

The Pest Control Products Regulations, 2015

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[Chapter P-8 Reg 4](#) (effective June 25, 2015).

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 REG 4

The Pest Control Products (Saskatchewan) Act

Title

1 These regulations may be cited as *The Pest Control Products Regulations, 2015*.

Interpretation

2(1) In these regulations:

“**Act**” means *The Pest Control Products (Saskatchewan) Act*;

“**agricultural producers**” includes farmers and ranchers, but does not include greenhouse owners or operators;

“**approved**” means, except in section 5, clause 7(2)(c) and section 10, approved by the minister;

“**commercial pesticide**” means a pesticide classified and labelled as “Commercial” pursuant to the federal regulations;

“**direct supervision**” means being within visual and auditory hailing distance;

“**dispenser**” means a person approved as being qualified to dispense pesticides at an outlet covered by a pesticide vendor licence;

“**federal Act**” means the *Pest Control Products Act (Canada)*;

“**federal regulations**” means the regulations made pursuant to the federal Act;

“**licence**” means a licence of any class issued pursuant to section 11;

“**local authority**” means:

- (a) a city within the meaning of *The Cities Act*;
- (b) a town, village, resort village or rural municipality within the meaning of *The Municipalities Act*;
- (c) a town, northern village or northern hamlet within the meaning of *The Northern Municipalities Act, 2010*; or
- (d) the Saskatchewan portion of the City of Lloydminster;

“**ministry**” means the ministry over which the minister presides;

“**pesticide applicator**” means any individual who uses or applies a pesticide;

“**pesticide applicator licence**” means a pesticide applicator licence issued pursuant to subsection 11(1);

“**pesticide service licence**” means a pesticide service licence issued pursuant to subsection 11(1);

“**pesticide vendor licence**” means a pesticide vendor licence issued pursuant to subsection 11(1);

“**restricted pesticide**” means a pesticide classified and labelled as “Restricted” pursuant to the federal regulations;

“**storage facility**” means a structure for the storage of pesticides, but does not include a transport trailer;

“**use**” means any activity listed on the label of the pesticide product if that product is used in accordance with that label, and includes the following activities:

- (a) the manufacture, sale or offer for sale, transport, storage, mixing or loading of pesticides;
- (b) the offer to apply or the application of pesticides;
- (c) the disposal of pesticides;

“**watering point**” means a water source that is not an open body of water.

(2) For the purposes of the Act and these regulations, “**open body of water**” means a river, stream, lake, creek, spring, lagoon, swamp, marsh, water reservoir or other body of water above the surface of the land that normally flows or overflows to any adjacent land or body of water, whether wet or dry.

3 Jly 2015 cP-8 Reg 4 s2.

Designation of pesticides

3 Every substance that is registered pursuant to the federal Act as a pest control product is designated as a pesticide for the purposes of the Act, unless that substance is otherwise designated by these regulations.

3 Jly 2015 cP-8 Reg 4 s3.

Non-application of section 4 of Act

4 Section 4 of the Act does not apply for the purposes of research or testing by a person employed by any university or other institution of research or learning, pesticide development company or agency of the federal, provincial or municipal governments if:

- (a) the research or testing takes place on land owned or occupied by the university, institution, company or agency; or
- (b) the minister has given prior written approval for those purposes.

3 Jly 2015 cP-8 Reg 4 s4.

Open bodies of water

5 No person shall apply a pesticide to any open body of water or to its banks unless that person holds a permit to do so issued or approved by the minister responsible for the administration of *The Environmental Management and Protection Act, 2010* pursuant to that Act and the regulations made pursuant to that Act.

3 Jly 2015 cP-8 Reg 4 s5.

Backflow control devices

6(1) No person shall draw or pump water from an open body of water directly into an aircraft, vessel, vehicle, machine, equipment or container used to hold, mix or apply a pesticide unless:

- (a) if the spray tank is filled from the top:
 - (i) an air gap is maintained between the water supply outlet and the aircraft, vessel, vehicle, machine, equipment or container; and
 - (ii) a person 16 years of age or older is present at all times during the filling procedure; or
- (b) if the spray tank is filled at a location other than the top, an operating system is in place to prevent backflow or siphoning from the spray tank back into the open body of water.

