

The Pest Control Products (Saskatchewan) Act

being

Chapter P-8 of the *Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 1979-80, c.M-32.01 and 92; 1980-81, c.83; 1983, c.77; 1983-84, c.16; 1988-89, c.42; 1992, c.33; 1998, c.P-42.1; and 2005, c.M-36.1.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-8

An Act to Regulate and Control the Use, Distribution and Handling of Pesticides

Short title

- 1 This Act may be cited as *The Pest Control Products (Saskatchewan) Act*.

Interpretation

- 2 In this Act:

- (a) “**animal**” means any animal other than man and includes any bird, fish, amphibian, reptile, invertebrate, insect or animal similar to an insect, wild or domestic or living or dead;
- (b) “**inspector**” means an inspector appointed by the minister or the council of a municipality for the purposes of this Act and the regulations;
- (c) “**minister**” means the member of the Executive Council to whom for the time being is assigned the administration of this Act;
- (d) **Repealed.** 2005, c.M-36.1, s.451.
- (e) “**pesticide**” means any substance or mixture of substances, designated in the regulations, that is intended, sold or represented for use in preventing, destroying, repelling or mitigating any insect, nematode, rodent, predatory animal, bacteria, fungus, weed or other form of plant or animal life or virus;
- (f) “**sell**” includes keep for sale, expose for sale, offer for sale or advertise.

R.S.S. 1978, c.P-8, s.2; 1979-80, c.M-32.01, s.40; 1983, c.77, s.57; 1983-84, c.16, s.16; 2005, c.M-36.1, s.451.

Prohibition against selling, etc., pesticides that do not meet certain standards

- 3(1) No person shall sell or otherwise supply to any person a pesticide that does not meet the standards prescribed by the regulations in respect of:

- (a) registration, where registration is required;
- (b) packaging and labelling; or
- (c) efficacy in relation to the purpose for which it was manufactured or made.

- (2) Where a pesticide is a pest control product within the meaning of the *Pest Control Products Act* (Canada), the regulations may adopt any or all of the requirements and standards prescribed by that Act and any regulations under that Act as the requirements and standards in respect of the sale, supplying, handling or use of that pesticide under this Act.

R.S.S. 1978, c.P-8, s.3.

c.P-8**PEST CONTROL PRODUCTS (SASKATCHEWAN)****Prohibition against certain uses of pesticides****4** No person shall use a pesticide:

- (a) for a purpose other than a purpose for which it is represented, sold or supplied; or
- (b) in a manner other than prescribed:
 - (i) by the regulations; or
 - (ii) in the absence of regulations, on the label on the package or other written recommendation of the manufacturer or by the minister.

R.S.S. 1978, c.P-8, s.4; 1980-81, c.83, s.37.

Prohibition against applying pesticides into body of water without permit

5 Subject to section 39 of *The Environmental Management and Protection Act*, no person shall apply a pesticide in an open body of water unless he is the holder of a subsisting permit to do so issued to him pursuant to this Act.

R.S.S. 1978, c.P-8, s.5; 1988-89, c.42, s.73.

Requirement with respect to keeping, etc., of pesticides

6(1) Every person who keeps, stores or transports a pesticide shall do so in a manner that:

- (a) ensures that the pesticide does not come into contact with or contaminate any substance intended for human consumption or for consumption by plants or other animals; and
- (b) prevents the pesticide from coming directly or indirectly into contact with human, animal or plant life in any other manner that may be injurious to that life.

(2) Where a pesticide is sold or otherwise supplied in bulk and is not contained in packages, any information or warning respecting its handling or use that would have been required pursuant to section 3, to be stated on the label had the pesticide been in packaged form shall be supplied in writing at the time of delivery by the vendor or other supplier to the person to whom the pesticide is delivered.

R.S.S. 1978, c.P-8, s.6.

Prohibition against keeping of pesticides in certain containers

7(1) No person shall have in his possession or keep a pesticide in a container other than:

- (a) the container in which the pesticide was originally stored for sale or offered for sale after the manufacture thereof; or
- (b) a container that is of a type customarily used or approved for that purpose by the manufacturer and that bears a label meeting any requirements prescribed by this Act or the regulations.

(2) This section does not apply to the keeping of pesticides in tanks of machines that are being used for the mixing or holding of pesticides during operations by which the pesticides are being used or applied.

R.S.S. 1978, c.P-8, s.7.

