

L. F. RILEY

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**PESTICIDE LEGISLATION
IN CANADA**

**CHEMICAL CONTROL RESEARCH INSTITUTE
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PESTICIDE LEGISLATION
IN CANADA

Chemical Control Research Institute
Canadian Forestry Service
Department of the Environment
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PREFACE

This publication is a general updating of an earlier list regarding Federal and Provincial Legislation in respect of pesticides brought out by the Canada Department of Agriculture in 1966 and sponsored at that time by the National Committee on Pesticide Use in Agriculture (NCPUA).

The present compilation is a joint project of the Chemical Control Research Institute, Canadian Forestry Service, Department of the Environment and the Control Products Section, Plant Products Division, Canada Department of Agriculture. The legislation cited herein bears primarily on the regulation and use of pesticides in Canada, however, references to other laws relating to pesticides in general have also been summarized.

(ii)

TYPES OF LEGISLATION AND THEIR CODE

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Legislation respecting:

- A - Labelling and sale of pesticides
- B - Food and other commodities containing pesticides
- C - Distributors of pesticides
- D - Regulation of users of pesticides
- E - Regulation of use of pesticides by the public
- F - Requirement for, or promotion of, the use of pesticides
- G - Others

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PART I
FEDERAL LEGISLATION

CANADA

1. Pest Control Products Act RSC 1952 c.209

(In force until the revised Pest Control Products Act, RSC 1970 c.P-10, is proclaimed, see 2 below)

A This Act is administered by the Canada Department of Agriculture and regulates all control products sold for use in the home, garden, agriculture, forestry, and elsewhere.

The primary provision is that no person shall manufacture, import, advertise or offer for sale in Canada any brand of pest control product unless it is registered under the Pest Control Products Act.

A product may be refused registration if:

(a) the brand name would tend to deceive or mislead the purchaser with respect to the guarantee, the materials from which the pest control product is made or the method of preparation.

(b) the guarantee and the materials are approximately the same as those of another brand of pest control product registered by the same manufacturer.

(c) it is believed to be unsuited for the purpose for which it is sold or presented.

(d) it is generally detrimental or seriously injurious to vegetation (except weeds), domestic animals or public health when used according to the directions.

The registration of a product may be cancelled if a pest control product is found to be of doubtful value.

The Act does not apply to the selling of pest control products for manufacturing purposes or for export purposes only.

A certificate of registered products expires December 31st every year.

Under this Act the information relating to and in support of the proposed representation for a pest control product is carefully assessed. Under the regulations the brand name must appear on the label of a pesticide and show the general form of physical characteristics of the product. Directions for use must be adequate so that the product can be used safely and with the results claimed on the label.

CANADA (cont'd)

If there is a pesticide-fertilizer combinations these are registered under the Fertilizers Act but are deemed to be registered under the Pest Control Products Act.

Another exemption is provided for the importation and use of an unregistered pesticide for the importer's own use, provided the pesticide is not sold.

2. The Revised Pest Control Products Act RSC 1970 c.P-10

ACDE

Regulations are currently being drafted.

The provisions of this new Act include:

(i) No person shall manufacture, store, display, distribute or use any control product under unsafe conditions.

(ii) No person shall package, label or advertise any control product in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition or safety.

(iii) No person shall import into or sell in Canada a product unless it is registered, conforms to prescribed standards and is packaged and labelled as prescribed.

(iv) No person shall export out of Canada or send from one province to another any prescribed control product unless such a product was manufactured in an establishment that:

(a) complied with prescribed conditions;

(b) was registered and operated as prescribed.

CANADA (cont'd)

3. Plant Quarantine Act RSC 1970 c.P-13

F This Act was also passed in 1969 and repeals the old Destructive Insect and Pest Act of 1910 (RSC 1952 c.81).

Its intent is to prevent the introduction of spreading of pests injurious to plants. Clauses include:

(a) provision for the introduction of improved plant quarantine methods and disinfection techniques.

(b) authority to regulate the introduction and movement within Canada of plant and other matter which, while not infested in themselves constitute a biological obstacle to the effective control of plant pests and diseases.

(c) authority to restrict from general or specific agricultural use, properties or premises which are infested, as a measure to prevent or control the dissemination of injurious plant pests and diseases.

(d) a provision for the establishment of plant health and crop certification standards for plant or other matter that are to be exported or transported from one area to another within Canada.

Regulations are currently in the process of being drafted. This Act is to be administered by the Canada Department of Agriculture.

4. Pesticide Residue Compensation Act RSC 1970 c.P-11

B This Act administered by the Canada Department of Agriculture. The Act provides for compensation to a farmer where the sale of a product would be contrary to the Food and Drug Act because of a pesticide residue although the latter was registered and used in accordance with recommendations made by the provincial Department of Agriculture of any province and approved or concurred in by the Department of Agriculture of Canada (in accordance with practices recommended directed or concurred in by the Canada Department of Agriculture).

This Act requires that the Minister must be satisfied that the pesticide residue is not due to the fault of the farmer or his agents.