(2) No person shall draw or pump water from a watering point directly into an aircraft, vessel, vehicle, machine, equipment or container used to hold, mix or apply a pesticide unless:

- (a) an air gap is maintained between the watering point and the aircraft, vessel, vehicle, machine, equipment or container;
- (b) a person 16 years of age or older is present at all times during the filling procedure; and
- (c) the owner of the watering point consents to the operation.

3 Jly 2015 cP-8 Reg 4 s6.

Storage of pesticides

7(1) Every person who keeps or stores a pesticide shall ensure that the pesticide or any container that holds or has been used to hold the pesticide is kept and stored separate from any foodstuffs, feeds or other material intended for consumption by humans or animals by:

- (a) in the case of a restricted pesticide, keeping or storing it:
 - (i) in a separate locked building; or
 - (ii) in a separate locked room or compartment that has no opening except for ventilation and entrance or exit and that is partitioned from floor to ceiling with suitable building materials that conform to applicable fire and building codes; or

- (b) in the case of a pesticide other than a restricted pesticide, keeping or storing it:
 - (i) in a separate locked building;
 - (ii) in a separate locked room or compartment that has no opening except for ventilation and entrance or exit and that is partitioned from floor to ceiling with suitable building materials that conform to applicable fire and building codes; or
 - (iii) in a building, separated from the nearest foodstuffs, feeds or any other material intended for consumption by humans or animals by means of packaging or a method otherwise acceptable to an inspector.
- (2) In addition to meeting the requirements of subsection (1), every person who sells a commercial pesticide or restricted pesticide or stores it for gain or reward:
 - (a) shall ensure that the storage area has:
 - (i) a source of water in an area in or adjacent to the storage area;
 - (ii) protective clothing, a first aid kit and a respirator, all appropriate to the pesticide stored, that are properly maintained, functional and available at all times for personnel handling and working with pesticides;
 - (iii) flooring that is constructed to contain spills or leaks and that does not contain any floor drain or catch basin directly or indirectly connected to any private or municipal sewage system or public watercourse or open body of water;
 - (iv) flooring that is capable of being readily cleaned and decontaminated of pesticides stored within the storage area;
 - (v) adequate ventilation, either by natural or mechanical means, to prevent the accumulation of toxic or flammable vapours;
 - (vi) a “Danger -- Stored Pesticide” sign printed in block letters five centimetres or more in height, posted on each entrance;
 - (vii) a source of lime, coarse clay, sand, sawdust or other absorbent material to soak up a spilled pesticide; and
 - (viii) suitable and adequate washing facilities for personal decontamination at or near the storage area;
 - (b) if the storage area is in a location protected by a municipal fire department, shall provide a list of pesticides and estimated quantities normally held in storage to the chief of the fire department semi-annually and shall notify the chief of any significant changes in stocks that occur during the year; and
 - (c) shall ensure that the storage facility is approved or registered pursuant to *The Hazardous Substances and Waste Dangerous Goods Regulations*.

(3) Every person responsible for materials treated with pesticides or containers that hold or have been used to hold pesticides, whether damaged, obsolete or partially full, shall ensure that the materials or containers are:

- (a) kept in storage adequately secured against children and animals; or
- (b) destroyed or decontaminated in accordance with instructions provided by the manufacturer.

3 Jly 2015 cP-8 Reg 4 s7.

Transportation of pesticides

8 Every person who transports a pesticide shall ensure that the pesticide, any material mixed or treated with the pesticide or any container that holds or has been used to hold the pesticide is transported separate from the food and drink of humans or animals and from plants by keeping the pesticide, material or container in vapour-proof containers packaged separately in a secure manner so as to remain upright at all times, or otherwise in a manner satisfactory to an inspector.

