

B.C. Reg. 414/92
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Plant Protection Act

Balsam Woolly ADELGID REGULATION

[includes amendments up to B.C. Reg. 213/2006, July 13, 2006]

Contents

- 1 Interpretation
- 2 Permits
- 3 Prohibition on movement
- 4 Sale of trees prohibited
- 5 Sale of cones and seeds permitted
- 6 Treatment of infested trees
- 7 Powers of inspectors
- 8 Order of inspector
- 9 Offence

Appendix A

Interpretation

1 In this regulation:

"Abies spp." means true fir, and includes balsam fir, Fraser fir, grand fir, noble fir, Pacific silver fir, silver or white fir and sub-alpine fir;

"balsam woolly adelgid" means an insect of the species Adelges piceae (Ratz.);

"log" means a log of Abies spp. with any attached bark but without branches;

"quarantine area" means the area described in the Appendix;

"tree" means a living tree of Abies spp. with roots, and includes

(a) a seedling, and

(b) a tree produced by tissue culture.

[am. B.C. Reg. 213/2006, s. 1.]

Permits

2 (1) A person who wishes to grow Abies spp. in British Columbia must obtain an annual permit from the B.C. Ministry of Agriculture and Lands.

(2) A person who is granted a permit under subsection (1) to grow Abies spp. must treat the trees for balsam woolly adelgid control in a manner specified by the Minister of Agriculture and Lands.

(3) Repealed. [B.C. Reg. 169/2000.]

[am. B.C. Regs. 169/2000; 213/2006, s. 2.]

Prohibition on movement

3 (1) A person must not move any tree of Abies spp. that originated in the quarantine area to any place in British Columbia outside the quarantine area.

(2) Despite subsection (1), a person may move logs of Abies spp. out of the quarantine area if the logs are transported and stored in water and promptly processed.

[en. B.C. Reg. 213/2006, s. 3.]

Sale of trees prohibited

4 A person must not sell or move cut trees or foliage of Abies spp. anywhere in British Columbia between January 31 and November 1.

Sale of cones and seeds permitted

5 The sale and movement of cones and seeds of Abies spp. is permitted anywhere in British Columbia.

Treatment of infested trees

6 Retail outlets offering Abies spp. for sale which are found by an inspector to have infested trees must immediately treat the trees in a manner specified by an inspector or the inspector may order the destruction of the infested trees.

Powers of inspectors

7 Inspectors either defined under the Provincial *Plant Protection Act* or designated under the *Plant Protection Act* (Canada) are empowered to enforce the provisions of this regulation.

[en. B.C. Reg. 213/2006, s. 4.]

Order of inspector

- 8** (1) If an inspector is of the opinion that this regulation or the intent of this regulation is being contravened, the inspector may serve upon the person who is responsible for the contravention a written notice of the contravention ordering that person to do such things as the inspector may order for the purpose of preventing any similar or further contravention.
- (2) A person who neglects or refuses to comply with the order of an inspector contained in a notice under subsection (1) is guilty of an offence.
- (3) An inspector who takes any action under subsection (1) must promptly give to the Director, Crop Protection Branch, a report of the action taken.

Offence

- 9** (1) A person who contravenes any of the provisions of this regulation is guilty of an offence.
- (2) If a person is found guilty under subsection (1), in addition to any penalty imposed, the trees or logs in his or her possession may be destroyed.

Appendix A

Quarantine Area

[en. B.C. Reg. 213/2006, s. 5.]

The forest districts listed below, established under the Forest Regions and Districts Regulation, B.C. Reg. 123/2003, constitute a quarantine area for the purposes of section 8 (2) (f) of the *Plant Protection Act*.

Campbell River forest district (Coast forest region)
Chilliwack forest district (Coast forest region)
North Island-Central Coast forest district (Coast forest region)
South Island forest district (Coast forest region)
Squamish forest district (Coast forest region)
Sunshine Coast forest district (Coast forest region)

Note: This regulation replaces B.C. Reg. 7/77.

[Provisions of the *Plant Protection Act*, R.S.B.C. 1996, c. 365, relevant to the enactment of this regulation: section 8]

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