AGRICULTURAL PESTS ACT

PEST AND NUISANCE CONTROL REGULATION

Alberta Regulation 184/2001

With amendments up to and including Alberta Regulation 126/2016

Office Consolidation

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(Consolidated up to 126/2016)

ALBERTA REGULATION 184/2001
Agricultural Pests Act

PEST AND NUISANCE CONTROL REGULATION

Table of Contents

1 Interpretation
2 Pests
3 Nuisances
4 Transactions, etc., in pests and infested matter
5 Pest infestation tag
6 Detention order and its effect
7 Minister’s authority to declare a quarantine
8 Methods to control nuisance
9 Seed potatoes
10 Notification of infestation
11 Permit to purchase, keep or sell rats
12 Protection of livestock from warble larva
13 Examination facilities in animal markets
14 Coyote and skunk control
15 Conditions on inspector’s authorization
16 Deposit on notice of appeal
17 Repeal

Schedules

Interpretation

1(1) In this Regulation,

(a) “Act” means the Agricultural Pests Act;

(b) “Department” means the Department of Agriculture and Forestry;

(c) “import” means import into Alberta;

(d) “infestable item” means any crop, vegetation, produce, livestock or other animal, machinery, equipment or anything else, other than land, that is capable of being infested;
(e) “infested” means having a condition that shows signs of the presence of a pest;

(f) “local inspector” means an inspector who has the requisite local jurisdiction for the action in question and is not a provincial inspector;

(g) “market” means a stockyard, auction market or other place where any infestable item is held for sale, assembly, shipment or other disposal;

(h) “provincial inspector” means an inspector appointed by the Minister under section 9(1) of the Act;

(i) “sell” means

(i) sell or barter, or offer to do so, or

(ii) solicit, advertise, display or expose for, or with a view to effecting a sale or barter.

(2) References in this Regulation to a numbered Form are references to the form bearing that number, as set out in Schedule 1.

Pests

2(1) The animals, birds, insects, plants and diseases set out in Part 1 of Schedule 1 are declared to be pests throughout Alberta.

(2) Wild boar (Sus scrofa) is declared to be a pest where it is at large in Alberta.

AR 184/2001 s2;150/2003;56/2007;64/2008;126/2016

Nuisances

3(1) The animals, birds, insects, plants and diseases set out in Part 2 of Schedule 1 are declared to be nuisances throughout Alberta.

(2) A horse (Equus caballus) is declared to be a nuisance where it is at large in any of the following wildlife management units, as described in Schedule 9 to the Wildlife Regulation (AR 143/97):

Wolf River Wildlife Management Unit (340);
McLeod River Wildlife Management Unit (342);
Wildhay Wildlife Management Unit (344);
Shiningbank Wildlife Management Unit (346);
Coalspur Wildlife Management Unit (438);
Solomon Wildlife Management Unit (439);
Adams Creek Wildlife Management Unit (440).

AR 184/2001 s3;325/2009;126/2016
Transactions, etc., in pests and infested matter

4(1) A person shall not import, purchase, sell or otherwise dispose of, transport, distribute or plant any infestable item that is infested or any pest without the prior written authorization to do so of a provincial inspector or, if the article is to be kept in Alberta, of a local inspector who is empowered to act in the local jurisdiction where it is to be kept.

(2) Subsection (1) does not apply with respect to

(a) the purchase and sale at a market of livestock that bears a pest infestation tag attached to it under section 5(1), or

(b) any incidental importation and transportation of that livestock to, and any transportation of it from, the market.

(3) If an infestable item that is or is suspected to be or that subsequently transpires to be infested, or a pest, is or was imported, purchased, sold or otherwise disposed of, transported, distributed or planted, each person involved in that activity shall provide to an inspector, on request, the names and addresses of all other persons known to be so involved, within 24 hours of the request or within such longer period as is specified by the inspector.

Pest infestation tag

5(1) To facilitate the identification of livestock so as to help prevent the spread of an infestation, an inspector may attach a pest infestation tag to the livestock in the form set out in Form 1.

