

Pesticide Regulations

made under Section 84 of the
Environment Act
S.N.S. 1994-95, c. 1

O.I.C. 95-300 (April 11, 1995), N.S. Reg. 61/95
as amended by O.I.C. 2013-17 (January 22, 2013), N.S. Reg. 14/2013
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Citation

1 These regulations may be cited as the Pesticide Regulations.

Interpretation

2 In these regulations

(a) “Act” means the Environment Act;

(b) “Administrator” means a person appointed pursuant to Section 3 of these regulations, and includes an acting Administrator;

(c) “animal” includes vertebrates, invertebrates and micro-organisms whether wild, domestic, living or dead, but does not include humans;

(d) “buffer zone” means an area where a pesticide shall not be directly applied;

(e) “certification” means a type of pest management activity for which a person can become certified by obtaining a certificate of qualification;

(f) “certified applicator” means a person who has obtained a certificate of qualification under these regulations to apply a pesticide;

(g) “commercial applicator” means a person, other than a private applicator, who uses or supervises the use of a pesticide;

(h) “commercial class” means a class of pesticides designated by the Federal Regulatory Authority;

(i) “contamination” means

(i) any significant adverse effect which the Minister believes on reasonable and probable grounds is or may be causing harm to any part of the environment, or

(ii) the presence of a hazard to an organism, other than the target organism, which the Minister believes on reasonable and probable grounds is or may be detrimental to the normal physiological functions of human, animal or plant life;

(j) “Department” means the Department of Environment;

(k) “Federal Regulatory Authority” means the Federal Minister responsible for regulating pest control products;

(l) “fumigant” means a chemical that, for uses regulated by the Federal Regulatory Authority, can exist in a gaseous state at a required temperature and pressure that is lethal to a given pest;

(m) “land” means surface land, land covered by water, subsoil, matter beneath the subsoil or any combination thereof, but does not include land inside a building or structure;

(n) “micro-organism” means a microscopic plant or animal, including a bacterium, virus, fungus, alga and protozoon;

(o) “Minister” means the Minister of Environment;

(p) “pest” means any plant, animal, micro-organism or any organic functions of a plant, animal, or micro-organism, including any insect, nematode, rodent, predatory animal, parasite, bacterium, fungus, weed, or other form of plant or animal life or virus, the Minister believes is or may be injurious, noxious or troublesome, but does not include a virus, parasite, bacterium or fungus in a living person or animal;

(q) “pesticide” or “pest control product” means

(i) any substance that is sold or represented for use in preventing, destroying, repelling, attracting, or mitigating, directly or indirectly, any pest,

(ii) any substance that is a pest control product within the meaning of the Pest Control Products Act (Canada) or is intended for use as a pest control product,

(iii) any substance that is a plant growth regulator, a defoliant or a plant desiccant,

(iv) a fertilizer within the meaning of the Fertilizers Act (Canada) that contains a substance referred to in subclauses (i), (ii), or (iii), or

(v) any other substance designated as a pesticide in the regulations,

but does not include a substance that is intended for sale, sold or represented for use in potable water to prevent or destroy bacteria, parasites or viruses if the substance is not a pest control product within the meaning of the Pest Control Products Act (Canada);

(r) “pesticide research” means a limited pest control program authorized by the Federal Regulatory Authority;

(s) “pesticide storage facility” means a facility that is used to store pesticides;
Clause 2(s) amended: O.I.C. 2013-17, N.S. Reg. 14/2013.

(t) “plant” means an organism which usually derives part of its sustenance by photosynthesis and part by root sorption, and includes a parasitic plant, tree, shrub, weed, grass, fern, moss or micro-organism;

(u) “private applicator” means a person who applies or supervises the application of a pesticide on property owned, leased, or rented

(i) by the applicator,

(ii) by an employer of the applicator, or

(iii) by another person,

if the pesticide is applied without monetary compensation or reward to the applicator other than trading services;

(v) “restricted class” means a class of pesticides designated as a restricted class by the Federal Regulatory Authority;

(w) “sell” includes sale, offer for sale, expose for sale, display or advertise for sale, or have possession of for the purpose of sale or distribution;

(x) “treatment site” means the area to which a pesticide is applied;

(y) “vendor of a pesticide” means a person who for hire or reward, sells, supplies or distributes directly to a user, or stores a pesticide, but does not include a farmer or other person who stores a pesticide for their own use and not for resale or distribution.