Prohibition against disposal, etc., of pesticides or containers**8** No person shall:

- (a) dispose of any pesticide or mixture containing a pesticide; or
- (b) bury, decontaminate, burn or otherwise dispose of any container that has been used to hold a pesticide;

except at a site prescribed in the regulations and in a manner prescribed in the regulations or, in the absence of regulations, in a manner recommended by the manufacturer.

R.S.S. 1978, c.P-8, s.8.

Prohibition against certain cleansing, etc., of pesticide apparatus**9** No person shall:

- (a) cleanse or place in an open body of water any apparatus, equipment or container used in the holding or application of a pesticide; or
- (b) cause water from an open body of water to be drawn into any apparatus or equipment used for mixing or applying a pesticide unless the apparatus or equipment is equipped with a device that prevents a return flow of the mixture from the apparatus or equipment.

R.S.S. 1978, c.P-8, s.9.

Prohibition against selling or applying pesticide without licence

10 Except as otherwise provided in the regulations but subject to section 39 of *The Environmental Management and Protection Act*, no person, unless the person holds a subsisting licence to do so issued pursuant to the Act, shall:

- (a) carry on a business involving the sale, use or application of a pesticide; or
- (b) for hire or reward, apply, sell or offer to apply or sell a pesticide.

1992, c.33, s.3.

Permit

11(1) Every application for a licence under this Act shall be made to the minister upon a form provided by him and shall be accompanied by the fee prescribed by the regulations.

(2) Upon receipt of an application under subsection (1) accompanied by the prescribed fee the minister may issue a licence to the applicant.

R.S.S. 1978, c.P-8, s.11; 1992, c.33, s.4.

Permits continued as licences

11.1 Every subsisting permit that was issued pursuant to this Act before the day on which this section comes into force is continued as a licence and is subject to this Act and the regulations as if it had been issued as a licence pursuant to this Act.

1992, c.33, s.5.

Power of minister with respect to licences

12 The minister may suspend or cancel a licence issued to a person; or refuse to issue or renew a licence where, in the opinion of the minister, the holder or applicant, as the case may be:

- (a) no longer possesses the qualifications or does not possess the qualifications required by applicants for any licence or class of licences as prescribed by the regulations; or
- (b) has contravened any provision of this Act or the regulations.

1992, c.33, s.6.

Notification of suspension, etc., of licence

13 When the minister suspends or cancels a licence or refuses to issue or renew a licence, he shall notify in writing the holder or applicant, as the case requires, of his decision setting out his reasons therefor.

R.S.S. 1978, c.P-8, s.13; 1992, c.33, s.7.

Power of minister to order destruction, etc., of contaminated property; compensation therefor

14(1) Where the minister is of the opinion, based upon such evidence as he considers adequate, that any crop, food, feed, animal, plant, water, produce, product or other matter is contaminated by a pesticide, the minister may by order in writing:

- (a) prohibit or restrict the sale, handling, use or distribution of the crop, food, feed, animal, plant, water, produce, product or other matter permanently or for such length of time as he considers necessary; or
- (b) cause the crop, food, feed, animal, plant, water, produce, product or other matter to be destroyed or rendered harmless.

(2) Compensation in respect of loss or damage incurred as the result of an order made under subsection (1) is payable in such amount and to such persons as may be prescribed by the regulations.

R.S.S. 1978, c.P-8, s.14.

Appeal

15(1) A person who is dissatisfied with a decision of the minister under this Act may within thirty days after the date of the decision request the minister in writing sent by registered mail to arrange a hearing of an appeal against the decision.

(2) The minister shall forthwith after the receipt of a request under subsection (1), request the Chief Justice of the Queen's Bench to appoint a judge of Her Majesty's Court of Queen's Bench for Saskatchewan to conduct a hearing of the appeal.

(3) The judge appointed to conduct the hearing shall fix a date for the hearing which date, unless otherwise agreed to by the appellant and the minister, shall not be more than seven days after the date of his appointment, except that, where the hearing is in respect of a decision of the minister not to cancel an order made under section 18, the judge shall fix a date not more than two days after the date of his appointment.

- (4) Notice of the date fixed for the hearing shall be given by the judge to the minister and to the appellant in such manner as the judge considers adequate.
- (5) Upon hearing the appeal, the judge may:
- (a) dismiss the appeal;
 - (b) allow the appeal;
 - (c) allow the appeal subject to terms and conditions;
 - (d) vary the decision appealed against;
 - (e) make such other order as to him seems just.
- (6) The judge shall notify the minister and the appellant in writing of his decision on the appeal within five days of the hearing, except that, where the appeal was against an order mentioned in subsection (3) the judge shall send the notice forthwith after his decision.
- (7) There shall be no further appeal.
- (8) If, in the opinion of the judge the appeal was frivolous or vexatious, he may award costs against the appellant in a sum not exceeding \$100.
- (9) If, in the opinion of the judge, the minister's decision against which the appeal was taken was clearly unwarranted, he may award costs against the minister in a sum not exceeding \$100.

