



## **PLEASE NOTE**

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the [\*Table of Public Acts\*](#).

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## CHAPTER P-4

### PESTICIDES CONTROL ACT

<b>1. In this Act</b>	Definitions
(a) “animal”	animal
(i) means any animal other than man,	
(ii) includes mammals, birds, fish, amphibians, reptiles, invertebrates, insects and animals similar to insects, wild or domestic, living or dead;	
(a.1) “application” in relation to a pesticide, means any release into the environment;	application
(i) that is in accordance with information on the pesticide product label, and	
(ii) that is in accordance with the <i>Pest Control Products Act</i> (Canada) regulations;	
(b) repealed by 2005,c.15,s.1;	Committee
(c) “Department” means the Department of Environment and Energy;	Department
(d) “Director” means such employee of the Department as may be so designated by the Minister;	Director
(d.1) “discharge” includes any drainage, deposit, release, spill, leak or emission of a pesticide into the environment but does not include application;	discharge
(e) “inspector” means an inspector appointed by the Minister for the purposes of this Act and the regulations;	inspector
(e.1) “license” means a license authorizing a person to sell or apply a pesticide;	
(f) “Minister” means the Minister designated by the Lieutenant Governor in Council to administer this Act;	Minister
(g) “natural environment” means all or any part or combination of the air, land and water of Prince Edward Island;	natural environment
(h) “open body of water” means a watercourse or wetland that contains water at the time a pesticide is applied;	open body of water
(i) “pesticide”	pesticide
(i) means any product, device, organism, substance or thing intended, sold or represented for use in destroying or repelling	

	<p>any insect, nematode, rodent, predatory animal, bacterium, fungus, weed or other form of plant or animal life or virus, except bacteria or fungi living in man or animals, and</p> <p>(ii) includes any product, device, organism, substance or thing required to be registered under the <i>Pest Control Products Act</i> R.S.C. 1985, Chap. P-9;</p>
pesticide certificate	(i.1) "pesticide certificate" means a document issued to a certified applicator, certified assistant or certified salesperson as defined in the regulations;
plant	(j) "plant" means any vegetative plant grown for agricultural, forestry, aesthetic or aquatic purposes;
sell	(k) "sell" includes keep for sale, expose for sale, offer for sale and advertise.
watercourse	(l) "watercourse" means the full length and width, including the sediment bed, bank and shore, of any stream, spring, creek, brook, river, lake, pond, bay, estuary or coastal water body or any part thereof, whether the same contains water or not;
wetland	(m) "wetland" means lands commonly referred to as marshes, salt marshes, swamps, bogs, flats and shallow water areas that are saturated with water long enough to promote wetland or aquatic processes which are indicated by poorly drained soil, water-tolerant vegetation, and biological activities adapted to a wet environment. 1984,c.29,s.1; 1988,c.49,s.1; 1993,c.29,s.4; 1997,c.20,s.3; 2001,(2nd),c.46,s.1; 2002,c.18,s.1; 2004,c.36,s.3; 2005,c.15,s.1.
Sale of pesticides	<p><b>2.</b> 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</p> <p>(a) registration;</p> <p>(b) packaging and labelling; or</p> <p>(c) efficacy in relation to the purpose for which it was manufactured or made. 1984,c.29,s.2.</p>
Illegal use of pesticides	<p><b>3.</b> (1) No person, whether or not acting under the authority of a license, pesticide certificate or permit under this Act or any exemption under the regulations, shall apply, discharge, or cause or allow the application or discharge of a pesticide or of any substance or thing containing a pesticide into the natural environment that</p> <p>(a) causes or is likely to cause impairment of the quality of the natural environment greater than the impairment, if any, that would necessarily result from the proper use of the pesticide;</p>

- (b) causes or is likely to cause injury or damage to property or to plant or animal life greater than the injury or damage, if any, that would necessarily result from the proper use of the pesticide;
- (c) causes or is likely to cause harm or discomfort to any person greater than the harm or discomfort, if any, that would necessarily result from the proper use of the pesticide; or
- (d) impairs or is likely to impair the safety of any person to a greater degree than the impairment, if any, of the safety of any person that would necessarily result from the proper use of the pesticide.