[Note: the references to the Department in clauses (j) and (o) have been updated in accordance with Order in Council 2008-161 under the Public Service Act, R.S.N.S. 1989, c. 376, effective April 1, 2008.]

Administrator

3 The Minister may appoint an Administrator to administer these regulations.

Exemption from regulations

4 These regulations do not apply to the use or sale of a germicidal, disinfectant, veterinary, or sanitizing product registered under the Pest Control Products Act (Canada).

Application of federal statutes

5 The requirements of these regulations are in addition to any applicable federal legislation, including the Fertilizers Act (Canada) and the Pest Control Products Act (Canada) and regulations made pursuant to those statutes.

Part I - Certificates of Qualification

Prohibitions

6 (1) No person shall apply a commercial class or restricted class pesticide unless that person holds a valid certificate of qualification.

(2) No person shall sell or store for gain or reward a commercial class or restricted class pesticide unless that person holds a valid certificate of qualification.

Certificates of qualification

7 (1) The Minister or an Administrator may issue the following classes of certificates of qualification:

(a) Class I(A)–Commercial Vendor’s Certificate which authorizes the holder to sell, supply, or distribute a pesticide directly to a pesticide user or to store, for hire or reward, a commercial or restricted pesticide;

Clause 7(1)(a) amended: O.I.C. 2013-17, N.S. Reg. 14/2013.

(aa) Class I(B)–Domestic Vendor’s Certificate which authorizes the holder to sell, supply or distribute directly to a pesticide user pesticides that are designated by the federal regulatory authority as domestic-class pest control products;

Clause 7(1)(aa) added: O.I.C. 2013-17, N.S. Reg. 14/2013.

(b) Class II–Structural Certificate which authorizes the holder to use a pesticide, other than a herbicide or fumigant, for the prevention or control of pests in or around a structure, excluding plant pests in a greenhouse;

(c) Class III (A)–Forestry Certificate which authorizes the holder to use a pesticide by ground application including site preparation, brushing, crop tree release, thinning, insect control, disease control and vertebrate control in a forest management operation, forest seed orchard, outdoor nursery, or plantation;

(d) Class III (B)–Greenhouse Certificate which authorizes the use of a pesticide, other than the use of a restricted class fumigant gas in a greenhouse during the storage, display or production of an agricultural crop including vegetables, ornamental trees, mushrooms and forest tree seedlings and the use of pesticides on areas immediately surrounding a greenhouse;

(e) Class III (C)–Industrial Vegetation Certificate which authorizes the use of a herbicide by ground application to control weeds in an industrial area including a roadside, powerline, pipeline, right-of-way, railway, well site, equipment yard, or non-crop land;

(f) Class III (D)–Landscape Certificate which authorizes the use of a pesticide, other than a restricted class fumigant gas, for the maintenance of ornamentals, shrubs, flowers and turf on outdoor residential, recreational, commercial and public land, including the use of a pesticide in an outdoor nursery for propagation of landscape and garden plants;

(g) Class IV–Mosquito and Biting Fly Certificate which authorizes the use by ground application of an insecticide for control of mosquitoes or biting flies;

(h) Class V–Aquatic Vegetation Certificate which authorizes the use of a herbicide by ground application for the control of aquatic weeds in standing or running water in areas left exposed during periods of low water, including the use of a herbicide in a lake, river, irrigation canal, or ditch;

(i) Class VI–Fumigation Certificate which authorizes the use of a fumigant for soil fumigation or fumigation in an enclosed structure, including a grain bin, elevator, building, railcar, truck, or closed vault;