3 Jly 2015 cP-8 Reg 4 s8.

Treated grains

9(1) Every person who transports, sells or supplies, or stores for the purposes of transport, sale or supply, grain treated with a pesticide shall ensure that all seed grain treated with a pesticide is transported in sacks or other sealed containers or, if transported in bulk, is securely covered by a tarpaulin or similar cover to prevent any spillage during transportation.

(2) Every person who sells or supplies seed grain treated with a pesticide to any other person shall, at the time of sale or supply, provide the purchaser or other person supplied with a warning in writing respecting its handling and use, including the words “treated seed is poisonous”.

(3) Every person who transports, sells or supplies, or stores for the purposes of transport, sale or supply, bagged seed treated with a pesticide shall ensure that each bag has attached to it a conspicuous tag that includes the words “Do not use for food or feed; this seed has been treated with (technical name of the product used for the treatment)”.

3 Jly 2015 cP-8 Reg 4 s9.

Disposal of pesticides

10 Except in a manner consistent with label directions or in a manner permitted, licensed, approved or authorized pursuant to *The Environmental Management and Protection Act, 2010* or regulations made pursuant to that Act, no person shall:

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

3 Jly 2015 cP-8 Reg 4 s10.

Licences, general

11(1) The minister may, for the purposes of these regulations, issue the following classes of licences to applicants who have met the requirements set out in these regulations:

- (a) pesticide applicator licences;
 - (b) pesticide service licences;
 - (c) pesticide vendor licences.
- (2) Unless suspended or cancelled pursuant to the Act or these regulations, a licence is valid:
- (a) for a pesticide applicator licence, for a period of:
 - (i) one year from the date of its issue; or
 - (ii) five years from the date of its issue;
 - (b) for a pesticide service licence, until the December 31 following the date on which it becomes effective; or
 - (c) for a pesticide vendor licence, until the October 31 following the date on which it becomes effective.
- (3) An applicant shall apply for a licence or the renewal of a licence on a form provided by the minister.
- (4) An applicant for a licence or the renewal of a licence shall pay the following fee:
- (a) in 2015 to 2019, \$50 per year;
 - (b) in 2020 and following years, \$100 per year.
- (5) An individual who applies for a licence must be at least 18 years of age.
- (6) A licence must be issued to the person named in the application form and is not transferable.
- (7) A pesticide applicator licence may be issued to an individual only.
- (8) For the purposes of these regulations, voluntary pesticide application training taken by agricultural producers from an approved training organization, if consistent with any relevant national standard established by Health Canada, will be recognized as meeting the pest control products label requirements for training and certification to purchase and use the pest control product.

3 Jly 2015 cP-8 Reg 4 s11.

Pesticide vendor licences

12(1) Subject to subsections (3) to (6), no person shall sell pesticides or offer pesticides for sale without holding a valid pesticide vendor licence.

(2) Any person who maintains more than one outlet for the sale of pesticides shall hold a separate pesticide vendor licence for each outlet.

- (3) A person may sell or offer for sale all or any of the following without holding a pesticide vendor licence:
- (a) products that are classified as domestic control products pursuant to the federal regulations;
 - (b) disinfectants;
 - (c) swimming pool bactericides;
 - (d) cleansers, deodorizers, laundry additives, soaps or sanitizers;
 - (e) bactericides used in cutting oils and fuels;
 - (f) algicides used in industrial cooling systems;
 - (g) wood preservatives;
 - (h) aerosol fly sprays;
 - (i) products that are registered for topical application for anti-parasitic purposes.
- (4) A licensed pesticide applicator does not require a pesticide vendor licence to sell at retail a pesticide that he or she applies in the course of his or her business.
- (5) A rural municipality does not require a pesticide vendor licence to sell or supply rodenticides to ratepayers of the rural municipality.
- (6) A veterinarian engaged in or directing the treatment of an animal does not require a pesticide vendor licence to sell or supply pesticides related to the treatment of the animal.