(2) Subsection (1) does not apply to livestock destined for immediate slaughter.

(3) A person shall not remove or have removed a pest infestation tag attached under subsection (1) until

(a) authorized to do so by an inspector, or

(b) in the case of cattle, the cattle have been sold at and removed from a market.

Detention order and its effect

6(1) A notice under section 12(1) of the Act must be in the form set out in Form 2.

(2) On issuing a notice under section 12(1) of the Act in respect of livestock or other property, excluding land, an inspector may order its detention by attaching to it a pest detention tag in the form set out in Form 3.
(3) A person shall not sell or otherwise dispose of, purchase, transport, distribute or plant anything detained under subsection (2) before it is released under subsection (4).

(4) An inspector may release the property detained under subsection (2) by providing a written notice of release of it in the form set out in Form 4.

Minister's authority to declare a quarantine

7 The Minister may by order declare a quarantine in all or any part of Alberta of any land or infestable item that is infested and fix the duration and conditions of the quarantine, including a prohibition of or restriction on the movement of any infestable item by any person.

Methods to control nuisance

8 An owner or occupant of land may control a nuisance on that land by means that are generally considered to be sound husbandry practices and that comply with all applicable laws.

Seed potatoes

9(1) In this section and Form 5, “bacterial ring rot”, “non-certified potatoes” and “seed potatoes” have the meanings respectively assigned to them by Part II of the Seeds Regulations (Canada), C.R.C., c.1400.

(2) A person who imports seed potatoes shall, at the earliest practicable time, give notice of the place where they will be made available for inspection, to the local inspector nearest to that place.

(3) A person shall not

   (a) plant seed potatoes on land that, in the previous growing season, was infested, or
   (b) store seed potatoes that are infested with bacterial ring rot.

(4) A person shall not plant seed potatoes unless

   (a) they meet the standards for any of the classes established in section 47 of the Seeds Regulations (Canada), C.R.C., c.1400, and
   (b) that person has documentary evidence that they meet those standards.
(5) Subsection (4) does not apply to the planting of potatoes
(a) by a person for consumption only by that person’s
household and acquaintances, with no sale involved, or
(b) from non-certified potatoes by a person who holds a
permit referred to in subsection (6).

(6) The Minister may issue a permit for the purposes of subsection
(5)(b) in the form set out in Form 5, and may attach the conditions
on the planting that are specified in the permit.

Notification of infestation

10 An inspector who finds on any premises evidence of an
infestation in any crop may notify persons engaged in the growing,
transporting or processing of any crop that may be affected by the
infestation, or any organizations representing them, of the
infestation, including the location of those premises and the name
of their occupants, if the inspector considers such notification
necessary or advisable with a view to preventing the spread of or
controlling the infestation.

Permit to purchase, keep or sell rats

11(1) The Minister may, on application in writing, issue a permit
in the form set out in Form 6 allowing a person who operates a
research facility or zoo or an inspector to purchase, keep or sell live
rats if the facility where the rats are to be kept meets the minimum
standards required by the Minister.

(2) A person shall not purchase, keep or sell live rats unless the
person holds a permit issued under subsection (1).

Protection of livestock from warble larva

12(1) In this section,
(a) “lactating dairy cows” means cows whose milk is used for
human consumption;
(b) “warble larva”, commonly known as “cattle grub”, means
the larval stage of the warble fly.

(2) The owner of livestock that contains or is likely or is suspected
to contain warble flies shall ensure that the following measures, so
far as applicable, are taken with a view to destroying or preventing
the occurrence in the livestock of warble larva:
(a) treat all cattle, other than lactating dairy cows, from
March 1 to April 30 and from September 1 to November
30 in each year with a pesticide registered under the *Pest Control Products Act* (Canada) that is designed to be absorbed by and circulated in cattle for the purpose of destroying warble larva in the cattle, in accordance with the label on the pesticide container;

(b) treat all lactating dairy cows from February 15 to June 15 in each year at 1-month intervals with an insecticide registered under the *Pest Control Products Act* (Canada) that has to come in actual contact with a warble larva in order to destroy the warble larva;

(c) comply with the directions of an inspector with respect to destruction of warble larva in the livestock.