(j) Class VII–Aerial Certificate which authorizes the use from an aircraft of a pesticide on any land or water;

(k) Class VIII–Agriculture Certificate which authorizes the use of a pesticide, other than a restricted class fumigant gas, by ground application for the protection of an agricultural crop or livestock, including use for control of noxious weeds, birds and rodent control in a farm pond with no outflow, use on a Christmas tree plantation, use on livestock and poultry pests, use in farm seed treatment, use for soil fumigation and use around farm buildings associated with crop and livestock production, but not including use in a greenhouse or commercial seed treatment;

(l) Class IX–Business Operator's Certificate which authorizes the holder to carry on a commercial pesticide business or enter into contracts to handle, use, store or sell to a user a commercial class or restricted class pesticide; and

(m) Class X–Special Certificate which authorizes the use of a pesticide for a purpose not included in Classes II to VIII.

(2) A limited class [may] be created by the Minister or an Administrator for the application of a pesticide restricted to a certain activity within one certification class.

(3) A Class III or Class VIII certificate of qualification may be issued by the Minister or an Administrator to a private applicator or a commercial applicator.

(4) Subject to subsection (3), a certificate of qualification under subsection (1) may only be issued to a commercial applicator.

Application process

8 (1) An applicant for a certificate of qualification shall complete an application in a form approved by an Administrator.

(2) Before being issued a certificate of qualification, an applicant shall complete an examination and achieve a minimum score of 75%.

Subsection 8(2) replaced: O.I.C. 2013-17, N.S. Reg. 14/2013.

(3) A certificate of qualification shall be valid for a period of 5 years from the date of issuance with the exception of a Class IX Certificate which shall be valid for 1 year from the date of issuance.

(4) The holder of a certificate of qualification may be retested once in every 5-year period from the date of the issuance of the initial certificate of qualification.

(5) A certificate of qualification shall entitle the holder to perform only those uses that the class of certificate of qualification authorizes the holder to perform and no other uses.

(6) No certificate of qualification issued pursuant to these regulations is transferable.

(7) Unless agreed otherwise in writing by an Administrator, no person shall apply for a certificate of qualification under these regulations unless that person is at least 18 years of age.

Supervisory restrictions

9 (1) A private applicator who is a certified applicator in Class III or VIII may directly supervise a non-certified applicator where

(a) the non-certified applicator performs the same use as authorized in the certificate of qualification held by the certified applicator; and

(b) the non-certified applicator is at least 18 years of age.

(2) A commercial applicator who is a certified applicator may directly supervise a non-certified applicator where

- (a) the certified applicator holds a valid Class II, III, or VIII certificate of qualification;
 - (b) the certified applicator is present at the treatment site at all times while the non-certified applicator is applying a pesticide; and
 - (c) an Administrator is notified when the supervision of the non-certified applicator will occur.
- (3) A non-certified applicator may only be supervised by a commercial applicator under subsection (2) for one 30-day period.
- (4) A certified applicator referred to in subsections (1) and (2) is responsible for all actions respecting the application of pesticide by the non-certified applicator.

Business operator

10 The holder of a valid Class IX Business Operator's Certificate shall ensure that

- (a) a person who is employed by the business operator and who is responsible for handling or applying a commercial class or restricted class pesticide has a valid certificate of qualification;
- (b) a commercial class or restricted class pesticide is sold only to
 - (i) an applicator or business who holds a valid certificate of qualification, or
 - (ii) a person who has hired another person who holds a valid certificate, qualification;
- (c) any activity of a person employed by the business operator complies with the pesticide label instructions for the proper and safe use of pesticides; and
- (d) any instruction to a person employed by the business operator is in accordance with the Act, these regulations or any other requirements set forth by an Administrator.

Records

11 An Administrator may require the holder of a Class IX Business Operator's Certificate to submit a record of the application or sale of a pesticide.

