

Basic Enforcement Processes of ***The Weed Control Act***

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History of Regulating Weeds in Saskatchewan

- *Noxious Weeds Ordinance*
 - Ordinances of the Northwest Territories
 - from as early as 1883
- *The Noxious Weeds Act*
 - passed into law in 1909
 - Shortly after Sask. Became a province 1905
 - Most recent version 1984
- *The Weed Control Act*
 - Came into force on December 1, 2010



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The Weed Control Act (WCA)

Provincial Law

- places responsibility for weed control on land owners and/or occupants
- The crown is not bound by this legislation

Enabling legislation

- Gives powers to local municipalities for the enforcement of control of regulated weeds on private land

Focused on Prevention of Introduction and further Spread

- Establishes weed regulatory priorities based on prevalence within the province
- Give clear direction on intensity of enforcement based on the species and size of infestation

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Weed Control Legislation

Weed Control Legislation consists of 3 parts:

- **[The Weed Control Act](#)** – provides a core of required activities, standards, and municipal powers and responsibilities.
- **[The Weed Control Regulations](#)** contains:
 - additional definitions not in the Act (domestic animal and machine)
 - *Agreement* and *Order* Forms (formatted functional forms are available at www.Saskatchewan.ca search for Weed Inspector)
 - Maximum amounts that municipalities can recover from land owners for costs of measures taken when Agreements and Orders are not complied with
 - Maximum amount of deposit that municipalities can require with the request for an appeal
 - Additional acceptable means of service for documents under the Act
- **[Minister's Order to designate Prohibited, Noxious and Nuisance Weeds](#)**
 - weed lists

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WCA - Multi-level Weed List

Cornerstone of the WCA – 3 Level Weed List

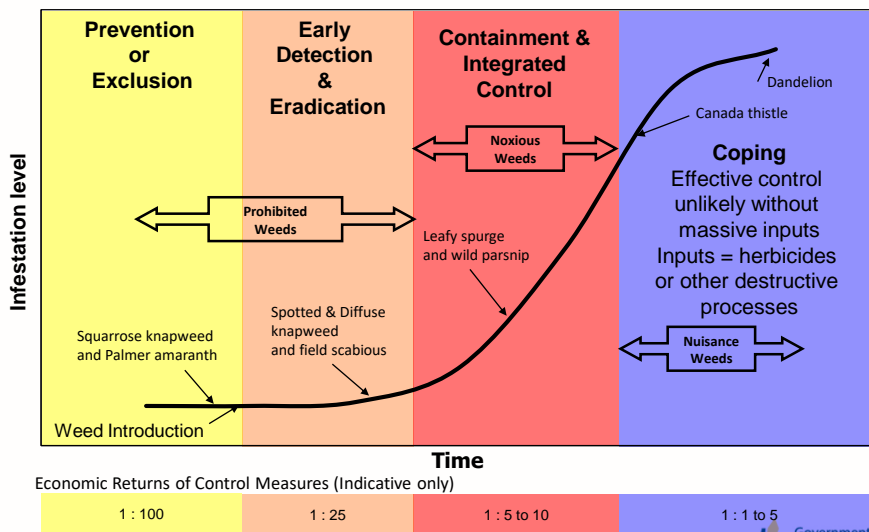
- Based on the principal of Early Detection and Rapid Response (EDRR)
- 3 categories of regulated plants
 - *Prohibited, Noxious & Nuisance*
 - Alberta - Restricted, Noxious, Nuisance
 - Montana - Class 1, Class 2, Class 3
 - Manitoba – Tier 1, 2, 3
- Obvious reflection of weed species severity and level of attention needed
- Allows enforcement intensity to be dictated by level of concern
 - *Prohibited* = Eradication (left pair)
 - *Noxious* = Containment and control; eradication of isolated populations (middle pair)
 - *Nuisance* = change in land management practice to reduce problem – integrated weed control (right pair)



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The Invasion Cycle and Invasive Weed Management



Role of the Weed Inspector

Primary - Enforce *The Weed Control Act*

- Ensure that infestations are controlled by land owners
 - Private, corporate, or municipal
- Report to Council at year end or other intervals requested by council