CANADA (cont'd)

5. The Food and Drug Act RSC 1970 c.F-27

B This Act is administered by the Department of National Health and Welfare. Through the authority of the Food and Drug Act the Food and Drug Directorate has the power to prohibit the sale of food that has in or upon it any poisonous or harmful substance. In the case of pesticides, if the product is likely to leave a residue when used according to directions it is determined if this product can be safely ingested at all and if so a tolerance with a large safety factor is set. A schedule is prepared which lists the tolerance for various food commodities.

6. Hazardous Products Act RSC 1970 c.H-3

B An Act to prohibit the advertising, sale and importation of "hazardous products". Part II of the schedule describes inter alia household polishes and cleaning agents containing petroleum distillates or chlorinated aliphatic hydrocarbons as hazardous products.

7. Meat Inspection Act RSC 1970 c.M-7

B Proper handling of meat and standards of quality are provided for in this Act, including a directive that only germicides, insecticides and rodenticides approved by the Food and Drug Directorate shall be used.

8. Seeds Act RSC 1970 c.S-7

AB This Act and its regulations govern the grading, grade standards, inspection, packaging and labelling of seeds offered for sale in Canada, as well as the export and import of these commodities. The regulations require that grain seed treated with a poisonous material shall be thoroughly stained with a conspicuous colour appropriately labelled to name the poisonous substance used.

CANADA (cont'd)

9. Fruit, Vegetables and Honey Act RSC 1970 c.F-31

B This Act provides for the inspection, quality standards and licensing of dealers in these products. It provides for the sanitation and wholesome production of processed produce but directs that the products fully comply with provisions in the Food and Drugs Act with respect to residues and leaves such residue problems to be cared for by that Act.

10. Canada Grain Act RSC 1970 c.G-16

DF This Act outlines the handling and grading of grain in Canada and for export. It prohibits anyone from selling or storing grain treated with mercurials or other poisonous substances at licensed elevators. The Act requires that infested grain shall be treated according to the directives from the Stored Products Insect Laboratory, Winnipeg, and makes other provisions with respect to grain and fumigation.

11. The Feeds Act RSC 1970 c.F-7

A This Act provides for the regulation and control of feeds for livestock offered for sale, and while feed containing a pesticide shall be registered only under the Feeds Act, the requirements of the Pest Control Products Act shall apply with respect to efficacy and safety. No feed shall be sold containing any material that could leave in the tissues of an animal any residue of a poisonous substance contrary to the Food and Drugs Act, when used as directed.

12. Fertilizers Act RSC 1970 c.F-9

A This Act provides for the regulation and control of fertilizer for sale with respect to content, packaging and labelling. No person shall sell a fertilizer or a supplement if it is detrimental or injurious to vegetation when used according to directions. Fertilizers containing pesticides are registered under the Fertilizers Act but are deemed to be registered under the Pest Control Products Act.

CANADA (cont'd)

13. Migratory Birds Convention Act RSC 1970 c.M-12

E This Act protects the migratory bird population and specifically prohibits the placement of oil or substances harmful to migratory birds on or in waters likely to be used by those birds.

14. Fisheries Act SC 1969-70 c.63 (1st. Supp., c.17)

E This Act provides for the regulation and conservation of the fisheries of Canada and specifically states that no person shall put chemical substances or any deleterious thing in any water frequented by fish, or waters tributary to water frequented by fish or on ice over such waters.

15. Fish Inspection Act RSC 1970 c.F-12

B This Act prohibits the trafficking of any fish intended for human consumption that is tainted, decomposed or unwholesome and provides for the inspection thereof.

Federal Waters Legislation

Federal Water Legislation recently enacted provides for regulatory procedures prohibiting the discharge of "waste" into Federal and Provincial waters. The definition of "waste" reads in part "any substance that, if added to any waters, would degrade or alter or form part of a process of degradation or alteration of the quality of those waters to an extent that is detrimental to their use by man or by any animal, fish or plant that is useful to man," and is broad enough to include pesticide substance. These Acts include numbers 16, 17 and 18.

CANADA (cont'd)

16. Canada Water Act SC 1969-70 c.52 (1st. Supp., c.5)

E

17. Northern Inland Waters Act SC 1969-70 c.66
(1st. Supp., c.28)

E

18. Arctic Waters Pollution Prevention Act SC 1969-70 c.47
(1st. Supp., c.2)

E

This Act has not yet been proclaimed in force.

19. Excise Tax Act RSC 1970 c.E-12

A

The ten per cent sales tax is not applicable to feed supplement for poultry and livestock, rodent poisons, fruit tree guards or materials used in grain and seed cleaning machines.

20. Railway Act RSC 1970 c.R-2

G

Regulations contained in "Transportation of Dangerous Commodities by Rail", section 71.1, prescribe packaging, marking, labelling and other requirements for safe transportation of dangerous commodities. Section 72.5 lists dangerous commodities which include some pesticidal chemicals.

CANADA (cont'd)

21. Canada Shipping Act RSC 1970 c.S-9

G Under authority of Section 461 - "Dangerous Goods Shipping Regulations", Part VII defines poisonous substances, Schedule E prescribes the labels to be used with such substances. Other schedules list chemicals according to the category of hazard and includes some pesticidal chemicals.

