

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



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

Weed Control Legislation

Weed Control Legislation consists of 3 parts:

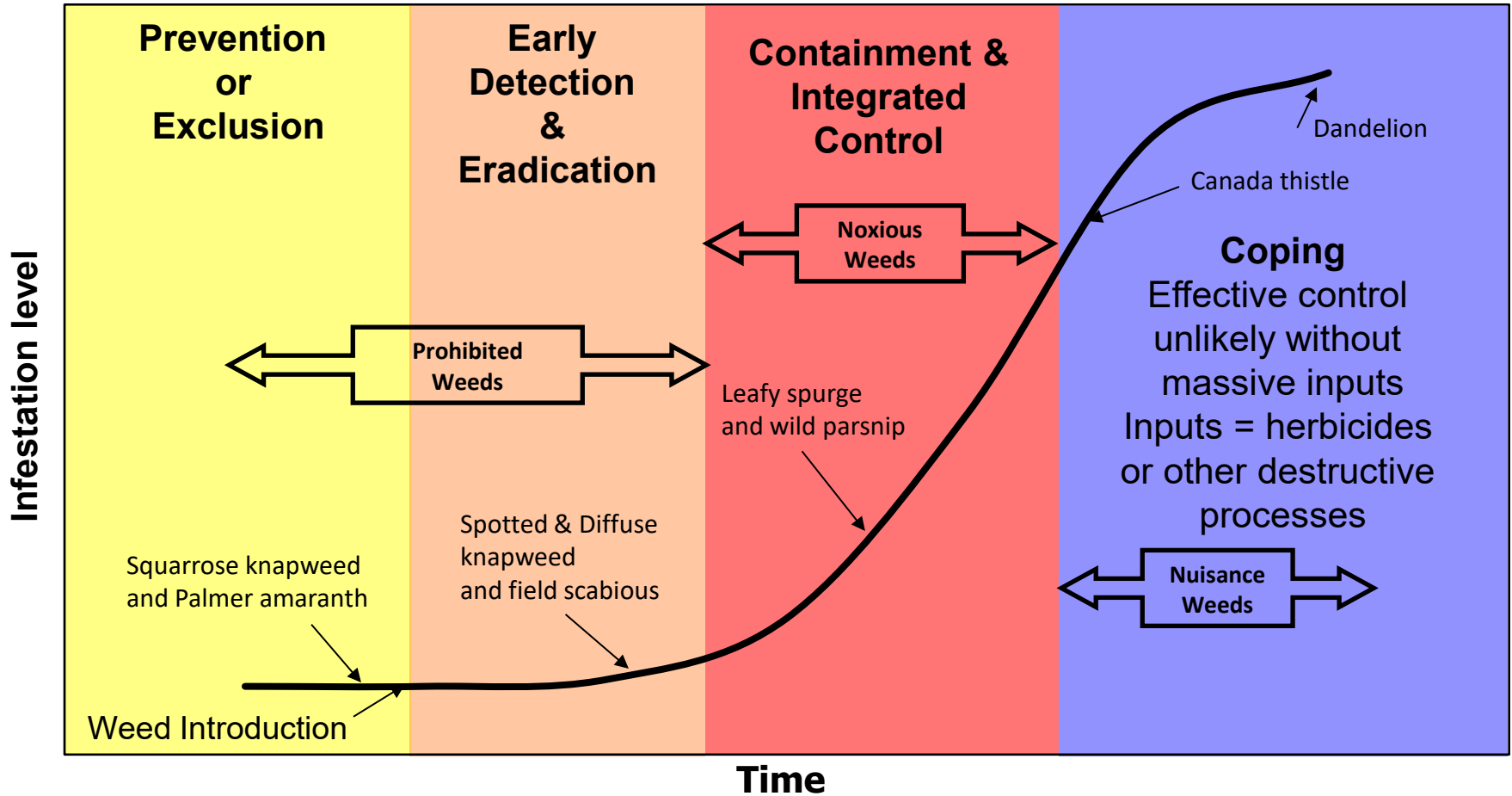
- **[The Weed Control Act](#)** – provides a core of required activities, standards, and municipal powers and responsibilities.
- **[The Weed Control Regulations](#)** contains:
 - additional definitions not in the Act (domestic animal and machine)
 - *Agreement* and *Order* Forms (formatted functional 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

WCA - Multi-level Weed List

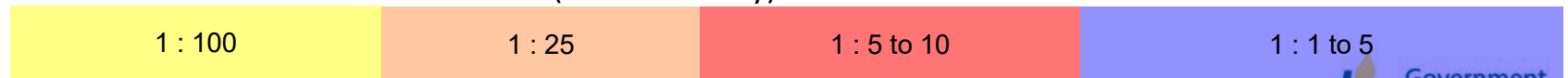
Cornerstone of the WCA – 3 Level Weed List

- 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
 - *Noxious* = Containment and control; eradication of isolated populations
 - *Nuisance* = change in land management practice to reduce problem – integrated weed control