Part II - Pesticide Approvals

Approvals

- 12 (1) Pesticide application activities that require an approval under the Act are designated in the Activities Designation Regulations.
- (2) Unless authorized in writing by an Administrator, an applicant for an approval shall apply at least 60 days prior to the intended starting date of the application of the pesticide.
- (3) An approval holder shall keep and maintain equipment or supplies readily available to minimize the impact of any release of a pesticide.

(4) An approval holder shall notify an Administrator before commencing a spray program under an approval.

(5) An approval holder shall adhere to weather condition restrictions stipulated on an approval respecting the application of a pesticide.

(6) An approval holder shall ensure that the approval or a copy of the approval is available at the loading, mixing, or application area when the pesticide is being used.

(7) All boundaries of a treatment site where pesticide is used or applied and buffer zones shall be marked or identified so that they are known and visible to the applicator.

(8) An approval holder for aerial spraying of a pesticide shall either personally accompany, or provide a contractor or agent to accompany, a pilot on a pre-spray aerial inspection of a treatment site to ensure that the pilot is fully aware of the area to be sprayed, any buffer zones involved and the property boundaries of the treatment site.

(9) An approval holder shall keep and maintain a record of the information the Minister or an Administrator requires of each pesticide used or applied.

(10) Where there is no evidence that an adverse effect may occur or will occur, the Minister may waive or modify in writing the requirements prescribed in subsections (5), (6), (7), (8) and (9).

Part III - General

Public notice

13 (1) An approval holder shall undertake a public information and notice program as a term and condition of the issuance of an approval.

Subsection 13(1) amended: O.I.C. 2013-17, N.S. Reg. 14/2013.

(2) Except for spot treatments to a utility corridor, utility right-of-way, street or highway right-of-way, no person shall apply a pesticide under an approval by any method unless the person provides notice to the public through a local newspaper or other means approved by the Administrator at least 20 days before the application commences identifying where and when the pesticide will be applied.

Subsection 13(2) amended: O.I.C. 2013-17, N.S. Reg. 14/2013.

(3) No person shall apply a pesticide under a pesticide research program unless that person

(a) posts signs approved by an Administrator identifying that pesticide research is being undertaken at the treatment site before the application commences; and

(b) keeps the signs referred to in clause (a) in place for 20 days after the last application at the treatment site.

(4) No person shall apply a pesticide under an approval for crop tree release, site preparation or forest insect control unless

(a) at least 30 days before the application commences, the person

(i) posts signs approved by an Administrator identifying when and where the pesticide will be applied,

(ii) ensures that the signs referred to in subclause (i) contain a space for coloured fluorescent decals which shall be applied to the signs when spraying commences at the treatment site, and

(iii) ensures that the signs referred to in subclause (i) are placed on all access roads leading to the treatment site and at the edge of the treatment site;

(b) at least 30 days before the application commences, the person delivers a written notice approved by an Administrator to the owner or occupier of any dwelling, business, school, public building, or any other inhabited structure which is located within 500 m of the treatment site, identifying when and where the pesticide will be applied; and

(c) at least 20 days before the application commences, when the total area under an approval or the area of the individual treatment site exceeds 200 ha, the person publishes a public notice approved by an Administrator through a local newspaper identifying when and where the pesticide will be applied.

Clause 13(4)(c) amended: O.I.C. 2013-17, N.S. Reg. 14/2013.

(5) If the applicant can provide reasons which are considered acceptable to the Minister or an Administrator, the Minister or the Administrator may waive, modify, or alter the notice requirements provided in this Section.

(6) No person shall remove or alter any sign required to be posted under these regulations unless authorized by these regulations or by an Administrator.

(7) Subject to subsection (9), no sign posted under these regulations shall be removed for a period of 7 days after the last application at the treatment site.

(8) Unless agreed in writing by an Administrator, any sign posted pursuant to an approval under these regulations must be removed by the approval holder no later than November 1st in the year that the approval was issued unless there is a conflict with subsection (7) in which case the approval holder shall remove any signs immediately after 7 days have elapsed from the last application at the treatment site.