(2) A statement in or upon a pesticide container in which a pesticide is or was contained, purporting to be a recommendation as to the use of the pesticide contained therein, is admissible in evidence in a prosecution for a violation of subsection (1) and, in the absence of proof to the contrary, shall be held to be the manufacturer's written recommendation as to the use of the pesticide. 1984,c.29,s.3; 2001,(2nd),c.46,s.2. Evidence of recommended use

4. (1) Every person who keeps, stores or transports a pesticide shall do so in a manner that Keeping, storage and transportation of pesticides

- (a) ensures that the pesticide does not come into contact with or contaminate food or drink of humans, animals or plants; 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 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. 1984,c.29,s.4. Sale of pesticides in bulk

5. (1) No person shall have in his possession or keep a pesticide in a container other than Pesticide, containers and storage

- (a) the container in which the pesticide was originally stored for sale or offered for sale after manufacture; 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) Subsection (1) does not apply to the storing or keeping of pesticides in tanks or machines that are used for the mixing, holding or applying of pesticides. 1984, c.29, s.5. Application of subsection (1)

6. No person shall Disposal of pesticides

- (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 or in a manner, as the case may be, that is  
 (c) prescribed by the regulations; or  
 (d) recommended by the manufacturer of the pesticide or the Minister. 1984, c.29, s.6.
- Pesticides in water **7.** No person shall apply or cause or allow the application of a pesticide or any substance containing a pesticide into, upon or over an open body of water unless the person holds a permit in accordance with the regulations authorizing that person to so act. 1984,c.29,s.7; 2001,(2nd),c.46,s.3.
- Licensing of pesticide services and vendors **8.** No person shall  
 (a) operate a business or provide a service involving the sale, use or application of a pesticide; or  
 (b) for hire or reward apply or offer to apply or sell a pesticide,  
 unless he is licensed to do so pursuant to the regulations under this Act. 1984,c.29,s.8.
- Pesticides Advisory Committee **9.** Repealed by 2005,c.15,s.2. 1984, c.29, s.9; 2005,c.15,s.2.
- Meetings **10.** Repealed by 2005,c.15,s.2. 1984, c.29, s.10; 2005,c.15,s.2.
- Licenses, etc. **11.** (1) The Minister may issue, refuse, renew, suspend, cancel or reinstate any license, permit or pesticide certificate.
- Delegation (2) The Minister may delegate to the Director his powers under subsection (1). 1984,c.29,s.11; 1991,c.28,s.1; 2001,c.46,s.4.
- Orders **12.** Where the Minister determines that any crop, food, feed, animal, plant, water, produce, product or other matter is contaminated by a pesticide, he may by order  
 (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,  
 and no person shall be entitled to compensation therefor. 1984,c.29,s.12.
- Inspectors **13.** The Minister may appoint one or more employees of the Department as inspectors for the purpose of administering this Act and the regulations. 1984,c.29,s.13.
- Order suspending dangerous user, etc. **14.** (1) Where an inspector, having reasonable and probable grounds, believes that the use, handling, storage, sale, disposal or display, or the

method of application or transportation, of a pesticide is or may be dangerous to the health of persons or of any animal or contrary to the specifications in the relevant certificate of registration under the *Pest Control Products Act* (Canada), he may in writing order the suspension of that use, handling, storage, sale, disposal or display, or method of application or transportation, of the pesticide for a period not exceeding seven days from the issuance of the order.

(2) Each order under subsection (1) shall indicate the reason for making it and the inspector shall send a copy of the order to the Director.

Reason to be indicated

(3) The Director shall forthwith review an order made by an inspector under subsection (1) and may vary or revoke the order. 1984,c.29,s.14.