22. Aeronautics Act RSC 1970 c.A-3

G This Act provides for the adoption and enforcement of the "Regulations Relating to the Carriage of Restricted Articles by Air", developed by the International Air Transport Association. The regulations pertain to the packaging, labelling and air transportation of restricted articles. They categorize poisonous articles into three categories which contain some pesticidal chemicals. The regulations also provide that no person shall create a hazard to persons or property on the ground or water by dropping anything from an aircraft in flight.

23. An Act Respecting the Criminal Law RSC 1970 c.C-34

E This Act provides penalties to anyone attempting to kill, maim, wound or poison, injure or neglect any livestock animal or bird.

24. The Government Organization Act SC 1971 c.42
Part 1 - The Department of the Environment Act.

G Under this Act the Minister has wide powers to undertake programs for the protection of environmental quality or the control of pollution including the setting of standards relating to environmental quality.

CANADA (cont'd)

25. Canadian Drinking Water Standards and Objectives 1968.

B Although not enacted legislation, these guidelines set maximum permissible limits on biocides (pesticides) in raw and drinking water in Canada. These limits are to be regarded as tentative standards as they are still under evaluation in Canada.

PART II
PROVINCIAL LEGISLATION

ALBERTA

26. The Agricultural Chemicals Act RSA 1970 c.4

BE This Act enforces the proper use of pesticides according to the label claims of the manufacturer. The Act also provides regulations for the safe storage and handling of pesticide chemicals, food crops contaminated by pesticides may be destroyed by order of the Minister without compensation therefore.

Alberta Regulation 89/70 - "Regulations Respecting the Use and Handling of Agricultural Chemicals".

This regulation provides restrictions for pesticide handling in or near food stores and instructions for disposal procedures. Certain chlorinated hydrocarbons are restricted for use in the province and others are prohibited for use except under permit or in accordance with the Agricultural Pest Act (27) or the Selling of Poisons Act (28).

Alberta Regulation 90/70 - "Regulations Respecting the Use and Application of Pesticides".

D This regulation provides for the licensing of pesticide applicators.

27. The Agricultural Pests Act RSA 1970 c.5 Regulations 207/66, 373/61, 95/61, 380/59, and Ministerial Order Nov. 4th. 1970.

F Every person must take active measures to control certain insects, animals or disease declared as pests and the Minister may supply pesticides to be used as outlined by the Act and Regulations for the control of specific pests. The 1970 M.O. declares as pests the following:

- (a) the Norway Rat (*Rattus Norvegicus*)
- (b) the coyote (*Canis latrans*)
- (c) the grasshopper (*Locustidae*)
- (d) the warble fly (*Hypoderma* sp.)
- (e) bacterial ring rot (*Corynebacterium sepedonicum*)

Alberta Regulation 394/59 has been revoked.

ALBERTA (cont'd)

28. The Setting of Poisons Act RSA 1970 c.339

F

Under this Act the Minister of Lands and Forests is empowered to:

- (a) declare any animal or bird not defined as a big game animal or game bird by the Wildlife Act to be a predator, and
- (b) approve the use of any poison marked with a poison label for the purpose of exterminating a predator.

Alberta Regulation 51/60 Order for the Control of Magpies (Ministerial Order).

The control of magpies is provided for by use of strychnine baits, distributed by Alberta Department of Agriculture personnel.

Ministerial Order 11/71 In the Matter of the Setting of Poisons Act.

The striped skunk (*Mephitis mephitis*) is declared a predator by this Order.

29. The Noxious Weeds Act RSA 1970 c.262 Alberta Regulations 75/57, 73/58, 279/58 (O.C. 1425/58), 317/58 (O.C. 1640/58), 352/66 (O.C. 1914/66).

F

This Act names the weeds which are noxious and declares that every person having an interest in land must take active measures to prevent growth of weeds and destroy same if growing. It gives provincial and municipal officials the authority to outline control programs including the use of herbicides.

ALBERTA (cont'd)

30. The Livestock and Livestock Products Act RSA 1970 c.215

B The Act provides for making regulations concerning inspection, analysing, grading, packing and marking of livestock products, and provides for detention by inspectors of livestock and livestock products.

31. The Livestock Diseases Act RSA 1970 c.216

F This Act outlines the methods to be used in handling livestock in transportation, processing, and the procedures in disease control. The Act also regulates the sale of medicines but exempts those products registered under the Pest Control Products Act, and the Proprietary or Patent Medicine Act.

Alberta Regulation 382/58 - Regulations Governing the Construction and Sanitation of Class "G" Stockyards

Requirement to keep stock pens free of insects, disease bacteria, virus or parasites.

32. The Dairyman's Act RSA 1970 c.83

B This is an Act respecting the purchasing of milk and cream by a dairy manufacturing plant and prohibits any milk or cream which contains a contaminating substance from being manufactured into a dairy product. (Section 13 and 15 (e)).

Alberta Regulation 250/64 - Regulations under the Dairyman's Act O.C. 793/64 and as amended by Regulation 334/65.

