

Prevention and Control of Apple Maggot Regulations
made under Section 124 of the
Agriculture and Marketing Act
R.S.N.S. 1989, c. 6

O.I.C. 2002-373 (effective August 16, 2002), N.S. Reg. 107/2002
amended to O.I.C. 2019-217 (effective August 13, 2019), N.S. Reg. 117/2019

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Please note: this table of contents is provided for convenience of reference and does not form part of the regulations.

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Citation

- 1 These regulations may be cited as the *Prevention and Control of Apple Maggot Regulations*.

Definition

- 2 In these regulations “apple maggot” means *Rhagoletis pomonella* (Walsh).

Designation of control zone

- 2A A control zone is designated as the area that extends 500 m from the perimeter of a commercial apple orchard.

Registration and inspection of control zone for exporting orchard

- 3 If apples from a commercial apple orchard are to be exported, the control zone with respect to the orchard shall be
- (a) registered with the agrologist; and

(b) inspected annually by an inspector.

4 The procedure for the annual inspection required pursuant to Section 3 shall

(a) be determined by the agrologist; and

(b) be at a time and to a standard that will qualify the inspection as the pre-harvest inspection required by the Canadian Food Inspection Agency to certify apples for export.

Methods of control

5 (1) If apple maggot is found on or in any vegetation within a control zone, the owner or occupant of the land shall implement a method or methods of control set out in subsection (2), as determined by the inspector.

(2) The methods of control of apple maggot shall be implemented using proven procedures as determined by the agrologist, and are as follows:

(a) removal or destruction of any vegetation and its root system, including any infested tree and root system;

(b) treatment with an insecticide registered under the *Pest Control Products Act* (Canada), applied by a certified person at the appropriate application rate and dates;

(c) intensive use of appropriate apple maggot traps;

(d) destruction of the infested fruit;

(e) removal of the infested fruit from the control zone; or

(f) using the infested fruit for animal feed.

Issuance of destruction order

6 (1) If an inspector issues a destruction order to destroy vegetation infested with apple maggot, the destruction shall be in a manner that is reasonable and efficient for the control of apple maggot for the particular situation.

(2) If a method of control referred to in clauses 5(2)(b) to (f) is implemented and the inspector, conferring with the owner or occupant, determines that it is not effective in the control of apple maggot, the inspector may issue a destruction order.

(3) A destruction order shall be in Form 1.

Infestation outside control zone

- 7 If an inspector determines that there is an apple maggot infestation in an area that is outside of a control zone and it has the potential to infest vegetation within a control zone, the inspector may
- (a) conduct an inspection in accordance with the inspection procedure determined by the agrologist; or
 - (b) require the owner or occupant to implement a method of control set out in subsection 5(2).

Cost of prevention and control

- 8 The cost for the prevention and control of apple maggot shall be paid by the owner or occupant of the land.

**Form 1
Destruction Order
for Vegetation Infested with Apple Maggot**

(Part XIII, *Agriculture and Marketing Act*)

To _____
(full name of owner/occupant of land)

(mailing address/province/postal code)

Copy to _____
(full name of land owner - assessment roll, if different from above)

(mailing address/province/postal code)

Under Part XIII of the *Agriculture and Marketing Act*, you are hereby ordered to destroy the infested vegetation, described as follows:

_____ found on the land owned or occupied by you
located at _____
(civic address) (name of municipality)

The destruction must be carried out no later than _____, 20____, ____ (insert number not less than 7) days from the date of this Order.

Dated at _____, _____, 20_____.

(telephone number)

(signature of inspector)

Inspector's name: _____

Mailing address: _____ Postal code _____

Legislative History Reference Tables

Prevention and Control of Apple Maggot Regulations
Agriculture and Marketing Act

N.S. Reg. 107/2002

Note: The information in these tables does not form part of the regulations and is compiled by the Office of the Registrar of Regulations for reference only.

Source Law

The current consolidation of the *Prevention and Control of Apple Maggot Regulations* made under the *Agriculture and Marketing Act* includes all of the following regulations:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
107/2002	Aug 16, 2002	date specified	Sep 6, 2002
264/2013	Jul 23, 2013	date specified	Aug 9, 2013
117/2019	Aug 13, 2019	date specified	Aug 30, 2019

The following regulations are not yet in force and are not included in the current consolidation:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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*See subsection 3(6) of the *Regulations Act* for rules about in force dates of regulations.

Amendments by Provision

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep. = repealed
rs. = repealed and substituted

Provision affected	How affected
2A.....	ad. 117/2019
9.....	rep. 117/2019
9(1).....	am. 264/2013

Note that changes to headings are not included in the above table.

Editorial Notes and Corrections:

Note	Effective date
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Repealed and Superseded:

N.S. Regulation	Title	In force date	Repealed date
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Note: Only regulations that are specifically repealed and replaced appear in this table. It may not reflect the entire history of regulations on this subject matter.