(3) The owner of livestock animals that are imported and are or are suspected to be infested with warble larva shall, at the first point of unloading of the livestock, ensure that they are treated in accordance with the applicable provisions of this section.

(4) Local inspectors shall

(a) ensure that all live livestock offered for sale at markets designated by the Minister in their jurisdiction are inspected for warble larva during the period when warble larva are usually visible in the bodies of livestock animals, and

(b) attach a pest infestation tag to livestock found to be infested with warble larva in accordance with section 5.

**Examination facilities in animal markets**

The owner and the operator of a market where live animals are kept shall ensure that facilities satisfactory to an inspector are provided there for the proper examination of the animals.

**Coyote and skunk control**

(1) In this section and in Forms 7 and 8,

(a) “device” means a device that can be used to control coyotes or skunks;

(b) “poisonous material” means any substance or equipment, or a combination of both, that can be used to poison a coyote or skunk;

(c) “use” includes set.
(2) A person so authorized by the Minister may issue a Form 7 permit to a person who has been trained by the Department in the use, storage and handling of devices and poisonous material in respect of which the permit is issued.

(3) A person who holds a Form 7 permit may issue Form 8 permits.

(4) A person shall not use any device or poisonous material with a view to controlling coyotes or skunks unless the person holds

   (a) a Form 7 permit authorizing the use of such a device or material, if the use is to be on land belonging to another person, or

   (b) a Form 8 permit authorizing the use of such a device or material, if the use is to be on the permit holder’s own land (and whether or not the holder holds a Form 7 permit).

(5) A person shall not remove or alter a written warning issued by the Department concerning the use or storage of any device or poisonous material unless the person holds

   (a) a Form 7 permit authorizing that removal or alteration, if the use or storage is to be on land belonging to another person, or

   (b) a Form 8 permit authorizing that removal or alteration, if the use or storage is to be on the permit holder’s own land.

(6) The holder of a Form 7 permit may issue the devices and poisonous material listed in the permit to the holder of a Form 8 permit for the control of coyotes or skunks.

(7) The holder of a Form 7 permit shall not use any device or poisonous material with a view to controlling coyotes or skunks on land belonging to another person without first obtaining the permission to do so contained in a Form 8 permit from its owner or occupant.

(8) Subsection (7) does not apply to the use of a device or poisonous material for rabies control on land that is unoccupied in an area designated in Schedule 2 as a rabies control zone.

(9) A person shall not use a device or poisonous material with a view to controlling coyotes unless it has letters, numbers or a chemical marker indicating its approval by the Minister.
(10) Subsections (4), (6) and (9) do not apply to an activity specifically authorized by or under the *Wildlife Act* or the *Environmental Protection and Enhancement Act*.

(11) A person shall not shoot coyotes or skunks or destroy dens of coyotes or skunks unless that person

   (a) holds a Form 7 permit and, if the shooting is to take place on another person’s land, has the written permission of its owner or occupant, and

   (b) is acting in compliance with all other applicable laws.

(12) A person who does not hold a Form 7 permit shall not issue a device or poisonous material knowing or believing that it is to be used to control coyotes or skunks.

(13) A Form 8 permit is not valid for more than 30 days.

(14) All devices and poisonous material issued under subsection (6) remain the property of the Government (represented by the Department) and may be recalled by it at any time.

(15) A person so authorized by the Minister may issue a Form 9 permit to the owner or occupant of land authorizing the use of dogs to control coyote on that land, and such a permit is not valid for more than 30 days.