The Invasion Cycle and Invasive Weed Management



Economic Returns of Control Measures (Indicative only)



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

Role of the Weed Inspector

Secondary (not mandated) - Coordinate municipal weed control activities

- 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

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

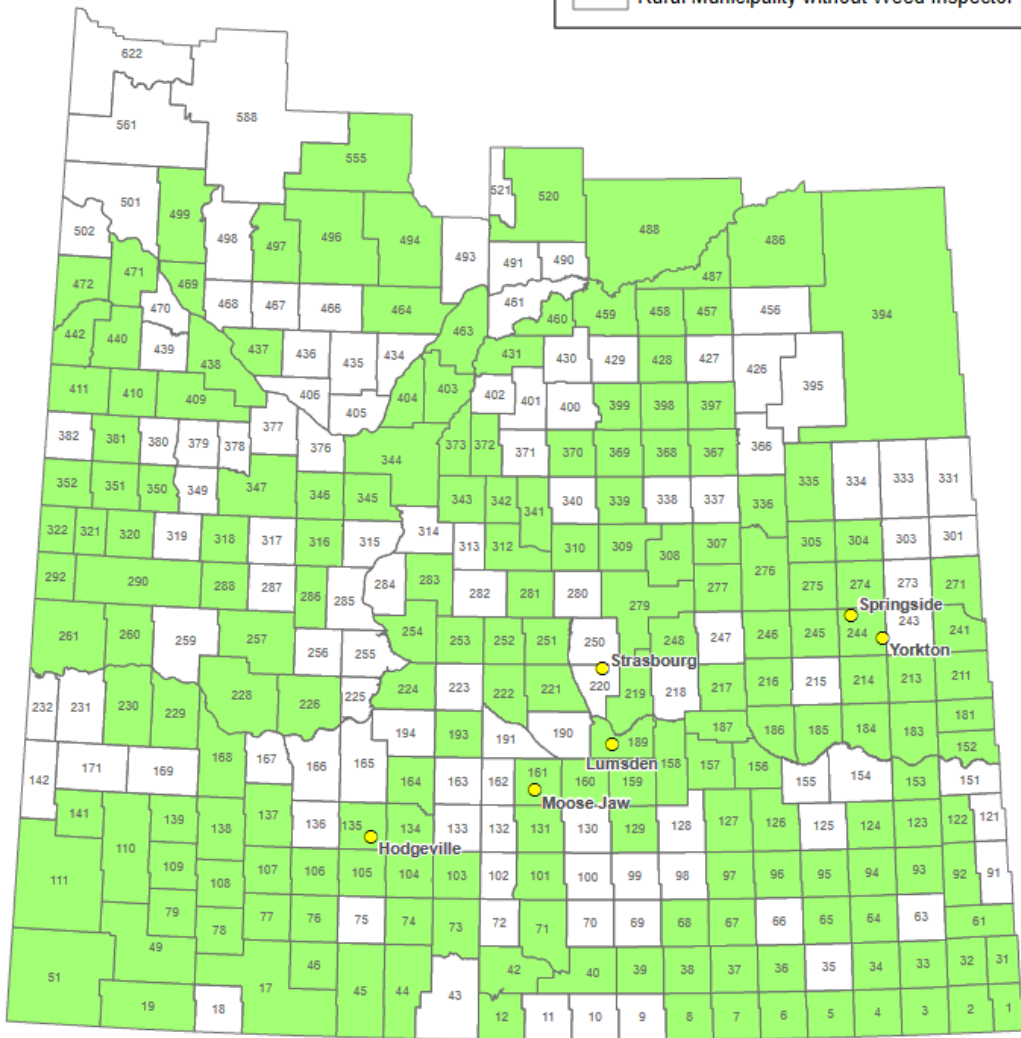
- The position:
 - Does not give authority to carry weapons
 - Does not authorize you to detain anyone
 - Does not authorize destruction of property

What Needs to Happen First

- 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 physically signed copy of letter on RM letterhead only)
- Crops & Irrigation Branch will email a 'Weed Inspector Identification Card' and municipality will appear on Weed Inspectors in Saskatchewan page on www.Saskatchewan.ca (search for 'Weed inspector')

Municipalities with Appointed Weed Inspectors - 2022

-  Urban Municipality with Weed Inspector
-  Rural Municipality with Weed Inspector
-  Rural Municipality without Weed Inspector



Are You Appointed?

R.M. of Stubble Cover #0

Weedy Wise

HAS BEEN APPOINTED THE WEED INSPECTOR

by the R.M. of Stubble Cover #0

IN ACCORDANCE WITH THE WEED CONTROL ACT.

Municipal Official

SIGNATURE OF INSPECTOR

Expiry Date: December 31, 2016



Basic Enforcement Process

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

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*

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

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

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

Follow-up

- If ***Agreements*** or ***Orders*** are not carried out to the satisfaction of the ***Weed Inspector***, *control 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.

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

Reporting

- Weed Inspector is to report Annually to the **municipality**
- Report to administrator by November 1 each year
 - Administrator then forwards copy to Saskatchewan Ag 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.