(9) Unless agreed in writing by an Administrator, every person who for hire or reward applies a commercial class or restricted class pesticide to a lawn, tree or other area that surrounds a domestic residence, an apartment, a commercial building, or that is located in a public area, shall

(a) post a sign approved by an Administrator indicating that a pesticide application has taken place on the treatment site immediately after the last application of the pesticide; and

(b) not remove a sign posted under clause (a) for a period of 24 hours after the last application at the treatment site.

Section 13 heading amended: O.I.C. 2013-17, N.S. Reg. 14/2013.

Prohibitions

14 (1) No person shall apply, handle, use, abandon or dispose of any pesticide, a mixture containing a pesticide or seeds treated with a pesticide unless the handling, use, abandonment or

disposal is conducted in conformance with the product directions or limitations shown on the manufacturer's product label or in a manner approved by the Minister or an Administrator.

(2) Despite subsection (1), no person shall apply, handle, use, abandon or dispose of a pesticide, a mixture or a device containing a pesticide or a material treated with a pesticide in a manner that results or may result in contamination of the environment.

Pesticide research

15 Any pesticide research shall be reported by the researcher to an Administrator in writing 15 days before application commences under the pesticide research authorization.

Filling/flushing

16 No person shall fill, flush or clean a sprayer or equipment used for or in association with the application of a pesticide in a manner that results or may result in contamination.

Contingency plan

17 The Minister or an Administrator may require contingency plans respecting a release of a pesticide to be prepared for approval by the Minister or the Administrator by a person who holds a Class IX certificate of qualification or by an approval holder who applies a commercial class or restricted class pesticide.

Pesticide containers

18 (1) No person shall dispose of a container that was used to hold a commercial class or restricted class pesticide except

- (a) at a container collection site; or
- (b) in a manner approved by the Minister or an Administrator.

(2) All pesticides shall be stored in the labelled containers supplied by the manufacturer unless otherwise authorized in writing by an Administrator.

Buffer zones

19 Where the Minister believes on reasonable and probable grounds that a treatment site may be sensitive to the application of a pesticide, the Minister may require a buffer zone be set aside in which no spray is to be directly applied, may determine the size of the buffer zone to be maintained, and may outline how the buffer zone is to be marked or identified.

Cancelled registered pesticides

20 (1) Where the registration of a pesticide has been cancelled under the Pest Control Products Act (Canada), the person to whom the pesticide was registered shall

- (a) collect or accept return of all such pesticide supplied by the person to others; and
- (b) dispose of all such pesticide in a manner acceptable to an Administrator.

(2) No person shall use, apply, display, or sell a pesticide if its registration has been cancelled under the Pest Control Products Act (Canada).

Protected water area

21 No person shall apply a pesticide within a protected water area designated under Section 106 of the Act unless the person complies with any regulations regarding the use of pesticides within the protected water area.

Part IV - User Pesticide Storage Facilities

User pesticide storage

22 (1) Part IV of these regulations applies to a private individual or the owner, operator or person responsible for a commercial business who stores a commercial class or restricted class pesticide in excess of 25 l in liquid form or 25 kg in solid form, whichever is applicable, for their own use or business use in a user pesticide storage facility, but does not store the commercial class or restricted class pesticide for resale.

(2) No private individual or owner, operator or person responsible for a commercial business described in subsection (1) shall store a commercial class or restricted class pesticide unless the following conditions are met:

(a) the pesticide is stored in a facility that prevents the uncontrolled release of the pesticide;

(b) a list of pesticides stored in the facility and the estimated quantities normally held in storage is, upon request, supplied to the chief of the local fire department or the chief's designate;

(c) a placard is affixed and maintained on the outside of each door leading into the room where the pesticide is stored bearing the words "WARNING - CHEMICAL STORAGE - AUTHORIZED PERSONNEL ONLY" or words to like effect in block letters which are clearly visible; and

(d) emergency telephone numbers are displayed in the facility, including telephone numbers of the fire department, hospital, poison control centre, Department, police and Emergency Management Office.