Governs the production, manufacture, grading and composition of dairy products. Prohibits the sale of milk intended for human consumption, from a cow that has consumed feed containing any pesticide, herbicide, fungicide, or any other element which might endanger human health.

ALBERTA (cont'd)

33. The Public Health Act RSA 1970 c.294 as amended to 1971.

BD This Act respects Public Health and is empowered to regulate production and handling of any article to be sold for food to the public. The Act also protects the water resources from pollution and the atmosphere and soil from contamination.

Alberta Regulation 256/64 - Regulations Respecting the Use of Pesticides O.C. 796/64.

The regulations provide that no pesticide shall be applied without proper licensing. Class A and Class B licenses cover fumigants and common pesticides.

34. The Alberta Pharmaceutical Association Act RSA 1970 c.274 amended to 1971.

A Within the terms of this Act, only registered pharmaceutical chemists may sell poisons, exceptions being made for products defined by the Proprietary or Patent Medicine Act, and gopher poisons registered under the Pest Control Products Act. Provision is made for the use of poison labels and poison registers.

35. The Environment Conservation Act RSA 1970 c.125

G This Act empowers the Environment Conservation authority to make regulations restricting the pollution of natural resources. Natural resources are defined as any plant or animal life or land, water and air.

36. The Clean Water Act SA 1971 c.17 and Regulation 300/71

B This Act restricts the use of pesticides and herbicides at or near storage resevoirs and waterworks systems for human consumption.

BRITISH COLUMBIA

37. Pharmacy Act Amendment Act SBC 1965 c.34

ABCD

This Act provides for the regulation of the sale of pesticides and veterinary drugs by licensing outlets, and also for the control of use of pesticides by licensing applicators. Section 45 is directed specifically to agricultural pesticides. Scientific analysis for pesticides in all agricultural products and their subsequent detention is provided for within the terms of the Act.

BC Regulation 44/69 - "Regulations Providing for the Sale or Provision of Services Involving the Use or Application of Pesticides".

Under the Pharmacy Act this regulation provides for licences and permits to Pesticide Applicators. Aldrin, chlordane, dieldrin, DDT, endrin and heptachlor are restricted for use by Pesticide Applicators who require a permit.

BC Regulation 311/68 and 236/69 - "Regulations Providing for the Sale, Distribution and Keeping of Agricultural Pesticides in Open Shop".

This regulation under the Pharmacy Act provides for records of purchases to be kept by Pesticide Dealers and signed for by the customer, for certain prescribed chlorinated hydrocarbons and other specific agricultural pesticides.

38. Wildlife Act SBC 1966 c.55

E

(The Game Act RSBC 1960 has been superseded by the Wildlife Act).

This Act provides that no person shall hunt, trap, wound or kill wildlife with poison. Regulations under this Act to prohibit the placing of poison on any land in the province can be enforced.

BRITISH COLUMBIA (cont'd)

39. Creston Valley Wildlife Management Area Act SBC 1968 c.14

E This Act restricts the spraying for insect or vegetation control within the Management Area by permit only, obtainable from the Management Authority.

40. Plant Protection Act RSBC 1960 c.287

F This Act provides for regulations to be made to prevent the spread of any insect, pest or disease destruction to vegetation by spraying or any other method. In 1966 a regulation pertaining to the Balsam Woolly Aphid was passed (BC 58/66) and in 1971 new regulations for the control of the European Pine Shoot Moth were drafted (BC 81/68).

41. Noxious Weeds Act RSBC 1960 c.267

F This Act provides that every occupant or owner of land shall be required to destroy noxious weeds on his property. A schedule of noxious weeds is provided by the BC Department of Agriculture.

42. Grasshopper Control Act RSBC 1960 c.167

DF Subject to the conditions of this Act an area may be designated as a control area in which grasshoppers shall be controlled using those measures determined by committee.

43. Water Act RSBC 1960 c.405

G This Act provides for the management of water resources and prohibits the placing of any substance or thing into a stream, after direction not to do so by a Provincial Authority. (s. 41, ss. k); the section however, refers primarily to waste products rather than biologics.

MANITOBA

44. The Pesticide Control Act RSM 1970 c.P40 Regulations
15/66 and 94/63

ACD This Act requires that any pesticide dealer or distributor be licensed under the provisions of this Act and keep records on the supply, sale and use of pesticides so handled, particularly including chlorinated hydrocarbons.

Dieldrin and Aldrin are prohibited for use on food or oilseed crops and on public thoroughfares, wastelands or lands set aside for public purposes.

45. The Plant Pests and Diseases Act RSM 1970 c.P90

F This Act provides that government inspectors may order diseased or infected plants or seeds to be destroyed, or treated by fumigation or spraying. Regulations list diseases designated under the Act, including Dutch Elm Disease among others. Nematodes are also designated as pests under the Act.

Manitoba Regulation 128/70 - "Regulation for Respecting
the Qualifications and Licensing of Tree Pruners".

This regulation made under the Plant Pests and Diseases Act (45) provides for the examination and licensing of tree pruners in the province.