3 Jly 2015 cP-8 Reg 4 s12.

Responsibilities of vendors

13 Every holder of a pesticide vendor licence shall:

- (a) employ at least one dispenser at each outlet covered by a pesticide vendor licence;
- (b) be responsible for the activities and actions of his or her employees in the safe handling, storage and transportation of pesticides; and
- (c) provide his or her employees with approved information on procedures for applying, handling, storing and transporting pesticides in a safe manner.

3 Jly 2015 cP-8 Reg 4 s13.

Qualifications for dispenser

14 A dispenser must:

- (a) be at least 18 years of age;
- (b) have successfully completed an approved training course; and

(c) successfully complete an approved training course at least every five years after the anniversary date of the completion of the course mentioned in clause (b).

3 Jly 2015 cP-8 Reg 4 s14.

Records

15 Every holder of a pesticide vendor licence shall:

(a) keep records of all pesticides sold by him or her, on forms provided by or acceptable to the minister, that must include:

(i) the common name of the active ingredient of each pesticide sold, as indicated by the guarantee on its label; and

(ii) the quantity by weight or volume of each pesticide sold;

(b) on the request of the minister, provide true copies of the records required pursuant to clause (a) to the minister before December 31 in the year in which the request is made; and

(c) keep every record required pursuant to clause (a) for a period of not less than three years from the date on which it is made and make it available to any inspector on request within two weeks from the date of the request.

3 Jly 2015 cP-8 Reg 4 s15.

Pesticide service licences

16(1) Subject to subsections (2) and (6), no person shall carry on a business involving the use or application of pesticides without holding a valid pesticide service licence.

(2) A person may use or apply pesticides on land or in premises that the person owns or rents without holding a pesticide service licence.

(3) An applicant for a pesticide service licence shall submit the following information together with the application:

(a) the applicant's name and address;

(b) the location of each outlet where the applicant proposes to carry on business;

(c) a description of the services the applicant proposes to provide;

(d) the names of all applicators who will be working for the applicant;

(e) if the applicant proposes to offer an aerial pesticide applicator service, a certificate of insurance, in a form satisfactory to the minister, evidencing that the applicant has the insurance required pursuant to clause (4)(a);

(f) any other information the minister reasonably requires for the purposes of determining whether or not to issue a licence.

- (4) No holder of a pesticide service licence offering an aerial pesticide applicator service shall fail:
- (a) to have insurance covering pesticide drift liability in an amount that will provide at least \$100,000 coverage for each occurrence; and
 - (b) to provide the minister with a certificate of insurance with respect to the insurance mentioned in clause (a), in a form satisfactory to the minister, each time that the insurance is issued or renewed.
- (5) If the insurance required by subsection (4) expires or is cancelled:
- (a) the holder of the pesticide service licence shall immediately notify the minister in writing of that fact; and
 - (b) the holder's pesticide service licence is automatically cancelled.
- (6) A government, government agency or local authority may carry on the business of offering or providing a service in which a pesticide is used or applied without holding a pesticide service licence.
- (7) The holder of a pesticide service licence offering an aerial pesticide applicator service shall employ a mixer/loader as the only person who is authorized to handle the pest control products for an aerial application.
- (8) To mix and load aircraft with pest control products, a mixer/loader mentioned in subsection (7) requires training and certification or a pesticide applicator licence from an approved training body.

3 Jly 2015 cP-8 Reg 4 s16.

Pesticide applicator licences

- 17(1) Subject to subsection (2), no individual shall apply or use pesticides without holding a valid pesticide applicator licence.
- (2) An individual may do all or any of the following without holding a pesticide applicator licence:
- (a) use or apply pesticides on land:
 - (i) that the individual or a member of his or her immediate family owns or rents; or
 - (ii) that is owned or rented by a corporation in which the individual or a member of his or her immediate family owns a majority of shares;
 - (b) use or apply pesticides as part of his or her duties as an employee of a farm operation or a research or pesticide development organization;
 - (c) without charge, provide a service involving the use or application of pesticides on neighbouring land or premises in the ordinary exchange of labour and services among farmers;
 - (d) use or apply pesticides under the direct supervision of a holder of a pesticide applicator licence who is acting within the terms of that licence;

