



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

1. In this Act	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(b) repealed by 2005,c.15,s.1;	Committee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, Energy and Forestry;	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;	license
(e.2) “meadow” means a wetland that has fluctuating water tables, lacks trees, and is covered in water-tolerant <i>Graminoid</i> vegetation;	meadow
(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 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

(ii) includes any product, device, organism, substance or thing required to be registered under the *Pest Control Products Act* R.S.C. 1985, Chap. P-9;

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;
Prince Edward Island Wetland Inventory	(j.1) “Prince Edward Island Wetland Inventory” means the geographic information system database of wetlands on Prince Edward Island maintained by the Department;
seasonally flooded flats	(j.2) “seasonally flooded flats” means a wetland formed by rivers overflowing their banks to a depth of at least 12 inches annually during spring, winter and late fall;
sediment bed	(j.3) “sediment bed” means a depression or low area of mud, silt, sand, gravel, rock or bedrock, or a combination thereof, which has a defined path which was formed or apparently formed by flowing water;
sell	(k) “sell” includes keep for sale, expose for sale, offer for sale and advertise.
shrub swamp	(k.1) “shrub swamp” means a wetland containing nutrient-rich, highly decomposed woody plant and organic material and has as its dominant cover shrubs and herbaceous vegetation, including but not limited to alders;
watercourse	(l) “watercourse” means an area which has a sediment bed and may or may not contain water, and without limiting the generality of the foregoing, includes the full length and width of the sediment bed, bank and shore of any stream, spring, creek, brook, river, lake, pond, bay, estuary or coastal body, any water therein, and any part thereof, up to and including the watercourse boundary;
watercourse boundary	(m) “watercourse boundary” means (i) in a non-tidal watercourse, the edge of the sediment bed, and (ii) in a tidal watercourse, the top of the bank of the watercourse, and where there is no discernible bank, means the mean high water mark of the watercourse;

- (n) “wetland” means wetland
- (i) an area which contains hydric soil, aquatic or water-tolerant vegetation, and may or may not contain water, and includes any water therein and everything up to and including the wetland boundary, and
- (ii) without limiting the generality of the foregoing, includes any area identified in the Prince Edward Island Wetland Inventory as open water, deep marsh, shallow marsh, salt marsh, seasonally flooded flats, brackish marsh, a shrub swamp, a wooded swamp, a bog or a meadow;
- (o) “wetland boundary” means where the vegetation in a wetland wetland boundary changes from aquatic or water-tolerant vegetation to terrestrial vegetation or water-intolerant vegetation;
- (p) “wooded swamp” means a wetland dominated by water-tolerant wooded swamp trees or shrubs growing in a muck soil and covered by a moss layer at least 30 centimetres thick. 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; 2008,c.55,s.1.
- 2.** (1) No person shall sell or otherwise supply to any person a pesticide Sale of pesticides that does not meet the standards prescribed by the regulations in respect of
- (a) registration;
- (b) packaging and labelling; or
- (c) efficacy in relation to the purpose for which it was manufactured or made.
- (2) Subject to subsection (3), no person shall Prohibitions re: sale, distribution, use
- (a) sell, distribute, use, apply, handle, store or transport a pesticide;
- (b) operate or clean any machinery, equipment or vehicle used in connection with the sale, distribution, use, application, handling, storage or transportation of a pesticide; or
- (c) use or clean a pesticide container,
- except in accordance with the regulations with respect to that pesticide and the label for that pesticide.
- (3) If there is a conflict between any applicable provision of the Conflict regulations and the provision on the label referred to in subsection (2), the most stringent provision prevails.
- (4) No person shall dispose of a pesticide, a mixture containing a Disposal pesticide, a thing that is treated or contaminated with a pesticide or a container that has been used to hold a pesticide in a manner other than the manner prescribed in the regulations. 1984,c.29,s.2; 2009,c.13,s.2.

Lawn, defined	2.1 (1) In this section, “lawn” means a plot of grass that is maintained at a regular and approximately uniform height through periodic and regular mowing, other than as a result of agricultural activities.
Application	(2) For the purposes of subsection (1), the production of sod as an agricultural product is considered an agricultural activity.
Prohibition	(3) No person shall use pesticide products that contain any form of the chemical 2,4-Dichlorophenoxyacetic Acid for the control of lawn pests, except where the chemical is used for pest control on commercial golf courses. 2009,c.13,s.3.
Illegal use of pesticides	3. (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 <ul style="list-style-type: none"> (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; (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.
Evidence of recommended use	(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.
Keeping, storage and transportation of pesticides	4. (1) Every person who keeps, stores or transports a pesticide shall do so in a manner that <ul style="list-style-type: none"> (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

(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.

Pesticide, containers and storage

(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

(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.

Disposal of pesticides

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.

Pesticides in water

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.

Licensing of pesticide services and vendors

9. Repealed by 2005,c.15,s.2. 1984, c.29, s.9; 2005,c.15,s.2.

Pesticides Advisory Committee

10. Repealed by 2005,c.15,s.2. 1984, c.29, s.10; 2005,c.15,s.2.

Meetings

11. (1) The Minister may issue, refuse, renew, suspend, cancel or reinstate any license, permit or pesticide certificate.

Licenses, etc.