46. The Predator Control Act RSM 1970 c.P110

EF This Act provides that no person shall kill a predator by use of poison or poison baits without written permission of the Minister appointed for the administration of the Act.

MANITOBA (cont'd)

47. The Wildlife Act RSM 1970 c.W140

E This Act makes it an offence to take, kill or capture a wild animal using poison.

48. Noxious Weeds Act RSM 1970 c.N110

F Under the terms of this Act a number of noxious weeds are defined and inspectors are empowered to prevent spread of weed seeds and to destroy these weeds on any land. Municipalities are authorized to enter into agreements with landowners to eradicate weeds by any means including the use of chemicals.

49. The Public Health Act RSM 1970 c.P210

BD This Act provides for the Public Health and also regulates the use of pesticides in the destruction of rodents, insects and other vermin.

50. The Forest Act RSM 1970 c.F150

E Under section 43 of this Act the Minister may make arrangements with federal, provincial or municipal authorities or the owner or licensee of a forest, for the protection of forest resources, including protection from insects and disease.

51. The Pharmaceutical Act RSM 1970 c.P60

A The Pharmacy Act provides for the regulation of the sale of poisons by licensed people and that the sale of certain poisons shall be recorded. Those products registered under the Pest Control Products Act (Canada) are exempt.

MANITOBA (cont'd)

52. The City of Winnipeg Act SM 1971 c.105

F Section 415 of this Act permits the City of Winnipeg to carry out such work as deemed necessary for the suppression of mosquitoes, flies and other insects within a fifteen mile radius. This Act comes into force as of January 1, 1972.

53. The Clean Environment Act RSM 1970 c.C130

D This Act provides regulations for controlling the amounts of contaminants that may be discharged or emitted into the air, soil and water. Contaminants are defined as any substance that affects the natural, physical, chemical or biological quality of the environment.

54. The Dairy Act RSM 1970 c.D10

B This Act provides that no substance capable of contaminating any dairy product shall be stored within the dairy manufacturing plant or near the finished product.

55. The Ground Water and Water Well Act RSM 1970 c.G110

B This Act provides for the purity and conservation of well waters and ground waters, stipulating that no one shall dig wells without certain precautions and that no one shall deposit any material in or near a well which might impair the purity of the water.

NEW BRUNSWICK

56. The Pesticides Act Bill 75 1st. Session Legislative Assembly New Brunswick 1971.

ABCD Under this proposed legislation, the Lieutenant-Governor in Council may make regulations designating pests and pesticides; prohibiting or restricting the sale and use of pesticides; licensing pesticide applicators; and, examining pesticide contaminants in foods.

57. Injurious Insect and Pest Act RSNB 1952 c.110, as amended by SNB 1957 c.43

F Regulations under this Act may be made to eradicate, control or prevent the spread of any insect, pest or plant disease injurious to vegetation. Regulation 85 deals with Dutch Elm Disease.

58. The Weed Control Act SNB 1969 c.21

F This Act provides for the inspection of lands and requires the owner or occupant to destroy or control of noxious weeds thereon.

59. The Plant Diseases Act SNB 1969 c.15

F This Act provides for the inspection of nurseries and any other premises for the purposes of treating or destroying diseased plants.

60. The Potato Industry Act SNB 1969 c.16

F This Act enables the Minister through the Joint Council to make regulations preventing the spread of insects, pests or diseases of potatoes.

NEW BRUNSWICK (cont'd)

61. The Warble Fly Free Area Act RSNB 1952 c.245

F This Act allows the establishment of areas within which all reasonable measures may be taken to eradicate warble fly infestations, and allows for cattle to be treated at least twice a year.

62. The Logging Camps Act SNB 1961-62 c.44

F This Act provides for the standards of cleanliness around logging camps and includes the directive that lime or insecticides shall be used on or in refuse pits to control flies.

63. The Apiary Inspection Act RSNB 1952 c.7

G The treatment of bees with sulfathiazole for American Foulbrood is provided for by this Act.

64. An Act to Amend the Social Services and Education Tax Act SNB 1971 c.65

A This Act provides for imposition of a tax on consumed goods but exempts agricultural supplies such as fertilizers, fungicides and weed control chemicals.

65. The Pharmaceutical Act SNB 1958 c.77, amended to 1963 c.92

A This Act provides for the sale of poisons only by pharmaceutical chemists or holders of licenses; that poison labels shall be used; and a sale registry maintained. The Act exempts fungicides, herbicides and insecticides with no reference to the P.C.P. Act.

NEW BRUNSWICK (cont'd)

66. The Health Act RSNB 1952 c.102 - consolidated to 1970

BD This Act provides that regulations may be made to license and regulate the destruction of vermin. Protection from pollution and fouling of all water supplies is provided by the Act. Regulations exist that curtail the sale of milk or food of any kind that is adulterated or impure.

67. The Water Act SNB 1960-61 c.19 - consolidated to 1970

G This Act prohibits any community or person from polluting waters with any material that could alter the biological, chemical, physical or aesthetic qualities or do anything that may render such water harmful to the public, animals, birds or aquatic life.

