

## ***Integrated Pest Management Act***

(2006 amendments shown in red)

### **Administrator's order — unreasonable adverse effect or contravention**

**16** [...]

- (2) The administrator may order any person to
- a. stop or refrain from using, handling, releasing, transporting, storing or disposing of, or
  - b. use, handle, release, transport, store or dispose of in a particular manner, a particular pesticide, if the administrator considers that this activity has caused or is likely to cause an unreasonable adverse effect.

### **Inspections**

**17** (1) For the purposes of ensuring compliance with this Act and the regulations, an inspector may enter land or premises, except premises or a part of premises occupied solely as a private residence, at any reasonable time if the inspector has reasonable grounds to believe that

- a. a pesticide is located on or in the land or premises,
- b. the land or premises is the site of an activity for which a licence, certificate, permit or confirmation is required, or
- c. a container or equipment that is or may be used to contain, mix, store or apply a pesticide is located on the land or in the premises.

(2) An inspector who enters land or premises under subsection (1), with consent under section 18 (1) or with a warrant under section 18 (2) may do any of the following:

- a. inspect, analyze, sample or test a pesticide or any equipment or container that the inspector believes has been, is being or may be used, to contain, prepare, mix or apply a pesticide;
- b. investigate the manner in which a pesticide has been, is being or may be used, sold, stored, transported or disposed of;
- c. inspect any place at which the inspector believes a pesticide has been, is being or may be used, sold, stored, transported or disposed of;
- d. inspect records that the inspector believes relate to a pest management plan or the use, sale, storage, transportation or disposal of a pesticide;
- e. inspect, analyze, sample or test anything that the inspector believes is contaminated by the use, sale, storage, transportation or disposal of a pesticide;
- f. for the purposes of paragraphs (a) and (e), take away a sample of anything;

- g. require that anything related to the use, manner of application, storage, sale, transport or disposal of a pesticide be operated, used or set in motion under conditions specified by the inspector;
- h. use a computer system at the place that is being inspected to examine data related to the use, manner of application, storage, sale, transport or disposal of a pesticide contained in or available to the computer system;
- i. record or copy any information related to the use, manner of application, storage, sale, transport or disposal of a pesticide by any method;
- j. use a machine, a structure, material or equipment in the place that is being inspected as is necessary to carry out the inspection;
- k. use copying equipment located at the place that is being inspected to make the copies to take away;
- l. take photographs or make audio or video records.

(3) An inspector exercising authority under this section must produce proof of identity on the request of a person whose land or premises the inspector enters.

- (4) A person who is or was a director, receiver, receiver manager, officer, employee, banker, auditor or agent of a person who is the subject of an inspection under this section must, on the request of the inspector,
- a) produce, without charge or unreasonable delay, for examination by the inspector
    - i. any licence, certificate, permit, pest management plan, confirmation or record of pesticide use or sale, and
    - ii. any other record that touches on any matter relating to the use, handling, transporting, storage, disposal, purchase or sale of pesticides by the person who is the subject of the inspection, and
  - (b) provide the inspector with information relevant to the purposes of the inspection.

### **Inspection of private residence**

**18** (1) An inspector may exercise the powers under section 17 [inspections] in respect of premises used as a private residence only with the consent of the occupant or under the authority of a warrant under subsection (2) or another Act.

(2) If satisfied by evidence on oath that access to premises, or a part of premises, used solely as a private residence is necessary for the purposes of this Act, a justice may issue a warrant authorizing a person named in the warrant to enter into the premises and conduct an inspection ~~or take any other action as authorized in the warrant.~~

## Inspection of vehicles

**19** (1) In this section, "vehicle" includes a motor vehicle as defined in the Motor Vehicle Act and a vessel.

(2) For the purposes of ensuring compliance with this Act and the regulations, if an inspector has reasonable grounds to believe that a vehicle is being used to transport a pesticide, an inspector may

- (a) require a person operating the vehicle to **stop the vehicle and provide identification**, and
- (b) carry out an inspection of the vehicle.

(3) **When requested or signalled to do so by an inspector who is readily identifiable as a conservation officer, the operator of a motor vehicle must immediately**

- (a) **stop the vehicle, and**
- (b) **provide identification and the information that the inspector considers necessary to determine whether this Act and the regulations are being complied with.**

(4) For the purposes of carrying out an inspection under this section, an inspector may

- (a) **require** that any compartment of the vehicle or any container in or on the vehicle be opened, and
- (b) exercise any of the powers under section 17 (2) [inspections].

## Seizure and prevention order

**20** (1) **If an inspector concludes in the course of an inspection under this Act that the inspector has reasonable grounds to believe that a person has contravened or is contravening this Act or the regulations, the inspector may**

- a. **order a person to do anything the inspector considers necessary to stop the contravention or prevent another contravention, and**
- b. **seize anything validly inspected by the inspector that the inspector believes on reasonable grounds**
  - (i) **was used or is being used in the contravention, or**
  - (ii) **will afford evidence of the contravention.**

(2) Sections 23 (4) and 24 to 24.2 of the *Offence Act* apply in respect of anything seized under subsection (1) of this section and, for the purposes of section 23 (4) of the *Offence Act*, an inspector is deemed to be a peace officer.

(3) If, under section 24 (2) (a) of the *Offence Act*, a justice orders that something referred to in subsection (2) of this section be detained, despite section 24 (3) of the *Offence Act*, the thing may be detained for up to one year before an order under section 24 (5) of that Act, authorizing its continued detention, is required.

- (4) **Despite subsections (2) and (3),**
- a. nothing seized under this Act may be returned unless, in the opinion of the administrator, any risk of an unreasonable adverse effect has been eliminated,
  - (b) if, in the opinion of the administrator, something seized under this Act must be destroyed or decontaminated in order to eliminate a risk of an unreasonable adverse effect, the administrator may order the thing to be decontaminated or destroyed and the cost of decontamination or destruction is a debt due to the government by the person from whom it was seized and may be recovered in accordance with subsection (5), and
  - (c) section 22 of this Act applies in respect of anything destroyed by order under paragraph (b).
- (5) For the purpose of recovering a debt referred to in subsection (4) (b) the administrator may
- a. issue a certificate setting out the name of the person who is liable for the debt and the amount owing by that person, and
  - b. file the certificate with a court that has jurisdiction.
- (6) A certificate filed with a court under subsection (5) has the same force and effect, and all proceedings may be taken on it, as if it were a judgment of the court with which it is filed
- (a) for the recovery of a debt of the amount set out in the certificate, and
  - (b) against the person named in the certificate.
- (7) Sections 23 to 24.2 of the Offence Act and subsection (3) of this section do not apply in respect of anything ordered destroyed under subsection (4) (b) of this section.
- (8) Sections 23 to 24.2 of the Offence Act do not apply in relation to anything taken in the course of an inspection under section 17, 18 or 19 of this Act unless subsection (1) of this section applies.**
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