R.S.S. 1978, c.P-8, s.15; 1979-80, c.92, s.70.

Inspectors

16 There may be appointed under *The Public Service Act, 1998* persons, who meet the qualifications specified in the regulations, as inspectors for the purposes of this Act and the regulations.

R.S.S. 1978, c.P-8, s.16; 1998, c.P-42.1, s.42.

Same

17 The council of a municipality may appoint persons, who meet the qualifications specified in the regulations, as inspectors within the municipality for the purposes of this Act and the regulations.

R.S.S. 1978, c.P-8, s.17.

Inspector may order use or application of pesticides to cease, etc.

18(1) Where an inspector is of the opinion, based upon such evidence as he considers adequate, that the use, or method of application, of a pesticide is or may be dangerous to the health of any person or animal, or harmful to crops or other plant life, he may by order in writing suspend or terminate the use, or the method of application, of the pesticide.

(2) Where an inspector makes an order under subsection (1) the inspector shall, in writing, notify the person to whom the order is directed of the reasons for the order, and a copy of the order and the reasons shall be forwarded by the inspector to the minister forthwith after the order is made.

R.S.S. 1978, c.P-8, s.18.

Appeal to minister

19(1) A person to whom an order has been directed by an inspector under section 18 may, if he considers the order to be in error or unjust, appeal in writing to the minister setting out his reasons for considering the order to be in error or unjust and request the minister to cancel the order.

(2) The minister may, upon receipt of an appeal under subsection (1), in writing cancel the order appealed against where he is of the opinion that the order was made in error or is unjust or, if he is not of such opinion, may refuse to cancel the order.

R.S.S. 1978, c.P-8, s.19.

Power of inspector

20(1) For the purpose of carrying out this Act and the regulations an inspector may:

- (a) at any reasonable time enter upon and inspect any land, premises other than a dwelling house, vehicle, equipment, record, document or other property;
- (b) inspect and take samples of or extracts from anything mentioned in clause (a) or of any soil, water, food, feed, crop, animal, pesticide or other substance;
- (c) subject anything taken pursuant to clause (b) to laboratory analysis or other examination for the purpose of determining whether or not the article or substance taken is or has been contaminated by a pesticide.

(2) The authority appointing an inspector shall furnish him with a certificate of his appointment and the inspector shall, if requested to do so, produce the certificate to any person owning or in charge of anything affected by the inspector's activities under this Act or the regulations.

R.S.S. 1978, c.P-8, s.20; 1980-81, c.83, s.37.

Warrant to search dwelling house

21(1) Where it appears to a judge of the magistrates' court, on information laid before him on oath, that there are reasonable and probable grounds for believing that a dwelling house contains:

- (a) any crop, food, feed, animal, plant, water, produce, product or other matter that is contaminated by a pesticide; or

(b) any record, document, vehicle, equipment or other thing that affords evidence of a contravention of this Act or the regulations;

the judge may issue a warrant authorizing a peace officer, with or without an inspector, to enter the dwelling house by force, if necessary, for the purpose of searching therefor.

(2) Before entering a dwelling house pursuant to this section the peace officer shall take reasonable steps to find the owner or person in charge of the house and endeavour to obtain the permission of the owner for the search.

(3) Where a peace officer uses force in entering or searching a dwelling house, he shall use no more force than is reasonably required under the circumstances.

(4) Where anything mentioned in subsection (1) is found pursuant to the execution of a warrant issued under this section, it may be dealt with by an inspector in the same manner as a like article or substance found in any other place may be dealt with under this Act.

R.S.S. 1978, c.P-8, s.21; 1980-81, c.83, s.37.

Owner, etc., to assist inspector

22(1) The owner or person in charge of any land, premises, article or substance that an inspector is authorized to enter, inspect or take samples of or extracts from, as the case may be, shall give to any inspector all reasonable assistance to enable the inspector to carry out his duties and functions under this Act or the regulations and shall furnish an inspector with such information relative thereto as the inspector may reasonably require.

(2) No person shall obstruct or hinder an inspector in the carrying out of his duties or functions under this Act or the regulations.