68. The Clean Environment Act SNB 1971 c.3

G This Act provides regulations for the inspection of lands and premises to ensure that substances harmful to the environment are not discharged or emitted into the soil, water or air in amounts greater than permissible levels.

NEWFOUNDLAND

69. The Pesticides Control Act SNfld 1970 c.80

ABCDE This Act provides for the licensing, sale and use of pesticides and herbicides. Regulations for the safe handling, distribution and disposal of pesticides are included in the Act. Inspectors are appointed who may terminate the method of application or use of pesticides if deemed hazardous to persons, animals, crops or plant life. Analysis of foods for pesticide contaminants are also provided for.

70. The Plant Protection Act SNfld 1954 c.15

F The Act contains regulations concerning the manner of treatment and treatment of any plant to control the spread of disease in nurseries or private lands.

71. The Clean Air, Soil and Water Authority Act SNfld 1970 c.81

GD This Act provides controls for pollutants emitted into the air, soil and water. The Lieutenant-Governor in Council is responsible for formulating regulations to preserve the aesthetic, physical, chemical and biologic qualities of the environment.

NOVA SCOTIA

72. The Lands and Forests Act RSNS 1967 c.163, as amended to 1970

EF Strychnine or other poison shall not be used to kill or take fur-bearing animals. Recent amendments (section 115A) empowers the Minister of Lands and Forests to eliminate, control or prevent the spreading of Dutch Elm Disease in trees or tree areas.

73. The Environmental Pollution Control Act SNS 1970 c.4

E This Act empowers the Minister to order the cessation of any Act that would alter the physical, chemical, biological or aesthetic properties of the environment.

74. The Water Act RSNS 1967 c.335, as amended to 1968 c.64

BE The discharge of material into the waters of the Province is deemed an offence under this Act. Pollution is defined in the same broad terms of the Environmental Pollution Control Act (73).

75. The Agriculture and Marketing Act RSNS 1967 c.3

F This Act provides that the Provincial Entomologist may exercise all the power of an inspector appointed under the Act in the control of plant diseases, insects and other pests. The Act specifically regulates the apple maggot and contagious diseases among bees e.g. American Foulbrood, European Foulbrood or Sacbrood disease.

76. The Potato Industry Act RSNS 1967 c.232

F This Act and regulations provide for the control of introduction and spread of diseases or pests of potatoes within the Province.

NOVA SCOTIA (cont'd)

77. The Pharmacy Act RSNS 1967 c.229

AC This Act decrees that poisons shall only be sold by licensed pharmaceutical chemists, and lists chemicals requiring the poison label and restricted sale. There is no release of P.C.P. registered products.

78. Health Services Tax Act RSNS 1967 c.126, as amended by 1969, c.49

A This Act provides for taxation of commodities but exempts fertilizers, fungicides and weed control chemicals.

79. The Public Health Act RSNS 1967 c.247

BE This Act provides for sanitary environment and asserts no one shall place materials on land or water likely to be injurious to public health.

80. Municipal Act RSNS 1967 c.192

F This Act empowers the municipalities to make regulations concerning the control of weeds; insects and other parasites injurious to fruit, trees and vegetables. However, there are few, if any, such local regulations.

81. The Towns Act RSNS 1967 c.309

G This Act permits towns to make regulations concerning the disinfection and cleanliness of buildings and conveyances within the town. Few, if any, local regulations exist relative to pesticides.

ONTARIO

82. The Forest Tree Pest Control Act RSO 1970 c.180

F Under this Act the Minister of Lands and Forests has wide powers to appraise and control insect or other pest infestations. Forest tree pests are defined as any vertebrate or invertebrate animal or any virus, fungus or bacterium or other organism that is injurious to forest trees.

83. The Environmental Protection Act SO 1971 c.86, Assessed to July 1971.

D Part VI, sections 49-55 deal with pesticides and herbicides and regulates the control of pests by licensed exterminators. Provisions made under the Pesticides Act (85) continue to subsist until amended or revoked by the Environmental Protection Act.

84. The Ontario Water Resources Commission Act RSO 1970 c.332

BE This Act provides the Commission with powers for supervising, regulating into the waters of Ontario that may pollute or impair the quality thereof. Herbicides, for the control of emergent plants in drainage ditches are exempted where registered P.C.P. products are used according to directions.

85. The Pesticides Act RSO 1970 c.346 and Ontario Regulation 445/67, amended by 189/68, 139/69, 197/69, 340/69, 386/69, 68/70, 2/71 and 398/71.

ABCD This is a comprehensive Act governing the use of pesticidal chemicals designated into classes to be handled by applicators also designated into classes according to their licenses obtained from the department. The whole Act is pertinent and does not permit extermination to be carried out if the product is not registered under the P.C.P. Act or if the recommendations are not on the product label.

ONTARIO (cont'd)

86. The Plant Diseases Act RSO 1970 c.350 and Regulation 485/60

DF This Act provides for the formation of disease control areas upon petition of residents and the development of control programs within those areas. Licensing of dealers in nursery stock is required and upon inspection the provincial entomologist may order control or destruction of diseased plants. Several diseases of fruit trees are declared and control programs outlined including the use of chemical sprays.