Secondary (not mandated) - Coordinate municipal weed control activities

- Monitoring for regulated weed infestations
- Mapping, records (records more useful shared iMapInvasives)
 - Get the App on iPhone or Android and get RM an account
- Assessing effectiveness of controls and plan for future activity
- Participate in biocontrol activities where they fit into the overall Weed Management Plan
- Advise the Administrator and Council on weed issues in RM

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Role of the Weed Inspector

Is not - The Weed Inspector is not the Pesticide Applicator

- WITCs do not qualify person for Pesticide Applicator's license
- Weed Inspector can apply herbicides with industrial pesticide applicator's license – home study through Sask Polytech
- Commercial pesticide applicator may be seen as being in conflict of interest as a weed inspector

Is not - The Weed Inspector (or PCO) is not overall authority of the municipality

- The position:
 - Does not give authority to carry weapons
 - Does not authorize you to detain anyone
 - Does not authorize destruction of property

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Prerequisites

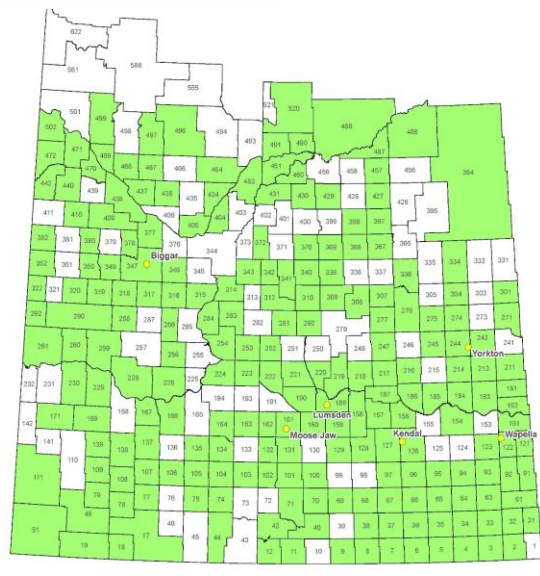
- You must be appointed by your municipality prior to conducting enforcement
- Your RM must send a notice of appointment to:

Executive Director
Crops & Irrigation Branch
Saskatchewan Ministry of Agriculture
125-3085 Albert Street
REGINA, SK S4S 0B1
Fax: 306-787-0428
Email: Crops@gov.sk.ca (scan of signed copy of letter on RM letterhead only)
- Crops & Irrigation Branch will issue a Weed Inspector Identification Card (not in 2020) and municipality will appear on Weed Inspectors in Saskatchewan page on www.Saskatchewan.ca

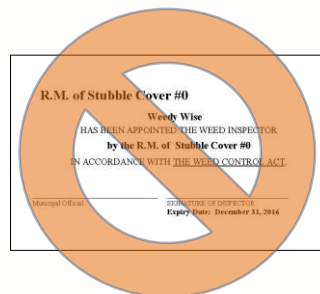
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Municipalities with Appointed Weed Inspectors - 2020



Appointed?



www.Saskatchewan.ca

- Search “weed inspector”
- “Weed Inspectors in Saskatchewan” page
- Check “Related items” at the bottom of the page for current map



Basic Enforcement Process

1. Investigation/Discovery & Consultation with Offender
2. Agreement or Order
3. Follow-up
4. Reporting

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Investigation/Discovery & Consultation

- Triggered by
 - a complaint, or;
 - through “normal” monitoring
- Background
 - Contact complainant to determine location of weeds
 - Determine land owner/occupant residence
- Go to location, enter land and confirm weed ID
- Collect Evidence
 - Photographs - weeds and general location
 - Weeds for mounting or expert identification
- Approach land owner/occupant with intent to developing an *Agreement*

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Agreement or Order?