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

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

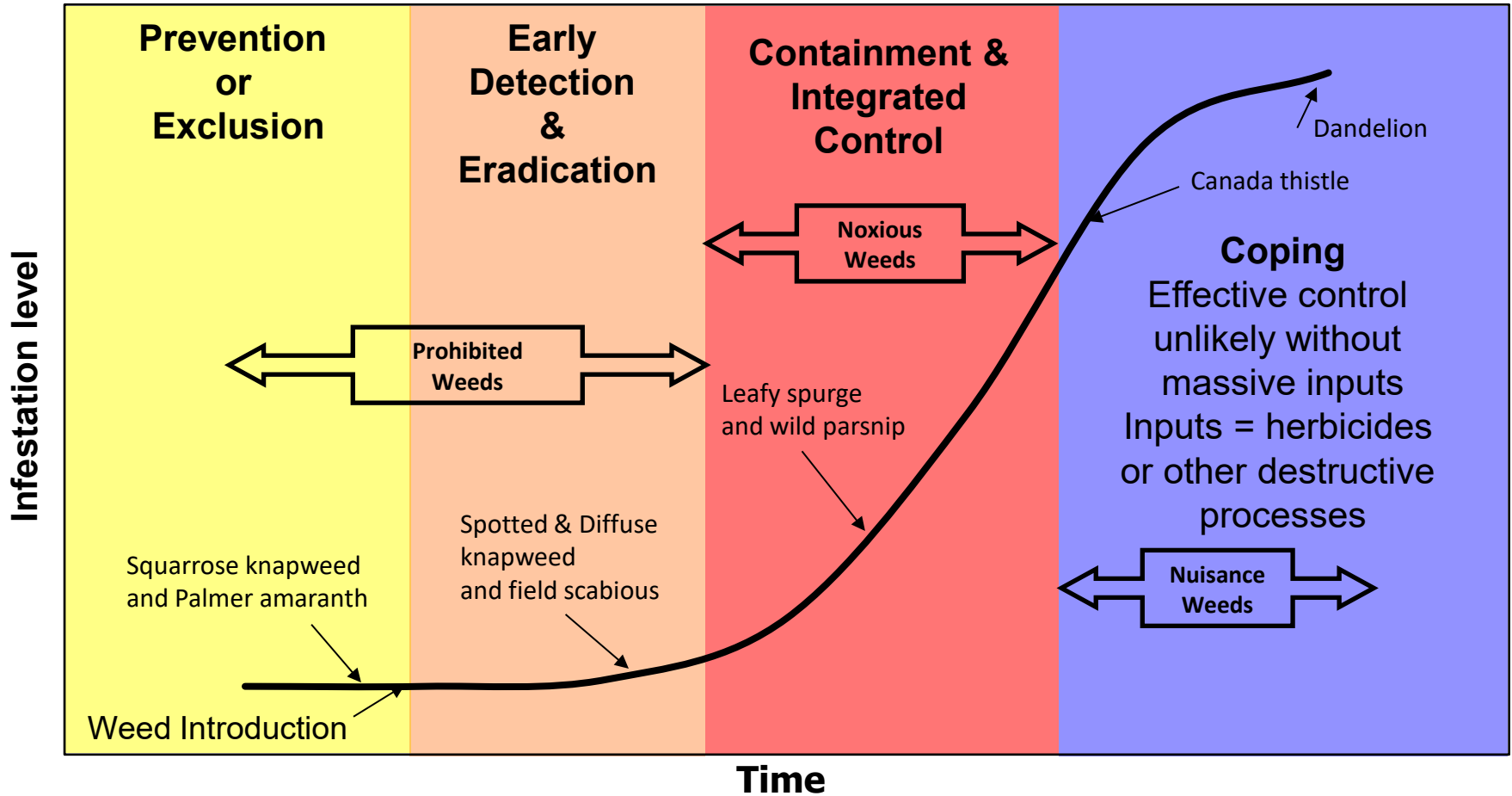
Preventing Weed Movement

- 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

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

The Invasion Cycle and Invasive Weed Management



Economic Returns of Control Measures (Indicative only)



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.*

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



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



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
 - Helps to re-enforce what you are doing



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



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

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

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

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

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

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.

Weed Inspector Guidance Document

- Valuable to have a plan to proactively minimize conflicts, some strategies:
 - RM conflict of interest policy can be expanded to include this
 - Bring in weed inspector from a neighbouring RM
 - Councillor can provide notice of their conflict of interest and or recuse themselves of dealing with the matter

Weed Inspector Guidance Document

- It is a good practice whether the weed inspector is a councillor or not to show the RM council what step they are taking to control weeds on their own land

Questions?

www.saskatchewan.ca

Search “weed inspectors”

<https://www.saskatchewan.ca/business/agriculture-natural-resources-and-industry/agribusiness-farmers-and-ranchers/crops-and-irrigation/weeds/weed-inspectors-in-saskatchewan>

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