Review by Director

**15.** (1) Where, having reasonable and probable grounds, the Director believes that the use, handling, storage, sale, disposal or display of, or the method of application or of transportation of, a pesticide or of a substance or thing containing a pesticide

Chemical control order

- (a) causes or is likely to cause injury or damage to or impairment of the quality of the natural environment;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) adversely affects or is likely to adversely affect the health or safety of any person; or
- (d) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man,

the Director may make an order called a “chemical control order” directed to the person responsible for the pesticide or the substance or thing containing a pesticide, and shall cause a copy of the order to be served on the person to whom the order is directed.

(2) The Director, in a chemical control order, may order the person responsible for the pesticide or the substance or thing containing the pesticide to do any or all of the following:

Directions contained in order

- (a) limit or control the rate of application or discharge of a pesticide or a substance or thing containing a pesticide into the natural environment in accordance with the directions set out in the order;
- (b) stop the application or discharge of a pesticide or a substance or thing containing a pesticide into the natural environment,
  - (i) permanently,
  - (ii) for a specified period of time, or
  - (iii) in the circumstances set out in the order;
- (c) comply with any directions set out in the order relating to the manner in which a pesticide or a substance or thing containing a pesticide or any container of either of them may be handled, stored, used, disposed of, transported, displayed or manufactured.

Variation of order	(3) The Director, under any of the circumstances set out in subsection (1), may by a further order amend, vary or rescind a chemical control order and in that case shall cause a copy of the amending, varying or rescinding order to be served on the person to whom the chemical control order was directed. 1984,c.29,s.15; 2001,c.46,s.5.
Notice	<b>16.</b> Where the Minister, acting under section 11 or 12, does an act, to the direct adverse interest of any person, the Minister shall in writing at the time notify that person, giving reasons therefor. 1984,c.29,s.16.
Enforcement of orders	<b>17.</b> (1) Where the person to whom an order is directed under section 14 or 15 fails to comply with the order, the Director may take whatever action he considers necessary to effect compliance with the order and may charge the cost of that action to the person to whom that order is directed.
Recovery of costs	(2) The cost incurred under subsection (1) in effecting compliance with an order <ul style="list-style-type: none"> <li>(a) shall be paid on demand by the person to whom the order was directed; and</li> <li>(b) is recoverable by the Minister as a debt due to the Crown. 1984, c.29, s.17.</li> </ul>
Appeal	<b>18.</b> Repealed by 2005,c.15,s.2. 1984, c.29, s.18; 2005,c.15,s.2.
Powers to inspect and take samples	<b>19.</b> (1) For the purposes of carrying out this Act and the regulations an inspector may <ul style="list-style-type: none"> <li>(a) at any reasonable time enter upon and inspect any land, premises, vehicle, equipment, record, document or other property;</li> <li>(b) inspect and take samples of or extracts from anything referred to in clause (a) or of any soil, water, food, feed, crop, animal, pesticide or other substance; and</li> <li>(c) subject anything referred to in clause (b) to laboratory analysis or other examination for the purpose of determining whether or not the article or substance in question is or has been contaminated by a pesticide.</li> </ul>
Premises	(2) In subsection (1) “premises” does not include a private dwelling house.
Certificate of appointment	(3) The Minister shall furnish an inspector 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. 1984, c.29, s.19.
Authority from judge to enter private dwelling	<b>20.</b> (1) Where it appears to a provincial court judge, on information laid before him on oath, that there are reasonable and probable grounds for

believing that a private dwelling house within his territorial jurisdiction 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,

the judge may issue a warrant authorizing a peace officer, with or without an inspector, to enter the private dwelling house, by force if necessary, and search therefor.

(2) Before entering a private dwelling house pursuant to this section, a peace officer shall take reasonable steps to find the owner or person in charge thereof and shall endeavour to obtain the cooperation of that person.

Attempt to locate owner and seek cooperation

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

Use of force

(4) Where anything referred to 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 item found at any other place may be dealt with under this Act. 1984, c.29, s.20.