(16) Notwithstanding section 8, an owner or occupant of land may control a coyote on that land by destroying, or giving prior authorization to a resident of Alberta to destroy, the coyote with the use of dogs where

   (a) livestock predation caused by a coyote has occurred within the period of 30 days before the confirmation under clause (b),

   (b) that predation has been confirmed in writing by an inspector,

   (c) a Form 9 permit has been issued by an inspector in respect of that predation and is still valid and the terms and conditions of the permit are adhered to, and

   (d) if the destruction is to be effected by a resident of Alberta who is not that owner or occupant, that resident has been specifically authorized by that owner or occupant in writing on the permit to do so.
Conditions on inspector’s authorization

15 An inspector may set any conditions considered appropriate on any authorization given by the inspector under this Regulation.

Deposit on notice of appeal

16 The amount of the deposit required by section 14(4) of the Act is $100.

Repeal

17 The Pest and Nuisance Control Regulation (AR 406/86) is repealed.


Schedule 1

Part 1

Animals, birds, insects, plants and diseases declared to be pests throughout Alberta

Africanized bee — _Apis mellifera adansonii_
Bacterial ring rot — _Clavibacter michiganensis _subsp. _sepedonicus_
Blackleg of canola — _Leptosphaeria maculans_
Chalkbrood — _Ascospheare aggregata_
Clubroot — _Plasmodiophora brassicae_
Columbia River root knot nematode — _Meloidogyne chitwoodi_
Dutch elm disease — _Ophiostoma ulmi _and _Ophiostoma nova-ulmi_
Dwarf bunt — _Tilletia controversa_
European elm bark beetle — _Scolytus multistriatus_
Fireblight and the causal bacterium — _Erwinia amylovora_
Flag smut of cereals — _Urocystis agropyri_
Fusarium head blight — _Fusarium graminearum_
Golden nematode — _Globodera rostochiensis_
Grasshopper (Locustidae)
Gypsy moth — _Lymantria dispar_
Head smut of corn — _Spacelothecia reiliana_
Karnal bunt — _Tilletia indica_
Lesser grain borer — _Rhizopertha dominica_
Native elm bark beetle — _Hylurgopinus rufipes_
Norway rat and any other rat species or strain derived from the genus _Rattus_
Potato wart — _Synchytrium endobioticum_
Rabies — _Rhabdoviruses_
Stem and bulb nematode — _Ditylenchus dipsaci_
Warble fly — _Hypoderma_
White rot of onions — _Sclerotium cepivorum_
Part 2
Animals, birds, insects, plants and diseases declared to be nuisances throughout Alberta

Bushy-tailed wood rat — Neotoma cinerea
Columbian ground squirrel — Spermophilus columbianus
Coyote — Canis latrans
Deer mouse — Peromyscus maniculatus
English sparrow — Passer domesticus
European starling — Sturnus vulgaris
Franklin’s ground squirrel — Spermophilus franklinii
House mouse — Mus musculus
Magpie — Pica pica
Meadow vole — Microtus pennsylvanicus
Northern pocket gopher — Thomomys talpoides
Richardson’s ground squirrel — Spermophilus richardsonii
Rock dove — Columba livia
Skunk — Mephitis mephitis
Thirteen-lined ground squirrel — Spermophilus tridecemlineatus

Schedule 1.1
FORM 1
(Sections 5(1) and 12(4)(b))

PEST INFESTATION TAG (NUMBER _________)

Agricultural Pests Act

PEST AND NUISANCE CONTROL REGULATION

This livestock animal is or is suspected to be infested with an infestation that has been declared a pest under the Agricultural Pests Act.

It is unlawful to remove this tag except in accordance with the Pest and Nuisance Control Regulation made under that Act.
FORM 2
(Section 6(1))

NOTICE TO CONTROL PESTS

Agricultural Pests Act

PEST AND NUISANCE CONTROL REGULATION

To ___ (owner or occupant of land or property or owner or person in control of livestock) ___ of ___ (address) ___

You are hereby notified that ___ (description of land or livestock or other property) ___ located on the ___ quarter of section ___ township ___ range ___ west of the ___ meridian, Alberta, as indicated on the diagram below, contains or is likely to contain or should be protected against ___ (name of pest) ___, which has been declared a pest by the Pest and Nuisance Control Regulation made under the Agricultural Pests Act, and you are directed to take the following measures:

(description of measures to be taken, including the material, if any, to be used against the pest) ___

(NW) ___ (NE) ___

(SW) ___ (SE) ___

All of the above measures must be completed within ___ days from the date of issue of this notice, failing which action may be taken in accordance with the legislation referred to above. This notice is issued under section 12(1) of the Agricultural Pests Act. An appeal against this notice may be served on the municipal secretary, accompanied by a deposit of $100, before the expiry of the time limit stated above or the period of 10 days from service of the notice, whichever expiry date occurs first, and otherwise made in accordance with the Agricultural Pests Act.

___ (Date of Issue) ___ (Inspector) ___

Telephone Number: ____________________
FORM 3
(Section 6(2))

PEST DETENTION TAG (NUMBER _________)

Agricultural Pests Act

PEST AND NUISANCE CONTROL REGULATION

The following item, that is (description of livestock or other property) is ordered to be detained in accordance with the following conditions:

(specify conditions of detention)

(Signature of Inspector)

FORM 4
(Section 6(4))

NOTICE OF RELEASE

Agricultural Pests Act

PEST AND NUISANCE CONTROL REGULATION

To ___________________________

(owner of livestock or other property or person in control of livestock) of ___________________________

(address)

You are hereby notified that ___________________________, marked ___________________________ and located at ___________________________, which was placed under detention and identified by having pest detention tag No. ___________________________ under the Pest and Nuisance Control Regulation made under the Agricultural Pests Act attached to it, is now released from detention and may be disposed of. The pest detention tag may now be removed from it.

(Date of Issue) ___________________________ (Signature of inspector)

(Address) ___________________________ (Telephone Number)
FORM 5  
(Section 9(6))  
PERMIT TO PLANT FROM  
NON-CERTIFIED POTATOES  

Agricultural Pests Act  

PEST AND NUISANCE CONTROL REGULATION  
This is to certify that (name of permit holder) of (address) is authorized to plant ____ hectares of seed potatoes on ____ quarter of section __________ township ____ range _____ west of the ____ meridian, Alberta, from the following source of non-certified potatoes:

______________________________________________________

The following conditions apply:

______________________________________________________

____ (Date)______  
Minister responsible for the Agricultural Pests Act

FORM 6  
(Section 11(1))  
PERMIT TO PURCHASE, KEEP OR SELL RATS  

Agricultural Pests Act  

PEST AND NUISANCE CONTROL REGULATION  
Name: ______ (Research facility or zoo operator or inspector)______  
Address of facility or zoo, or inspector: ____________________________

Under the Pest and Nuisance Control Regulation made under the Agricultural Pests Act, the Minister responsible for that Act permits the above-named to purchase and sell live rats and to keep live rats at ___(location where to be kept)___, Alberta until the __________ day of ________, 20__.

This permit may be revoked by the Minister responsible for that Act at any time.
FORM 7
(Section 14)

PERMIT FOR COYOTE AND SKUNK CONTROL
ON ANOTHER PERSON’S LAND

Agricultural Pests Act

PEST AND NUISANCE CONTROL REGULATION

<table>
<thead>
<tr>
<th>Name of permit holder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit holder’s employer’s name and address</td>
</tr>
</tbody>
</table>

The permit holder named above has been trained in the use, storage and handling of

- □ devices and poisonous material for coyote control.
- □ devices and poisonous material for skunk control.

The permit holder is authorized to do the things ticked below until ____ (date when permit expires):

- □ use, store and handle the following devices and poisonous material:
  (devices and poisonous materials covered by this permit)

- □ issue them to an owner or occupier of land who holds a Form 8 permit referred to below and train that owner or occupier to use, handle and store them.
- □ remove or alter a written warning issued by the Department concerning their use or storage.
- □ shoot coyotes and/or destroy their dens.
- □ shoot skunks and/or destroy their dens.
- □ issue Form 8 permits under the Pest and Nuisance Control Regulation.
The rules and methods for using, storing and handling the devices and poisonous material are set out in applicable provisions of

☐ the *Agricultural Pests Act* and the *Pest and Nuisance Control Regulation* (Alberta),

☐ the *Pest Control Products Act* (Canada), and

☐ the policies of the Department.

