

OVERVIEW OF FEDERAL REGULATIONS IMPACTING STRUCTURAL APPLICATORS IN CANADA

*Study Material for NPMAPRO Certification Exam Preparation Course:
Federal Laws and Regulations*



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INTRODUCTION

The use and sale of pesticides in Canada are regulated both Federally and Provincially. These laws are meant to ensure safe handling and use of pesticides. Understanding these acts and regulations ensures compliance and strengthens the structural pest management industry.

Some Federal Acts aimed at protecting Canada's food and wildlife or those intended to ensure the safety of transporting chemicals also impact or restrict structural applications. These Acts include the [Pest Control Products Act](#), the [Transportation of Dangerous Goods Act](#), the [Food and Drugs Act](#), the [Species at Risk Act](#), and the [Migratory Birds Convention Act](#).

Aside from the Federal Acts listed above, structural applications are largely regulated at the provincial government level. Some provincial agencies and municipalities may have additional regulations including licensing requirements that apply to structural applicators as well. This overview is intended to broadly summarize federal regulations. However, some provinces and municipalities may have additional certification or licensing requirements, occupational health and safety regulations, and applicator regulations that must also be followed. It is the responsibility of the applicator to be aware of and follow any additional provincial and municipal regulations and licensing requirements regarding commercial structural pesticide applications.

Provincial Licensing Information

- [Alberta](#)
- [British Columbia](#)
- [Manitoba](#)
- [New Brunswick](#)
- [Nova Scotia](#)
- [Ontario](#)
- [Prince Edward Island](#)
- [Quebec](#)
- **Territories:** For licensing information in the Territories, consult your local government agency for information.

Federal Acts

Pest Control Products Act

The **Pest Control Products Act** (PCPA) of Canada, enacted in 2002 and enforced from 2006, aims to protect human health and the environment by regulating products used for pest control. Administered by Health Canada's Pest Management Regulatory Agency (PMRA), the Act ensures that pest control products are evaluated for safety, efficacy, and environmental impact before they can be registered and sold in Canada. The Act mandates a science-based national registration process that assesses risks to human health and the environment both before and after product registration. It also emphasizes sustainable pest management, aiming to balance human health protection, food production, and environmental conservation.

For **structural pest control operators**, the PCPA includes specific regulations to ensure safe and effective pest management practices that include:

- **Product Registration:** All pest control products must be registered with the PMRA before use.
- **Labeling Requirements:** Products must have clear labels with usage instructions, safety precautions, and first aid information.
- **Application Standards:** Operators must follow standardized application methods to minimize exposure risks.
- **Health Precautions:** Specific precautionary statements must be included on labels to protect human health.
- **Compliance and Enforcement:** Regular inspections and compliance checks are conducted to ensure adherence to regulations.

Transportation of Dangerous Goods Act

The Transportation of Dangerous Goods Act (TDG) governs the transportation of hazardous materials. Administered by Transport Canada, the act is designed to promote public safety and prevent accidents during the transportation of dangerous goods by road, rail, air, and sea. This legislation ensures that everyone involved in the transportation process, from suppliers to transporters, adheres to safety standards to minimize the risks associated with transporting hazardous materials.

The TDG Act sets out the requirements for:

- Identifying dangerous goods.
- Providing proper documentation and labeling.
- Ensuring that transporters are trained and certified.
- Having emergency response plans in place.

Food and Drugs Act

Canada's Food and Drugs Act, administered by the Canadian Food Inspection Agency (CFIA), governs the safety, quality, and labeling of food, drugs, cosmetics, and therapeutic devices by regulating the sale and distribution of food and drug products that may pose risks to human

health. One purpose of the Food and Drugs Act is to regulate pesticide residues in food. The act mandates the establishment of Maximum Residue Limits (MRLs) for various pesticides. The act also includes provisions that prohibit the advertising or sale of food products containing pesticide residues above the established MRLs. Additionally, it restricts the importation of commodities with residues of hazardous substances, including pesticides, that are not registered or allowed for use in Canada.

The Food and Drugs Act:

- **Sets Maximum Residue Limits:** Establishes Maximum Residue Limits (MRLs) for pesticides that must be adhered to during pest control applications.
- **Requires Regulatory Compliance:** Requires pest control companies to ensure that their practices comply with the MRLs, and other safety standards set by the act.
- **Establishes Import Restrictions:** Prohibits the importation of pest control products with unregistered or unsafe pesticide residues.
- **Sets Documentation Requirements:** Mandates proper documentation of pesticide use and compliance with safety standards.
- **Establishes Public Health Protections:** Ensures that pest control practices do not pose risks to public health by regulating the use of pesticides in and around food establishments.
- **Mandates Safety Training:** Requires pest control professionals to be trained and knowledgeable about the safety regulations and standards related to pesticide use.