- You are obligated to first approach land owner/occupant with the intent to negotiate an **Agreement** to control noxious weeds
 - An **Agreement** is a bilateral contract between the Owner/Occupant and the Weed Inspector
- When is an **Order** necessary?
 - Owner/Occupant refuses to negotiate the **Agreement** or;
 - Weed Inspector must attempt to contact/visit the Owner/Occupant usual place of residence on two separate days without success or;
 - The Owner/Occupant does not live in the municipality
- What is an **Order**?
 - A unilateral ultimatum from the Weed Inspector only

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Agreements/Orders

- Both legally binding documents
- Used for:
 - Eradication of prohibited or isolated noxious weeds and control of established noxious or nuisance weed infestations
 - Permits for, or prohibition of, transport of contaminated machines
 - Prohibition of purchase, sale or movement of contaminated materials
 - Prohibition of seeding
 - specific to Prohibited or Isolated Noxious Weeds
- Provide more detail rather than less
 - Consult with publications produced on Weed Control
 - Consult with Saskatchewan Ag Weed Specialist, Regional Specialists or other Professional Agrologists (PAg.) qualified to make weed control recommendations
 - Try to fit the control measures with the agronomic practices of the owner/occupant as much as possible

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Orders

- An *Order* is considered served after 5 business days of:
 - It being served personally by the Weed Inspector if owner/occupant lives in municipality or owner/occupant lives outside the municipality but within Saskatchewan
 - mailing (regular or registered) or courier
- If owner/occupant lives outside Saskatchewan the administrator shall immediately send by mail or courier
- Clock on the 5 business days starts on postmark of mailed Orders

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Follow-up

- If ***Agreements*** or ***Orders*** are not carried out to the satisfaction of the ***Weed Inspector, controls measures may be taken*** appropriate to the situation:
 - *5 days after the serving of the Agreement or Order* personally by weed inspector,
 - *10 days from the date of mailing*
(5 for delivery + 5 for action)
- Municipality may charge land owner for controls
 - For parcels <0.25 hectares (0.62 acres) = \$400 flat rate;
 - For parcels greater than 0.25 hectares;
 - \$1250 per hectare or part of a hectare
 - to a maximum of \$10,000 per quarter section of land.

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Follow-up

- All pesticides (including herbicides) need to be applied by a licensed applicator – class appropriate to the situation:
 - Ag License = Ag land
 - IVM license = roadsides, rail, oil & gas, & other “industrial” sites
 - Landscape = domestic areas (lawns, gardens, parks, etc.)
 - Forestry = wooded areas
- Work done needs to be:
 - checked as completed properly
 - certified by a councilor's signed statement
 - Statement included with invoice in tax statement

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Reporting

- Weed Inspector is to report Annually to the **municipality**
- Report to administrator by November 1 each year
 - Administrator then forwards copy to SAFRR by December 31
 - Executive Director of Crops & Irrigation Branch
Saskatchewan Agriculture
125-3085 Albert St.
Regina, SK S4S 0B1
 - Report includes copies of all **Orders** and **Agreements** issued in that year – Summary spreadsheet will do if there are a lot.

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Annual Weed Inspector Report

Good Things to Include:

- general notes on the state of weeds in the R.M.
 - not just prohibited, noxious, and nuisance ones
- new weeds that could be a threat
- R.M. maps with overview of problems and new weeds
- notes on programs underway at the municipal level
- notes on weed control activities organized
- students to pick weeds
 - would like to know which weeds

Don't Need/Want to Include:

- time sheets, mileage sheets, expenses for work done
- Identical reports for each of 6 inspectors - one summary per RM
- No such thing as "no noxious weeds"
- detailed chemical application records
 - used to require this when chemical was distributed by province, but not **for 40 years**
 - SARM will need for IPCP however

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Annual Report

Remarks

- This area of the report is where you get to express your ideas
- also where you get to make suggestions as to how to make the Act work better
- Make suggestions for resource needs at the field level

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Power of a Weed Inspector

- May go anywhere on private property except inside a person's house to inspect for regulated weeds
- May enforce *The Weed Control Act*
 - Issue *Orders* and *Agreements*
 - Arrange for control measures to be completed when *Orders* or *Agreements* are not completed within 5 business days (also remember to leave 5 business days for order delivery if mailed)
- Prevent the sale or movement of any material infested with prohibited or noxious weeds – through *Order*

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Preventing Weed Movement

- Weeds can move through seeds, roots, stolons, or stems
- They can move by air (floating, drifting), water, or with animals or humans
 - Clothes, vehicles (undercarriage, tires), feed (hay, other forage), grain, soil, aggregate, seed, intentional introductions (bouquets, ornamental seeds), etc.
- Preventing the introduction of new weeds is much easier and cost effective than trying to eradicate them once established.
 - For example, field bindweed seed can last for up to 20 or 50 years in the soil and roots can survive for 2 years or more
 - Round-leaved mallow seed has been documented to last up to 125 years in the soil...and still counting

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Provisions in the WCA

Section 31

- A weed inspector may prohibit the movement of any material (except certified seed), that are found to contain prohibited or noxious weeds.