Clause 22(2)(d) amended: O.I.C. 2013-17, N.S. Reg. 14/2013.

Part V - Vendor Pesticide Storage Facilities

Vendor pesticide storage

23 (1) Part V of these regulations applies to the owner, operator or person responsible for a commercial business who for hire or reward, or for resale, stores a commercial class or restricted class pesticide in a vendor pesticide storage facility.

Subsection 23(2) repealed: O.I.C. 2013-17, N.S. Reg. 14/2013.

Storage approval

24 (1) No person shall construct a new vendor pesticide storage facility or extend or modify an existing pesticide storage facility to store a commercial class or restricted class pesticide for hire or reward, sale, resale, or wholesale distribution unless the person receives an approval from an Administrator.

(2) An approval under subsection (1) shall be processed under the Approvals Procedure Regulations*.

[*Effective January 22, 2013, the Approvals Procedure Regulations are replaced by the Approval and Notification Procedures Regulations, N.S. Reg. 17/2013 (O.I.C. 2013-18 dated January 22, 2013).]

General restriction on facility location

25 No person shall construct or extend a vendor pesticide storage facility

(a) within 30 m of the bank of any surface watercourse or the ordinary high water mark of any surface watercourse, whichever distance is greater, unless approved in writing by an Administrator; or

(b) within 60 m of a well or surface watercourse used as a private water supply, unless approved in writing by an Administrator.

Construction requirements

26 (1) The construction requirements described in this Section are in addition to all applicable federal, provincial, and municipal laws and regulations, including building, fire, and electrical codes and regulations.

(2) No person shall construct a vendor pesticide storage facility unless the following conditions are met:

(a) in the area where pesticides are stored, the floor surface shall be made of steel, concrete or other similar durable material which is impervious to an absorbable liquid;

(b) flooring in the area where pesticides are stored shall have a smooth surface and be capable of being cleaned and decontaminated of any pesticide stored in the facility;

(c) in the area where pesticides are stored, there shall be a continuous, non-combustible curb on the floor which is integral with the floor and is at least 10 cm in height around the perimeter of the area and is capable of retaining liquids;

(d) in the area where pesticides are stored, there shall be no floor drains, catch basins, sumps or other openings in the floor;

(e) the facility shall have adequate ventilation by either natural or mechanical means to the outside atmosphere to prevent the accumulation of toxic or flammable vapours;

(f) there shall be at least 2 entrances and exits to the facility located on opposite sides of the facility if the floor area of the facility exceeds 200 m²;

(g) there shall be a separate room or area at or near the area in which the pesticides are stored that contains adequate washing facilities for personal decontamination; and

(h) a source of running water shall be readily available in or adjacent to the area where pesticides are stored.

Storage requirements

27 No owner, operator or person responsible for a vendor pesticide storage facility shall store a commercial class or restricted class pesticide unless

(a) the area where the pesticides are stored is a separate locked room or compartment that is partitioned from the floor to the ceiling with building materials that conform with fire and building codes and has no openings except those required for ventilation and entrances;

(b) all permanent storage racks or shelves are constructed of non-combustible material that can be easily cleaned;

(c) all pesticides are stored according to the label storage requirements provided by the manufacturer;

(d) all pesticides are stored at least 10 cm above the floor;

(e) all herbicides, insecticides and fungicides are stored separately from each other in the facility;

(f) all pesticides are separated from any flammable materials by a fire resistant barrier or enough space to minimize risk of combustion of the pesticides;

(g) all pesticides are stacked in a manner that enables the pesticides to be readily inspected; and

(h) foodstuffs, including feed, are not stored in the facility.