Disposition of materials found

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

Assistance to inspector

(2) No person shall obstruct or hinder an inspector in the carrying out of his functions under this Act. 1984, c.29, s.21.

Obstruction

**22.** The Lieutenant Governor in Council may make regulations

Regulations

- (a) prescribing the qualifications of applicants and the procedures for obtaining any class of license or pesticide certificate;
- (b) requiring persons licensed or holding a pesticide certificate or holding a permit to keep such records and to make such returns and in such manner as the regulations may prescribe;
- (c) prescribing the duration of any license or pesticide certificate or permit and fees for the issue, renewal or reinstatement of licenses or pesticide certificates or permits;
- (d) prescribing
  - (i) classes of licenses and permits,



- (ii) the chemicals or other substances to which each class of license or permit relates, and
  - (iii) the nature and extent of the authority granted by each class of license or permit;
- (d.1) prescribing a system to be applied to certified applicators, certified assistants, and certified salespersons as defined in the regulations, setting out the terms and conditions under which the person who holds a pesticide certificate may apply, purchase or sell pesticides;
- (e) requiring applicants for licenses to apply pesticides to furnish a bond or carry insurance, of a type and in an amount that the regulations may specify, and providing that where a bond or policy of insurance expires or is cancelled, the license shall automatically be cancelled;
- (f) requiring that any pesticide be registered in such manner and by such persons as the regulations may require, before being sold, supplied or used;
- (g) prescribing or restricting the manner in which a pesticide may be stored, transported, packaged, labelled, handled or sold or otherwise distributed;
- (h) prohibiting or restricting the sale or supply in bulk of a pesticide or of any substance treated by or mixed with a pesticide;
- (i) prohibiting or restricting the use in general or in a particular way of a pesticide;
- (j) prohibiting or restricting the use of any machine or other equipment in connection with the storage, use, application or transportation of a pesticide;
- (k) prescribing the conditions that must be met before a person may be eligible to apply a pesticide in any open body of water;
- (l) prohibiting or restricting the disposal or the manner in which a pesticide or a package, container or other apparatus used in connection with a pesticide may be disposed of;
- (m) restricting the transport of a pesticide in or on any vehicle which is located within twenty-five metres of the open body of water;
- (n) requiring that containers for pesticides be labelled so as to clearly specify the manner of use recommended by the manufacturers thereof;
- (o) prescribing forms and procedures to be used under this Act;
- (p) restricting the application of pesticides
- (i) in a manner prescribed by the regulations, and
  - (ii) within geographic zones set out in the regulations;
- (q) restricting the application of pesticides
- (i) in a manner prescribed by the regulations, and
  - (ii) under climatic conditions set out in the regulations;

(r) exempting any pesticide, or group of pesticides, from the operation of this Act, and prescribing the conditions for exemption; and

(s) respecting any other matter considered necessary or advisable to carry out effectively the intent and purpose of this Act. 1984, c.29,s.22;1991,c.28,s.2;2001,(2nd),c.46,s.6; 2005,c.15,s.3.

**23.** Every person who fails to comply with or contravenes any provision of this Act or the regulations is guilty of an offence and liable, on summary conviction, Offences

(a) to a fine of not less than \$1,000 and not more than \$50,000 where the person is a natural person;

(b) to a fine of not less than \$5,000 and not more than \$250,000 where the person is a corporation; and

(c) to pay such restitution as the judge considers appropriate to any person aggrieved or affected by the failure or contravention. 1984,c.29,s.23;2001,(2nd),c.46,s.7; 2005,c.15,s.4.

**24.** (1) The Minister may appoint an analyst for the purposes of this Act and may make payment to the analyst for his services and any expenses incurred by him in the administration or enforcement of this Act. Appointment of analyst

(2) In any proceedings under this Act, a certificate of analysis of any substance, purporting to be signed by an analyst appointed under subsection (1), shall be admitted in evidence as *prima facie* proof of the facts stated therein without proof of the signature or appointment of the person making the certificate. 1984, c.29, s.24. Certificate of analyst as evidence