

CONSOLIDATION OF PESTICIDE ACT

R.S.N.W.T. 1988,c.P-4

(Current to: February 19, 2013)

AS AMENDED BY:

S.Nu. 2010,c.4,s.26

s.26 in force March 23, 2010

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A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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PESTICIDE ACT

Definitions

1. In this Act,

"inspector" means an inspector appointed under section 7; (*inspecteur*)

"open body of water" means a lake, slough, river or creek and includes any other water defined by the regulations as an open body of water; (*étendue d'eau de surface*)

"permit" means a permit issued under section 2 or 6; (*permis*)

"pesticide" means any toxic or noxious substance or mixture of substances intended, sold or represented for use in preventing, destroying, repelling or mitigating any insect, nematode, rodent, predatory animal, bacteria, fungus, weed or other form of plant or animal life or virus, except a virus, bacteria or fungus in living humans or animals. (*produit antiparasitaire*)

Pesticides in water

2. No person shall apply a pesticide on an open body of water or on any other area of Nunavut unless he or she holds a permit to do so issued by an inspector.
S.Nu. 2010,c.4,s.26(3).

Containers and storage

3. (1) No person shall have in his or her possession or keep a pesticide in a container other than

- (a) the container in which the pesticide was originally stored for sale or offered for sale after the manufacture of the pesticide; 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 established by this Act or prescribed by regulation.

Exception

(2) Subsection (1) does not apply to the storing or keeping of pesticides in holding tanks or spray tanks.

Disposal

4. 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 regulation, or
- (d) in the absence of regulations, recommended by the manufacturer of the pesticide.

Equipment

- 5.** No person shall
- (a) wash or submerge in any open body of water any apparatus, equipment or container used in holding or application of a pesticide; or
 - (b) cause water from any open body of water to be drawn into any apparatus or equipment used for mixing or applying a pesticide unless the apparatus or equipment is equipped with a device that prevents backflow.

Pesticides

- 6.** No person shall
- (a) operate a business or provide a service involving the use or application of a pesticide, or
 - (b) for hire or reward, apply or offer to apply a pesticide,
- unless he or she holds a permit to do so issued by an inspector.

Inspectors

- 7.** The Minister may appoint inspectors to carry out the provisions of this Act and the regulations. S.Nu. 2010,c.4,s.26(2).

Powers of inspectors

- 8.** Where an inspector is of the opinion, based on evidence that the inspector considers adequate, that the use of or method of application of a pesticide is or may be dangerous to the health of persons or any animal, or harmful to plant life, the inspector may by order in writing suspend or terminate the use of or the method of application of the pesticide.

Offence and punishment

- 9.** Every person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 90 days or to both.

Regulations

- 10.** The Commissioner, on the recommendation of the Minister, may make regulations
- (a) prescribing the qualifications and conditions that must be met before a person may be issued a permit to apply a pesticide in any area of Nunavut;
 - (b) prohibiting the application of pesticides in any area of Nunavut;
 - (c) requiring persons holding permits to keep records and to make returns in the manner that the regulations may prescribe;
 - (d) prescribing the fees for the issue, renewal or reinstatement of permits and the manner and form of making applications for that purpose;

- (e) prescribing the duration of any permit, and requiring applicants for permits or renewals of permits to undergo medical examinations;
 - (f) requiring applicants for permits to apply pesticides to furnish a bond or carry insurance, of a type and in an amount specified in the regulations and providing that where a bond or policy of insurance expires or is cancelled the permit shall automatically be cancelled;
 - (g) defining the words "open body of water" for the purposes of this Act and the regulations;
 - (h) designating and classifying the substances that are pesticides within the meaning of this Act; and
 - (i) respecting any other matter considered necessary or advisable to carry out effectively the intent and purpose of this Act.
- S.Nu. 2010,c.4,s.26(3).