- (e) use or apply:
 - (i) disinfectants;
 - (ii) swimming pool bactericides;
 - (iii) cleansers, deodorizers, laundry additives, soaps or sanitizers;
 - (iv) bactericides used in cutting oils and fuels;
 - (v) algicides used in industrial cooling systems; or
 - (vi) wood preservatives.
- (3) The minister may issue the following categories of pesticide applicator licence:
 - (a) Aerial, which authorizes application of pesticides by aircraft to forest land, non-agricultural land including industrial vegetation control, bodies of water for mosquito and biting fly control and agricultural land;
 - (b) Agriculture, which authorizes the use of pesticides by ground application (excluding the use of restricted fumigants that are gases at room temperature) for the production of agricultural crops, including but not limited to grains, forages, pastures, rangeland, seed crops, tree fruits, berries, grapes, field vegetables, shelter belts, ornamentals and tree seedlings, and livestock;
 - (c) Aquatic Vegetation, which authorizes the use of pesticides by ground application for the control of aquatic weeds in standing or running water or in areas left exposed during periods of low water, and includes pesticide applications in lakes, rivers, irrigation canals, ditches and dugouts;
 - (d) Forestry, which authorizes the use of pesticides by ground application in forest management operations, including site preparation, brushing, conifer release, thinning, insect control, disease control and vertebrate control, and includes pesticide use in forest seed orchards, outdoor nurseries and plantations;
 - (e) Fumigation, which authorizes the use of fumigants for soil fumigation, within enclosed structures or under sheets, and includes fumigation in grain bins and elevators, buildings, railcars, trucks and closed vaults;
 - (f) Greenhouse, which authorizes the use of pesticides (excluding the use of restricted fumigants that are gases at room temperature) during the storage, display and/or production of agricultural crops including vegetables, ornamentals and mushrooms, as well as forest tree seedlings, and includes associated pesticide use on areas immediately surrounding the greenhouses;
 - (g) Industrial Vegetation, which authorizes the use of herbicides by ground application for controlling weeds on industrial areas, including roadsides, power lines, pipelines, rights of way, railways, well sites, equipment yards and non-crop land, and includes herbicide applications to parking lots, sidewalk cracks, and road beds during road construction;

- (h) Landscape, which authorizes the use of pesticides (excluding the use of restricted fumigants that are gases at room temperature) by ground application for the maintenance of ornamental trees, shrubs, flowers and turf, on outdoor residential land, commercial land, including golf courses and cemeteries and public land, and includes pesticide use in outdoor nurseries for propagation of landscape and garden plants;
- (i) Mosquito and Biting Fly, which authorizes the use of insecticides by ground application for the control of larval or adult mosquitoes or biting flies;
- (j) Structural, which authorizes the use of pesticides other than herbicides or fumigants for the prevention or control of pests in or around structures, including the use of rodenticides on public or private land, but not including the control of plant pests in greenhouses;
- (k) Special, which authorizes one of the activities provided for in the following subcategories of licence, to be specified in the licence:
 - (i) Commercial Seed Treatment, which authorizes the application of pesticides for commercial seed treatment, other than for farmers who own closed-transfer seed treatment equipment for use on their own land, in which case an applicator licence is not required;
 - (ii) Tree Injection, which authorizes the injection of fungicides for the prevention or control of Dutch Elm Disease by the holder of a Landscape licence;
 - (iii) Rat Control, which authorizes the use of rodenticides in or around buildings or structures for the control of mice and rats;
 - (iv) Problem Wildlife Control, which authorizes the use of pesticides by employees of the Government of Saskatchewan for the control of vertebrate animals;
 - (v) Parks Management, for employees of federal, provincial and regional parks only;
 - (vi) On-farm Fumigation, for agricultural producers to gain access to and safely use fumigants in their operations.

