner that ensures that the pesticide does not come into contact with any food.

(3) Subsections (1) and (2) do not apply to the transportation of a pesticide or container by an individual for that individual's personal use.

Mixing and loading pesticides

27(1) No person shall establish or use a mixing and loading site unless the site is located and maintained so as to

- (a) contain the release of a pesticide, and
- (b) prevent pesticides from entering a wastewater system, storm drainage system, waterworks system, watering point, groundwater or open body of water.

(2) An applicator must locate and operate a mixing and loading site in accordance with the latest edition of the *Environmental Code of Practice for Pesticides* published by the Department.

Disposal of non-refillable containers

28 No person shall dispose of a non-refillable plastic or metal container that held a pesticide listed in Schedule 1 or 2 except

- (a) at a container collection site, or
- (b) in a manner authorized by the Director.

Disposal of other containers or grain

29(1) A person disposing of

- (a) paper, glass, cardboard material or a bag that contained a pesticide listed in Schedule 1 or 2 or that held a container that contained such a pesticide,
- (b) a container that contained a pesticide listed in Schedule 3 or 4, or
- (c) seed or grain that has been treated or mixed with a pesticide,

must do so in accordance with the *Waste Control Regulation* (AR 192/96) unless otherwise authorized by the Director.

(2) Subsection (1)(a) does not limit recycling of cardboard material that held a container that contained a pesticide listed in

Schedule 1 or 2 if there is no pesticide contamination on the cardboard material.

AR 24/97 s29;271/2003

Refillable containers

30(1) A person who sells a pesticide listed in Schedule 1 or 2 in refillable containers must accept the container back that held the pesticide from the person who purchased the container and must re-use or refill the container in accordance with the registrant's recommendations, unless the container is damaged or adulterated and can no longer be re-used or refilled.

(2) A person who is in possession of a damaged or adulterated refillable container referred to in subsection (1) must dispose of it in a manner acceptable to the Director and the registrant.

Cancelled or prohibited registered pesticides

31(1) No person shall use, apply, display or sell a pesticide where the pesticide registration has been cancelled.

(2) Where a pesticide registration has been cancelled as referred to in subsection (1) or the use, application, display or sale of a pesticide has been prohibited under section 4.1, the registrant identified on the label must

- (a) collect or accept the return of pesticides supplied by the registrant, and
- (b) deal with all such pesticides in the registrant's possession

in a manner acceptable to the Director.

(3) Where a pesticide registration has been cancelled as referred to in subsection (1) or the use, application, display or sale of a pesticide has been prohibited under section 4.1 and the registrant identified on the label has ceased to operate, the last registrant that acquired the registration of the pesticide before the pesticide became cancelled or the use, application, display or sale of the pesticide was prohibited must comply with the requirements of subsection (2).

(4) For the purposes of this section a pesticide registration is cancelled when it has been cancelled under the *Pest Control Products Act* (Canada) or the pesticide is no longer eligible for registration under that Act.

AR 24/97 s31;222/2009

Disposal of pesticide rinsate

32(1) No person shall dispose of pesticide rinsate or pesticide solution except in accordance with the latest edition of the *Environmental Code of Practice for Pesticides* published by the Department.

(2) No person shall dispose of pesticide concentrate except in accordance with the *Waste Control Regulation* (AR 192/96).

(3) Where a pesticide concentrate is not specified in the *Waste Control Regulation* (AR 192/96), the pesticide concentrate must be disposed in a manner that will not cause an adverse effect.

AR 24/97 s32;271/2003

Offences

33 A person who contravenes

- (a) section 4.1, 5, 6(1) or (3), 7, 8, 9, 10, 12, 13, 14, 16(2), 17(1), (2), (3), (4) or (6), 18, 20, 21, 22, 23(1), (2), (3), or (4), 24, 25, 26(1) or (2), 27, 28, 29, 30, 31 or 32, or
- (b) section 11, 12, 13(2), 17, 18, 19 or 20(2) of the *Pesticide (Ministerial) Regulation*

is guilty of an offence and liable,

- (c) in the case of an individual, to a fine of not more than \$50 000, or
- (d) in the case of a corporation, to a fine of not more than \$500 000.

AR 24/97 s33;271/2003;222/2009

Due diligence defence

34 A person may not be convicted of an offence under this Regulation if that person establishes on a balance of probabilities that the person took all reasonable steps to prevent its commission.

Repeals**Repeal**

35 The *Pesticide Sales, Handling, Use and Application Regulation* (AR 126/93) is repealed.

Expiry

Expiry

35.1 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2023.

AR 130/2013 s3;96/2015;105/2016;109/2018

Coming into Force

Coming into force

36 This Regulation comes into force on February 7, 1997.

37 Repealed AR 130/2013 s3.



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