<table>
<thead>
<tr>
<th>Authorized issuer</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address of issuer</td>
<td></td>
</tr>
</tbody>
</table>

**FORM 8**
(Section 14)

**PERMIT TO USE COYOTE OR SKUNK CONTROL MATERIAL OR DEVICES ON OWN LAND**

**Agricultural Pests Act**

**PEST AND NUISANCE CONTROL REGULATION**

<table>
<thead>
<tr>
<th>Name of land owner or occupant</th>
<th>Location of owner or occupant’s own land on which device or poisonous material to be used: Qtr Sec Twp Rge W of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing address</td>
<td>Postal code Telephone</td>
</tr>
</tbody>
</table>

The permit holder is authorized to use devices or poisonous material to control, on the land described above,

1. coyote predation of:
   - cattle ☐ sheep ☐ goats ☐ swine ☐
   - farmed deer or elk ☐ poultry ☐ other ☐

or

2. rabies of:
   - skunks ☐ other ☐ __________________________

☐ The permit holder is authorized to remove or alter a written warning issued by the Department concerning the use or storage of those devices or poisonous material on his/her own land.
Initial one box:

☐ I have received □ the devices or poisonous material listed below
☐ the Pest Control Products Act (Canada) label and warning posters for them
☐ instructions for their use, storage and handling

☐ I agree to □ use the device or poisonous material only on the land described above
☐ follow the instructions given on the product label, and by the inspector named below
☐ keep a map of where I place them on the land
☐ return all unused devices and poisonous material by the expiry date given below
☐ report to the inspector on the success of my coyote or skunk control efforts by the expiry date given below.

☐ I give my permission for the holder of a Form 7 Permit for Coyote and Skunk Control to use the material listed below on the land described above.

<table>
<thead>
<tr>
<th>Device or poisonous material</th>
<th>Serial numbers</th>
<th>Amount issued to owners or occupants</th>
<th>Amount used by inspectors</th>
<th>For inspector use only</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Amount returned Date returned</td>
</tr>
<tr>
<td>1080 tablets</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M44 devices</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M44 cartridges</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Neck snares</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Signature of land owner or occupier

Date signed

Name of inspector referred to above

Date this permit expires

Signature of issuer (holder of a Form 7 permit)
FORM 9  
(Section 14)

PERMIT TO DESTROY COYOTE 
USING DOGS

<table>
<thead>
<tr>
<th>Name of land owner or occupant</th>
<th>Location(s) of owner or occupant’s land on which coyote may be destroyed: Qtr Sec Twp Rge W of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing address</td>
<td>Postal code</td>
</tr>
<tr>
<td>Telephone</td>
<td></td>
</tr>
</tbody>
</table>

☐  * The permit holder is authorized to use dogs to destroy coyote on the land described above.

☐  * I (owner or occupant’s name) authorize (name and address of resident of Alberta) to use dogs to destroy coyote on the land I own and occupy as described above.

  (Signature of owner or occupant) (Date)

☐  I confirm that livestock predation caused by coyote has occurred on the land described above within the last 30 days.

  (Signature of inspector) (Date of issue)

This permit is only valid for 30 days from the date of issue.

* The inspector is to delete whichever paragraph is not applicable.


Schedule 2  
(Section 14(8))

Rabies Control Zones

1 The following areas are designated as rabies control zones:

(a) townships 1 to 63 in ranges 1 to 4, west of the 4th meridian;

(b) townships 1 to 5 in ranges 5 to 29, west of the 4th meridian except land within Waterton Lakes National Park;
(c) townships 3 to 5 in ranges 1 to 5, west of the 5th meridian except land within Waterton Lakes National Park.