Access to site

28 No person shall own, operate or be responsible for a vendor pesticide storage facility unless

(a) the facility has sufficient outside lighting to be of use to emergency service personnel;

(b) any windows in the facility are locked to prevent unauthorized access when authorized personnel are not present;

(c) the facility has doors that remain closed and locked at all times when authorized personnel are not present; and

(d) access to the facility is restricted only to authorized personnel.

Safety measures

29 (1) No person shall own, operate or be responsible for a vendor pesticide storage facility unless

(a) protective clothing including gloves, hats, coveralls, boots, eye protection, a first aid kit and a respirator appropriate for use with the pesticide being stored are readily available, are properly maintained, and functional at all times at the facility and are free from pesticide contamination;

(b) eye wash and emergency showers are readily available at the facility;

(c) the chief of the local fire department or the chief's designate is provided annually with a list of pesticides stored in the facility and the estimated quantities normally held in storage

and the chief or the designate is notified of any significant changes in stocks which occur during the year;

(d) a placard is affixed and maintained on the outside of each door leading into the room where the pesticide is stored bearing the words "WARNING - CHEMICAL STORAGE - AUTHORIZED PERSONNEL ONLY" or words to like effect in block letters which are clearly visible; and

(e) emergency phone numbers are displayed in the facility including the telephone numbers of the fire department, hospital, poison control centre, Department, police and Emergency Management Office.

Clause 29(1)(e) amended: O.I.C. 2013-17, N.S. Reg. 14/2013.

(2) Every owner, operator or person responsible for a vendor pesticide storage facility shall ensure that no smoking signs are prominently displayed in an area where pesticides are being stored.

(3) No person shall use an open flame to conduct welding, burning, cutting, melting, heating or any other activity in a vendor pesticide storage facility unless appropriate safety measures are taken.

(4) Every owner, operator or person responsible for a vendor pesticide storage facility shall post or make readily available to employees or other persons any material safety data sheets that have been compiled and supplied by the manufacturer of the pesticide.

(5) No owner, operator or person responsible for a vendor pesticide storage facility shall place a pesticide in that facility unless it is equipped with

(a) a fully-operative fire alarm system;

(b) fire extinguishers which are approved by the fire department and are placed in strategic positions in and around the pesticide storage facility; and

(c) materials for containment and clean-up as required by an Administrator.

(6) Unless an Administrator directs otherwise in writing, every owner, operator or person responsible for a vendor pesticide storage facility shall ensure there is unobstructed access to the facility for emergency equipment and personnel.

Maintenance and inspection of facility

30 (1) Every owner, operator or person responsible for a vendor pesticide storage facility shall

(a) comply with all relevant legislation respecting pesticide storage and the use of personnel protection equipment and clean-up techniques;

(b) inspect monthly the facility and repair or replace any parts that may be damaged or defective; and

(c) immediately secure any container or package found leaking a pesticide and clean up the area.

(2) Every owner, operator or person responsible for a vendor pesticide storage facility shall keep and make available for review upon request by an inspector, a book or report of monthly inspections and any action taken under subsection (1).

(3) The book or report described in subsection (2) shall be kept while the facility is in operation and for 2 years after operations cease.

Abandonment

31 (1) No owner, operator or person responsible for a vendor pesticide storage facility shall abandon that facility or any part of that facility unless the person notifies an Administrator in writing at least 6 months before the date of the proposed abandonment.

(2) No owner, operator or person responsible for a vendor pesticide storage facility shall abandon that facility unless the facility is left in a condition approved by an Administrator.

(3) Unless approved in writing by an Administrator, an abandonment pursuant to subsection (1) does not relieve the owner, operator or person responsible for a vendor pesticide storage facility from any requirement contained in the Act, regulations made pursuant to the Act, or in an approval issued with respect to that facility.

Part VI - Effective Date

32 (1) Subject to subsection (2), these regulations shall come into force on, from and after April 11, 1995.

(2) With respect to private applicators, clauses 7(1)(c), (d), (e), (f), and (k), and clause 10(b) shall come into force on, from and after December 1, 1996.