87. The Weed Control Act RSO 1970 c.493 and Regulation 565/60

F This Act provides the authority to control weeds declared to be noxious. Weeds may be destroyed by several means including treatment with herbicidal chemicals.

88. The Warble Fly Control Act RSO 1975 c.487 and Regulation 364/60 as amended by O.R. 420/70

F This Act provides that Warble Fly shall be controlled and may prescribe the treatments to be followed.

89. The Pharmacy Act RSO 1970 c.348

A This Act releases control over the products registered under the Proprietary or Patent Medicine Act, Pest Control Products Act, and the Feeds Act, but regulates the sale and labelling for poisons designated in the Act.

90. The Bees Act RSO 1970 c.43

E This Act provides for some aspects of bee management and sanitation, and provides that no person shall spray or dust fruit trees while trees are in blossom with any substance injurious to bees.

PRINCE EDWARD ISLAND

91. The Agricultural Chemicals Act SPEI 1971 c.1

ACDE

This Act provides comprehensive legislation in respect of pesticides fertilizers and other chemicals used in agriculture, forestry or provincial lands. Regulations cover the labelling, sale use, disposal and handling of pesticides and the licensing of pesticide applicators. The Act includes all materials that are registered under the P.C.P. Act and requires that the terms of the federal Act be met. Application of pesticides is controlled by permit and these may be suspended by appointed inspectors. Pesticide usage at or near any body of water is regulated in like manner.

92. The Pesticides and Poisonous Top Killing Spray Control Act SPEI 1964 c.24

AC

This Act was never proclaimed and is most likely superseded by the Agricultural Chemicals Act.

93. Policies of the P.E.I. Department of Agriculture

G

These policies provide for subsidization of worm control in sheep, weed control, and grain treatment. This is not an Act but a policy based on a ministerial order.

94. The Potato Production Act RSPEI 1951 c.114 as amended by 1971 c.31

F

This Act states that growers shall exercise the necessary care in planting, cultivation, spraying, dusting or harvesting to avoid contamination with Bacterial Ring Rot organisms.

95. The Plant Disease Eradication Act SPEI 1951 c.111

F

Although this Act is mainly concerned with Bacterial Ring Rot it can be directed against any pest designated as a threat, and methods are outlined for its control.

PRINCE EDWARD ISLAND (cont'd)

96. The Water Authority Act (amended) SPEI 1970 c.43

BG This Act provides for the creation of a Water Authority with exclusive control of surface, ground and shore waters with respect to all matters of use, allocation alteration and pollution.

97. The Sea Plants Act SPEI 1970

B This Act provides for the licensing and inspection of harvested sea plants or sea plant products to be marketed, presumably as a food commodity. The Act regulates quality standards of the marketed product and could imply the setting of contaminant limits.

98. The Natural Products Marketing Act SPEI 1969 c.42

B This Act provides for the inspection and licensing of natural products as food commodities and implies that regulations could be set for contaminant limits in the marketable articles.

99. The Pharmacy Act SPEI 1967 c.39

A Pesticides, poisons and other articles used for agriculture and subject to the P.C.P. Act are excluded from the Pharmacy Act.

100. Fish and Game Protection Act (amended) SPEI 1966 c.15

EF This Act stipulates that poison shall not be used to take game, but does not apply to authorized predatory animal control. No person shall allow anything to be deposited or permit to escape into any inland water that may have a deleterious effect.

PRINCE EDWARD ISLAND (cont'd)

101. The Dairy Products Manufacturing Act SPEI 1954 c.11
(amended to 1970 c.17)

B Sanitary production and handling of milk is provided for in this Act and provides for the rejection of milk containing any contaminating substances and prohibits sale of adulterated milk or cream.

102. The Public Health Act SPEI 1951 c.129 (amended to 1970 c.34)

B This Act provides for disinfection and sanitation of various public places or where food is prepared for sale and for sanitary handling of milk.

103. The Town Act RSPEI 1951 c.162 (amended and consolidated to 1971)

A The Town Act provides for the passing of by-laws which regulate the sale of poisons, the control of noxious weeds, fumigation and the abatement of public nuisances (animals).

QUEBEC

104. The Plant Protection Act RSQ 1964 c.129

F This Act provides for the inspection of nurseries and destruction of plants deemed to be infested. Under its terms areas may be quarantined. Fumigation may be required for imports.

105. The Agricultural Abuses Act RSQ 1964 c.130

F This Act provides that every owner or occupant of land or lot shall control weeds.

106. The Agricultural Products and Food Act RSQ 1964 c.119

BF This Act provides for the regulation of sanitary conditions in the production of feed for man or animals, with respect to, processing, preservation, handling and transportation. It may prohibit or regulate the use of chemical substances which might impair the wholesomeness of an animal or product for food.

107. The Pharmacy Act RSQ 1964 c.255

A This Act provides for the control of sale and labelling of drugs and poisonous chemicals, requiring signatures for drugs listed. P.C.P. registered products are not exempted as such but exemption is made for professional chemists and the products they require in the course of their work.