Section 9

- A weed inspector for a rural municipality has concurrent jurisdiction with a weed inspector acting in the urban municipality that is bordered by the rural municipality for facilities located in that urban municipality.

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Provisions in the WCA

Section 25 – Permits re removal of screenings

- Those moving screenings are required to get a permit in writing from the weed inspector of the RM that the screenings are going to so that they can set conditions on their movement, storage and use.
- Farmers can collect the screenings of their own grain and return them to their own farms as long as precautions are taken to prevent them escaping enroute.
- Each grain handling facility is to have this provision posted “conspicuously” in the facility so it is visible to all that enter.

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Provisions in the WCA

Section 26 – Vehicles and Machinery

- No one is allowed to travel on roads (or over another person's property - Section 39 OFFENCE) with machinery or vehicles that have *prohibited* or *noxious* weeds on them
- The machinery that has been in a location infested with *prohibited* or *noxious* weeds is required to be cleaned in such a way as to remove all *prohibited* or *noxious* weeds before movement **from** the infested area.
- A weed inspector may prohibit the movement of machinery above until cleaned to their satisfaction using a written order.

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Provisions in the WCA

Section 33 – Tarping Bylaw

- A municipality may pass a bylaw that requires all transport of agricultural materials to "be covered in a way that will prevent the spread of noxious weeds during such movement"
- The bylaw may specify the way that the materials are contained to prevent the spread of noxious weeds
- The bylaws must be posted visibly in all seed or grain handling facilities
- The bylaws may carry a fine of up to **\$5000** for their contravention.

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Provisions in the WCA

Section 32 – Containment of Screenings

- Screening or other material that can blow, may not be left uncovered or uncontained for more than 5 days
- They must be contained in a secure building or other shelter.
- Considered and offence liable to a fine under the WCA (\$5000)

Special Provisions for Prohibited Weeds

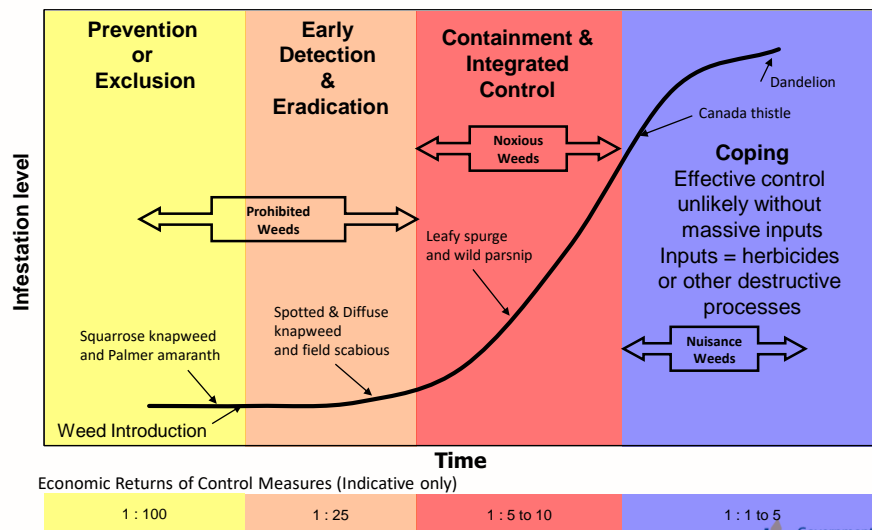
Rationale for Prohibited Weeds

- A Prohibited Weed is absent from Saskatchewan or very very rare
- The easiest time to address these weeds is as soon as they are found and identified

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The Invasion Cycle and Invasive Weed Management



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Rationale for Prohibited Weeds

- A Prohibited Weed is absent from Saskatchewan or very very rare
- The easiest time to address these weeds is as soon as they are found and identified
 - Fit well with concept called Early Detection and Rapid Response (EDRR) or Early Detection and Eradication
 - The sooner a prohibited weed is found the smaller the area to be impacted (\$25 return for every \$1 spent)
 - *Perspective: Imagine if leafy spurge or scentless chamomile had been addressed this way 75 or 100 years ago.*
- Enforcement process is akin to quarantine