3 Jly 2015 cP-8 Reg 4 s17.

Qualifications of applicants

- 18(1) An applicant for a pesticide applicator licence must pass an approved pesticide training course to be eligible to obtain a licence.
- (2) An applicant for the renewal of a pesticide applicator licence must have passed an approved pesticide training course within the preceding five years to be eligible to obtain the renewal.

3 Jly 2015 cP-8 Reg 4 s18.

Evidence of compliance with the *Canadian Aviation Regulations*

19 On a request by the minister, a person who holds an Aerial pesticide applicator licence shall provide to the minister evidence satisfactory to the minister of that person's compliance with the *Canadian Aviation Regulations*.

3 Jly 2015 cP-8 Reg 4 s19.

Duties of persons in charge of operations involving pesticides

20 If a person carries on a business or is in charge of an operation involving the use or application or sale of a pesticide, whether or not the person is required to be a holder of a licence issued pursuant to these regulations, the person shall:

- (a) be responsible for the activities and actions of his or her employees in the safe handling, storage and transportation of the pesticides;
- (b) provide his or her employees with approved information on procedures for applying, handling, storing and transporting pesticides in a safe manner; and
- (c) ensure, if his or her employees are required to be licensed pursuant to these regulations, that those employees have completed an approved training course and have the appropriate pesticide applicator licence.

3 Jly 2015 cP-8 Reg 4 s20.

Interim licences

21(1) The minister may grant an applicant an interim pesticide applicator licence for any one category of pesticide applicator licence mentioned in subsection 17(3).

(2) An interim licence is valid for the time specified on the licence, not exceeding 12 months, but is to be replaced by the appropriate licence when the applicant attains the qualifications described in section 18.

(3) The holder of an interim licence shall, in addition to all other requirements set by the Act and these regulations, meet all conditions that may be specified by the minister at the time the interim licence is issued.

3 Jly 2015 cP-8 Reg 4 s21.

Records

22(1) Every holder of a pesticide applicator licence or a pesticide service licence shall keep records on a daily basis of each operation he or she performs that involves pesticide use or application, on forms provided by or acceptable to the minister, that must include:

- (a) the name of the person for whom the pesticide was applied;
- (b) the location and size of the area where the pesticide was applied;

- (c) the year, month, day and time at which the pesticide was applied;
 - (d) the purpose for which the pesticide was applied;
 - (e) the common or product name of the pesticide applied and the registration number assigned to it pursuant to the federal Act;
 - (f) the method of application;
 - (g) the total quantity of or the rate of application of the pesticide applied;
 - (h) the quantity and method of disposal of surplus pesticide containers;
 - (i) the details of remedial measures taken to respond to pesticide spills or of the clean-up of pesticide spills;
 - (j) meteorological data at the time the pesticide was applied; and
 - (k) Global Positioning System records, if such a system was used for the application of the pesticide and the system is capable of producing records.
- (2) Every holder of a pesticide applicator licence or a pesticide service licence shall retain all records described in subsection (1) for a period of not less than three years from the date of the application and shall make them available to any inspector on request within two weeks from the date of the request.

3 Jly 2015 cP-8 Reg 4 s22.

Qualifications for inspectors

23(1) To qualify for appointment as an inspector pursuant to section 16 of the Act, the candidate must:

- (a) have successfully completed an approved inspector's training course not more than three years before the date of the appointment; or
 - (b) be 18 years of age or older and, in the opinion of the minister, have special training or experience in inspection and enforcement duties.
- (2) To qualify for appointment by a municipality as an inspector pursuant to section 17 of the Act, the candidate must be 18 years of age or older and have successfully completed an approved inspector's training course not more than one year before the date of the appointment.

3 Jly 2015 cP-8 Reg 4 s23.

R.R.S. c.P-8 Reg 3 repealed

24 *The Pest Control Products Regulations, 1995* are repealed.

3 Jly 2015 cP-8 Reg 4 s24.

Coming into force

25 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

3 Jly 2015 cP-8 Reg 4 s25.