108. The Bees Act RSQ 1964 c.128

E This Act restricts the dusting of spraying of fruit trees with poisonous substances to times other than bloom.

QUEBEC (cont'd)

109. The Public Health Act RSQ 1964 c.161

BE This Act has wide powers enabling it to ensure that food for human consumption is sanitary and wholesome and permits regulation of the conditions and procedures producing food, and to prevent the sale of food not considered wholesome. Water supplies are similarly regulated, and provides penalties for wilful pollution of water. Milk production and supply are regulated by this Act. Methods of exterminating rats and insects are laid out by the Health Department.

110. The Wildlife Conservation Act SQ 1969 c.58

E This Act replaces the Game Act RSQ 1964 c.202. Under this Act poisons may be used to destroy harmful animals that are determined by regulation.

111. The Water Board Act RSQ 1964 c.183 and Regulation No. 1 April 12, 1969 Quebec Official Gazette.

BE This Act enables the Quebec Water Board to supervise and control all operations affecting the purity of surface and subterranean waters in the province. Regulations which prohibit the pollution of waters by depositing or discharging of organic or inorganic matter are in effect.

112. Municipal Code of Quebec Montreal Fumigation Ordinance By-Law 1275 and By-Law 3911

DF Under this By-Law various poisonous fumigants are named and a system of licensing and permits is in force controlling the fumigation of all buildings for vermin. By-Law 3911 defines fumigants as including halogenated hydrocarbons.

SASKATCHEWAN

113. The Pharmacy Act SS 1971 c.37

A No person shall sell or keep for sale pesticides or poisons unless properly licensed but nothing in the Act prevents the sale of pest control products registered under the Pest Control Products Act (Canada).

114. The Municipalities Seed Grain and Supply Act RSS 1965 c.168

FG This Act permits the municipalities to borrow money to distribute supplies in cases of need, and the supplies include smut control compounds, weed control compounds and gopher poisons. In connection with the Pest Control Products Act (below) two Orders-in-Council have added (a) grasshopper control chemicals (b) pesticides for crop protection to the definition of "supplies" under this Act.

115. The Pest Control Act RSS 1965 c.243

F This Act provides that every person shall take measures to destroy, control and prevent the spread of all pests on any land or other premises owned, occupied or controlled by him. The Lieutenant-Governor on the advice of the Minister of Agriculture (Sask.) may make orders to control or destroy a pest, requiring officers to carry out the direction of the use of insecticides, fungicides or poisons needed to exert control.

(1) Minister's Order - The Brown or Norway Rat

declared a pest July 5, 1956.

(2) Minister's Order - Grasshoppers

declared a pest June 17, 1957.

116. The Pollution (By Live Stock) Control Act SS 1971 c.38

F This Act provides for an order by the Minister of Agriculture to control nuisances (including insects or rodents) resulting from an intensive livestock operation in the province.

SASKATCHEWAN (cont'd)

117. The Noxious Weeds Act RSS 1965 c.236

F This Act provides that certain weeds are noxious and shall be controlled by the occupant of the land. The municipalities may enter into agreement with the occupant and the agreement shall specify the means of control, sowing to grass, use of chemicals or other means.

118. The Pollution of Waters (Prevention) Act RSS 1965 c.352

E This Act protects bodies of water by making it an offense to deposit any substance in or anywhere likely to pollute or impair the quality of water. Such protected waters must be published in the Saskatchewan Gazette as requiring protection. Section 5 allows the use of substances for killing weeds or algae by permit only.

119. An Act to Amend the Water Resources Commission Act SS 1971 c.66

E Section 41A of this Act provides that the Minister may by order prohibit any person from discharging, depositing, draining or releasing any substance that in his opinion is capable of changing the quality of water or of causing water pollution.

120. Saskatchewan Regulation 88/68 Under the Water Resources Commission Act (O.C. 490/68) s.29

Chemical Control of Aquatic Nuisances

E Commission Approval for Algicides and Herbicides 29. (1) No person shall, unless authorized by the commission to do so, place or permit or cause to be placed any substance or material in surface water or along the banks of surface water for the purpose of poisoning, killing or eliminating weeds, algae or other aquatic nuisances.

Exemptions (2) Subsection (1) does not apply to any substance added to surface water for any purpose set out in subsection (1) where:

SASKATCHEWAN (cont'd)

(a) the surface water is located wholly within the boundaries of land that is owned by or in the lawful possession of the person by whom or on whose behalf the substance is added; and

(b) the surface water does not discharge water by any means directly or indirectly, other than by percolation, into surface water that is located wholly or partly outside the boundaries of such land.

121. An Act to Amend the Rural Municipality Act SS 1968 c.60 s.191 ss.43

F This Act specifies the powers and responsibilities of a rural municipality and authorizes the passage of by-laws providing extermination of birds, animals or insects that impede agriculture.

122. The Rural Municipality Act RSS 1965 c.150

F This Act specifies the powers and responsibilities of a rural municipality and authorizes the passage of by-laws providing extermination of birds, animals or insects that impede agriculture. Section 194 provides by-laws which allow the municipality to exterminate gophers and rats on private lands.