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	<p>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</p> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(b) cause the crop, food, feed, animal, plant, water, produce, product or other matter to be destroyed or rendered harmless,</p> <p>and no person shall be entitled to compensation therefor. 1984,c.29,s.12.</p>
Restrict, prohibit sale, supply or use	<p>12.1 (1) The Minister may restrict or prohibit the sale, supply or use of any pesticide group and may impose such conditions with respect to the sale, supply or use of any pesticide group, as the Minister considers necessary.</p>
<i>Idem</i>	<p>(2) Where the Minister has restricted or prohibited the sale, supply or use of any pesticide group under subsection (1), the Minister shall publish a notice thereof in the Royal Gazette.</p>
<i>Idem</i>	<p>(3) No person shall be convicted of an offence consisting of a contravention of section 12.2 committed before a notice is published in the Royal Gazette pursuant to subsection (2), unless it is proved that at the date of the alleged contravention reasonable steps had been taken to bring the purport of the restriction or prohibition to the notice of those persons likely to be affected by it. 2009,c.13,s.4.</p>
Prohibition	<p>12.2 Where the Minister has restricted or prohibited the sale, supply or use of any pesticide group under section 12.1, no person shall</p> <p style="padding-left: 40px;">(a) sell or supply that pesticide group or sell or supply a pesticide contained in that pesticide group; or</p> <p style="padding-left: 40px;">(b) use that pesticide group or use a pesticide contained in that pesticide group,</p> <p>except in accordance with such conditions as are specified in the terms of a restriction. 2009,c.13,s.4.</p>
Inspectors	<p>13. (1) The Minister may appoint one or more employees of the Department as inspectors for the purpose of administering this Act and the regulations.</p>
<i>Idem</i>	<p>(2) A conservation officer appointed under the <i>Wildlife Conservation Act</i> R.S.P.E.I. 1988, Cap. W-4.1 is an inspector by virtue of his or her office. 1984,c.29,s.13; 2006,c.16,s.63(9.2).</p>

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.

Order suspending dangerous user, etc.

(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	16. 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	17. (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"> (a) shall be paid on demand by the person to whom the order was directed; and (b) is recoverable by the Minister as a debt due to the Crown. 1984, c.29, s.17.
Appeal	18. Repealed by 2005,c.15,s.2. 1984, c.29, s.18; 2005,c.15,s.2.
Powers to inspect and take samples	19. (1) For the purposes of carrying out this Act and the regulations an inspector may <ul style="list-style-type: none"> (a) at any reasonable time enter upon and inspect any land, premises, vehicle, equipment, record, document or other property; (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 (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.
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.

20. (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

Authority from judge to enter private dwelling

(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,
 - (iii) the nature and extent of the authority granted by each class of license or permit, and
 - (iv) terms and conditions on any licenses, pesticide certificates or permits;
- (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;
- (e.1) requiring applicants for a pesticide application permit to submit a risk impact assessment study, of a type that the regulations may specify, prior to the issue of a pesticide application permit;
- (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) governing, regulating, restricting or prohibiting the use, application, distribution, packaging, handling, storage, display or disposal of
- (i) pesticide groups,
 - (ii) fertilizer-pesticide blended products or other combination pesticide blended products,
 - (iii) hose-end pesticides,
 - (iv) pesticide concentrates and pesticides requiring preparation,
 - (v) granular spreadable pesticides, or
 - (vi) pesticides containing the ingredient 2,4-Dichlorophenoxyacetic Acid;
- (i.1) prohibiting, regulating, restricting or controlling (including prescribing conditions for the prohibition, regulation, restriction or control) the sale, offering for sale, transfer or transportation of
- (i) pesticide groups,

- (ii) fertilizer-pesticide blended products or other combination pesticide blended products,
 - (iii) hose-end pesticides,
 - (iv) pesticide concentrates and pesticides requiring preparation,
 - (v) granular spreadable pesticides, or
 - (vi) pesticides containing the ingredient 2,4-Dichlorophenoxyacetic Acid;
- (i.2) respecting containers for pesticides, other than containers in which pesticides are sold or offered for sale;
- (i.3) governing signs, markings or other identification to be used
- (i) on vehicles, machinery and equipment used in pesticide application, in extermination or in the transportation of pesticides, and
 - (ii) on facilities or places used to store pesticides;
- (i.4) respecting the use, operation and cleaning of vehicles, machinery, equipment and containers used in connection with the use, application, distribution, packaging, storage, handling or transportation of pesticides;
- (i.5) prescribing categories of pesticide training events;
- (i.6) prescribing classes of provincial certificates and establishing standards for training and accreditation that must be successfully completed for a person to meet the criteria prescribed for an appropriate-class provincial certificate;
- (i.7) prescribing the requirements for a pest management system and establishing standards for accreditation that must be successfully completed for a person to meet the criteria prescribed for an Integrated Pest Management (IPM) accreditation;
- (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;
- (r.1) exempting any person or class of persons from this Act or the regulations or any provision thereof and prescribing terms and conditions attached to any such exemption;
- (r.2) prescribing terms and conditions with respect to sales, offers to sell, transfers or premises in, on or from which sales, offers to sell or transfers of a pesticide are or will be made that shall attach to any class of license;
- (r.3) defining, for the purposes of this Act and the regulations, any word or expression used in this Act or the regulations that has not already been expressly defined in this Act;
- (r.4) prescribing offences and imposing penalties for failure to comply with any provision of the regulations;
- (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; 2008,c.55,s.2; 2009,c.13,s.5.

Adoption of federal requirements

22.1 Regulations made under section 22 may adopt any or all of the requirements prescribed by the *Pest Control Products Act* (Canada) and the *Fertilizers Act* (Canada) and the regulations under those Acts as the requirements for the purposes of this Act in respect of the labelling, selling, handling, use, storage or transportation of pesticides. 2009,c.13,s.6.

Offences

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,

- (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.

Appointment of analyst

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.

Certificate of analyst as evidence

(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.