



Province of Alberta

AGRICULTURAL PESTS ACT

PEST AND NUISANCE CONTROL REGULATION

Alberta Regulation 184/2001

With amendments up to and including Alberta Regulation 126/2016

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer
7th Floor, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(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

13 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

14(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.

AR 184/2001 s14;201/2001

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.

18 Repealed AR 126/2016 s4.

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 — *Ascospaere 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 — *Rhyzopertha 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*

AR126/2016 s5

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

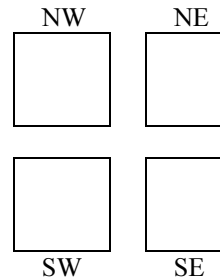
Agricultural Pests Act

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)



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 _____ (livestock or other property detained) _____, marked _____ (way in which item is marked, if applicable) _____ and located at _____ (location of item) _____, 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.

(Date)

Minister responsible for the
Agricultural Pests Act

FORM 7
(Section 14)

**PERMIT FOR COYOTE AND SKUNK CONTROL
ON ANOTHER PERSON'S LAND**

Agricultural Pests Act

PEST AND NUISANCE CONTROL REGULATION

Name of permit holder
Permit holder's employer's name and address

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.

Authorized issuer	Date
Address of issuer	

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

Name of land owner or occupant	Location of owner or occupant's own land on which device or poisonous material to be used: Qtr Sec Twp Rge W of	
Mailing address	Postal code	Telephone

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.

Device or poisonous material	Serial numbers	Amount issued to owners or occupants	Amount used by inspectors	For inspector use only	
				Amount returned	Date returned
1080 tablets					
M44 devices					
M44 cartridges					
Neck snares					
Other:					

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**

Name of land owner or occupant	Location(s) of owner or occupant's land on which coyote may be destroyed: Qtr Sec Twp Rge W of	
Mailing address	Postal code	Telephone

- * 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.

AR 184/2001 Sched.1.1;201/2001;35/2007;68/2008;126/2016

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.



Printed on Recycled Paper 