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Monitoring

- **Regular Planned Monitoring**
is critical to finding new infestations
- **Critical Pathways of Spread**
are the most likely place to find Prohibited weeds and should be checked first
 - Rights of Way (Roadways, Utility ROWs [Power, gas, telephone, water, etc.], Railways)
 - Waterways
 - Grain elevators
 - Feedlots
 - Gravel pits
 - Oil and Gas facilities
 - Any other location where there is lots of human activity or movement of things in and out



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Monitoring

- Look for Noxious Weeds at the same time
 - neither Prohibited or Noxious Weeds require a complaint to start enforcement!
- Document your route and what you found
 - GPS coordinates are really helpful
 - Enter details into iMapInvasives.org/skimi
 - Also has handy smartphone app for both Apple and Android
- If all goes well looking will be all that you do for Prohibited Weeds



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Ratepayer Education

- ***Educating Ratepayers*** will make the job easier
 - “Many eyes make light work”
- Hold ratepayer meetings or even barbeques to engage residents in the search for weeds
 - Social events help relationships start on a good footing
- Most ratepayers will be on your side
 - Can be a real boost for the battered ego
 - Helps to re-enforce what you are doing



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Finding a Prohibited Weed

- When you think that you have found a Prohibited Weed notify:
 - municipal office,
 - land owner (and/or occupant)
 - Crops & Irrigation Branch of Saskatchewan Agriculture
- Document the location thoroughly and the boundaries of the infestation
- Collect a sample for positive identification at the Saskatchewan Agriculture Crop Protection Laboratory



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Eradication of the Prohibited Weed

- **Sect 30(1)**
 - “The weed inspector shall eradicate, or by notice require the owner or occupant to eradicate, prohibited weeds...
...using measures the weed inspector considers the most effective measures available”
- **Sect 23(a)** A weed inspector shall not issue an order requiring the destruction of a crop unless there is an infestation of a prohibited weed on the land...

- **Section 2(1)(h)**
“Eradicate”

- (i) kill all growing parts of the weed and
- (ii) render reproductive mechanisms of the weed non-viable
- ‘scorched earth’ policy
- Process above should continue until that weed is eliminated from the landscape

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Prohibited Area Bylaw

- **Sect 27**
A municipality may by bylaw designate an area where prohibited weeds are found to be a PROHIBITED AREA (which):
 - Specifies a boundary distance around the infestation – does not have to be whole parcel
 - May remain in force for 5 years **from the last occurrence (sighting) of that weed** at the site
- Municipality must:
 - Notify the Director of Crops & Irrigation Branch of the prohibited area
 - Provide a copy of the bylaw to the land owner and occupant

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Requirements in a Prohibited Area

The weed inspector:

- shall monitor the site from May 1 to October 31 every year while the bylaw is in force for occurrences of the weed
- shall treat any plants that emerge (or have the land owner/occupant treat under their direct supervision) with the most effective measures available to eradicate the plants
- shall post the boundary of the *Prohibited Area* with sufficient signs that someone approaching the area could not miss

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Requirements in a Prohibited Area

The weed inspector:

- May erect a safe barrier to prevent entry of livestock or people – does not have to be a whole land parcel
- Also make the area more noticeable
- May prohibit any movement of any person, machine or domestic animal in or out of the Prohibited Area – could be on the posting
- May order the destruction of the crop if necessary
- May prohibit the seeding of a crop in that area

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Caveats

- Appeal process still applies to prohibited weeds
 - Suggest that you notify the land owner/occupant as soon as possible and be in constant contact with them on all actions being taken, lab results on identification, and why the actions are being taken
 - Example (Sect 20 says you have to...)
 - Appeal protects the landowner from negligence
 - Improper identification – confirmation of your ID is critical
 - Improper notification (jumping to an order without the offer of an agreement)
 - Appeal can only be sought after an order has been issued
 - Conflict of interest due to councilors acting as enforcement officers

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Caveats

- Offences apply to all weeds equally
 - No added fines or more severe penalties over noxious or nuisance weeds
 - Remember it is not an offence to be unlucky enough to have the prohibited weed on your property.

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Questions?

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Search “weed inspectors”

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