Species At Risk Act

The Species at Risk Act (SARA) was enacted to prevent wildlife species in Canada from becoming extinct, endangered, or threatened due to human activity, to provide recovery for those that no longer exist in Canada, and to manage species of special concern to prevent them from becoming endangered or threatened. This act establishes measures for the assessment and protection of species at risk and their habitats. The species at risk public registry provides a comprehensive list of species protected under this act, which can be found [HERE](#).

The Species at Risk Act:

- **Protects Species and Habitats:** Structural pest control activities must ensure they do not harm protected species or their critical habitats.
- **Permits and Regulations:** Pest control companies may need permits to carry out activities that could potentially impact species at risk.
- **Ensures Monitoring and Compliance:** Regular monitoring and compliance with SARA requirements are essential to avoid penalties and ensure the protection of wildlife.
- **Emphasizes Integrated Pest Management:** Emphasis on integrated pest management (IPM) practices that minimize impact on non-target species and their habitats.
- **Requires Ongoing Education and Training:** Pest control operators must be trained to recognize species at risk and understand the regulations under SARA.

Migratory Birds Convention Act

The Migratory Birds Convention Act (MBCA) of 1994 is aimed at protecting migratory birds, their eggs, and their nests. Administered by Environment and Climate Change Canada, the act implements the Migratory Birds Convention, a treaty signed with the United States in 1916. The MBCA ensures the conservation of migratory bird species by regulating activities that could harm them, such as hunting, trafficking, and habitat destruction. The act covers approximately 450 species of native birds that migrate through Canada. A list of birds protected under the Migratory Birds Convention Act can be found [HERE](#).

The Migratory Birds Convention Act:

- **Establishes Protection of Birds:** Structural applications must avoid harming protected migratory birds, their eggs, and nests.
- **Sets Permitting Requirements:** Pest control operators may need permits for activities that could impact migratory birds.
- **Emphasizes Exclusion Methods:** Requires the use of exclusion methods, such as netting or barriers, to prevent birds from nesting in buildings without causing harm.
- **Establishes Timing of Control Measures:** Removal of nests and implementation of control measures should be timed to avoid disturbing birds during critical periods, such as nesting and migration.
- **Requires Compliance with Regulations:** Ensuring all pest control practices comply with the MBCA regulations to avoid penalties and legal issues.
- **Mandates Ongoing Education and Training:** Training pest control professionals to recognize migratory birds and understand the regulations under the MBCA.

Safe Food for Canadians Act

Any structural pest control applicator performing work in food processing plants, food packaging facilities, or restaurants must also follow measures set by the Safe Food for Canadian's Act.

The Safe Food for Canadians Act (SFCA), established in January of 2019, aims to modernize and strengthen Canada's food safety system. The SFCA, enforced by the Canadian Food Inspection Agency, mandates licensing, preventive controls, and traceability requirements for food businesses involved in importing, exporting, or inter-provincial trade. One requirement of the SFCA is the need for any food handling business subject to the SFCA to develop and maintain a Preventative Control Plan (PCP). The purpose of the PCP is to ensure that food businesses identify and manage food safety hazards to prevent contamination and protect public health.

Requirements of the PCP include:

- **Written Document:** Businesses must prepare, keep, maintain, and implement a written PCP.
- **Hazard Identification:** The PCP must demonstrate how hazards to food are identified and controlled.
- **Preventive Controls:** Include measures to prevent, eliminate, or reduce hazards to an acceptable level.
- **Critical Control Points:** Identify and establish critical control points and their critical limits.

- **Monitoring Procedures:** Outline procedures for monitoring the effectiveness of control measures.
- **Corrective Actions:** Specify actions to be taken when monitoring indicates that a critical control point is not under control.
- **Verification Procedures:** Include procedures for verifying that the preventive controls are effective.
- **Record Keeping:** Maintain records of monitoring, corrective actions, and verification activities.
- **Employee Training:** Ensure that employees are trained in the PCP and understand their roles in maintaining food safety.
- **Compliance with Standards:** The PCP must comply with internationally recognized food safety standards.