R.S.S. 1978, c.P-8, s.22.

Regulations

23 For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make such regulations as are ancillary thereto and are not inconsistent therewith; and every regulation made under, and in accordance with the authority granted by, this section has the force of law; and, without restricting the generality of the foregoing, the Lieutenant Governor in Council may make such regulations, not inconsistent with any other provisions of this Act:

(a) designating any substance or mixture of substances as a pesticide under this Act;

(b) defining the expression "open body of water" for the purposes of this Act;

(b.1) requiring persons or categories of persons to obtain a permit to use or apply prescribed pesticides or categories of pesticides;

(b.2) requiring a permit or approval for engaging in any activity that is regulated pursuant to this Act;

- (b.3) respecting the issuance of permits and approvals pursuant to the regulations and any terms and conditions attached to those permits and approvals, and providing for the prescribing of those terms and conditions by the minister or any other official responsible for the administration of this Act;
- (b.4) providing for and respecting the amendment, suspension, cancellation and renewal of permits and approvals;
- (b.5) prescribing the terms and conditions of any licence or class of licences issued pursuant to the Act;
- (c) prescribing the qualifications of applicants for any class or classes of licences or permits and prescribing the fees for any class or classes of licences or permits;
- (d) requiring persons who hold licences or permits to keep records and to make returns and prescribing the manner in which the records shall be kept and the returns made;
- (e) prescribing the fees for the renewal of licences or permits and the manner and form of making applications therefor;
- (f) prescribing the duration of any licence or permit or class or classes of licences or permits;
- (g) requiring applicants for licences or permits or renewals of licences or permits to undergo medical examinations;
- (h) exempting any person or class of persons, any pesticide or any part of the province from the application of this Act or the regulations or from any of the provisions of this Act or the regulations;
- (i) requiring applicants for any licences or permits or any class of licences or permits to furnish bonds or carry insurance, and prescribing the type and amount of such bonds or insurance, and providing that where a bond or policy of insurance expires or is cancelled the licence or permit of the person who furnished the bond or who secured the insurance shall automatically be cancelled;
- (j) requiring that any pesticide be registered before being sold, supplied or used and prescribing the manner of such registration and designating by whom it is to be done;
- (k) prescribing or restricting the manner in which a pesticide may be stored, transported, packaged, labelled, handled, sold or otherwise distributed;
- (l) prohibiting or restricting the sale or supply in bulk of a pesticide or of any substance treated by or mixed with a pesticide;
- (m) prohibiting or restricting the use in general or in a particular way of a pesticide;
- (n) prohibiting or restricting the use of any machine or other equipment in connection with the storage, use, application or transportation of a pesticide;
- (o) prohibiting, restricting or regulating the storage, handling, transportation or disposal of any pesticide, pesticide container or pesticide application equipment;

- (p) requiring that containers for pesticides be labelled so as to clearly specify the manner of use recommended by the manufacturers thereof;
- (q) prescribing forms for the purposes of this Act or the regulations;
- (r) determining compensation in respect of losses or damages incurred as a result of an order made under section 14;
- (s) classifying licences under this Act;
- (s.1) classifying permits for the purposes of the regulations;
- (t) prescribing the qualifications necessary for inspectors under this Act.

R.S.S. 1978, c.P-8, s.23; 1992, c.33, s.8.

Establishment of boards, etc., to assist minister

24 The Lieutenant Governor in Council may establish such boards, committees or councils as he considers necessary or desirable, to assist and advise the minister in carrying out the provisions of this Act or the regulations and may make payment to the members thereof for their services and for expenses incurred by them.

R.S.S. 1978, c.P-8, s.24.

Offences and penalties

25 A person who contravenes a provision of this Act or the regulations or who fails to comply with an order made under this Act is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000 or to imprisonment for not more than 90 days or to both fine and imprisonment.

R.S.S. 1978, c.P-8, s.25.

Analyst

26(1) The minister may appoint an analyst for the purposes of this Act and the regulations and may make payment to such person for his services and any expenses incurred by him in the administration or enforcement of this Act and the regulations.

(2) A certificate of analysis, purporting to be signed by an analyst appointed under subsection (1), is admissible in evidence as *prima facie* evidence of the facts stated in the certificate without proof of the signature of the person making the certificate.

R.S.S. 1978, c.P-8, s.26.

Appropriation

27 Sums required for the purposes of this Act may be paid out of moneys appropriated by the Legislature for the purpose.

R.S.S. 1978, c.P-8, s.27.

