

Integrated Pest Management Act **and Regulation**

Forest Pest Management Sector Review Paper

This is a summary prepared to provide general guidance on the use of pesticides in British Columbia. This is not a legal document and the contents should not be relied upon for legal purposes. In all cases the *Integrated Pest Management Act* and Regulation will prevail. Copies of the *Act* and Regulation may be obtained through the Queen's Printer.



**Ministry of Environment
Integrated Pest Management Program**

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1. Introduction – Purpose of this Review Paper

This review paper provides information drawn from the *Integrated Pest Management (IPM) Act* and Regulation that will be of particular interest to pest managers **working in the forest pest management sector**. The *IPM Act* was brought into force on December 31, 2004, replacing the *Pesticide Control Act*. The legislation sets out requirements for the use and sale of pesticides in British Columbia.

This document presents a lay summary of the requirements set forth in the *IPM Act* and Regulation for forest pest management (including reference to management of noxious weeds and invasive plants). Additional information – including a summary overview, other industry sector reviews of the *Act* and Regulation and links to application forms and the legislation – can be accessed by clicking on the address below, or from the Ministry of Environment homepage, by following the *Environmental Protection Division, Environmental Management Branch*, and *IPM* links. The IPM Program webpage address is: <http://www.env.gov.bc.ca/epd/epdpa/ipmp/index.html>.

2. General Information

2.1 Who administers the *IPM Act*?

The B.C. Ministry of Environment is responsible for the protection of human health and the environment in British Columbia. The Integrated Pest Management (IPM) Program of the ministry promotes IPM and environmental stewardship, and ensures compliance with the *Integrated Pest Management Act* and Regulation.

The *Act* mandates the appointment of an **Administrator** for the legislation, with powers and duties to issue, amend or revoke licences, certificates or permits – as well as to delegate specific duties to assistant administrators, and to designate inspectors (employees of provincial, federal or local government). The legislation includes provisions for appeals of the Administrator’s decisions to the Environmental Appeal Board (established under authority of the *Environmental Management Act*), and for establishment of an IPM Committee with representatives of identified government regulatory agencies to review issues referred to it by the Administrator.

2.2 What does the *Act* regulate? How?

The *Integrated Pest Management Act* and Regulation establish conditions for the sale and use of pesticides through a classification system and regulatory provisions and standards for licences, certification, permits, Pest Management Plans (PMPs), pesticide use notices and confirmations. The Regulation also contains public notification, consultation, reporting and record keeping provisions – as well as standards for use of integrated pest management and for human health and environmental protection.

Under the *IPM Act*, a person must not “use a pesticide that causes or is likely to cause, or use, handle, release, transport, store, dispose of, or sell a pesticide in a manner that causes or is likely to cause an unreasonable adverse effect.” This general prohibition, in concert with use of Integrated Pest Management (IPM), underpins the ministry’s approach to regulation of pesticide use in British Columbia.

Key Regulatory Tools and Processes under the *IPM Act*:

Pesticide classes: using definitions, labeling and other standards set out in the federal *Pest Control Products Act*

Licences: for sale or use of specified pesticides

Certificates: for dispensing or applying specified pesticides

Permits: for use of pesticides of particular concern

Pest Management Plans, pesticide use notices and confirmations: for specified large scale programs that require preparation of a PMP and ministry notification

2.3 How is Integrated Pest Management (IPM) defined under the Act?

Because it requires a proactive and preventative approach, IPM reduces reliance on pesticides and can lead to a reduction in their use. The *Act* and Regulation require the use of Integrated Pest Management (IPM) for pesticide use on public land; on private land used for forestry, transportation, public utilities and pipelines; and for pest control service companies (including service companies managing forestry pests, noxious weeds or invasive plants, vegetation on industrial sites, mosquitoes, landscape or structural pests).

The *Act* defines IPM as “a process for managing pest populations that includes the following elements:

- a. Planning and managing ecosystems to prevent organisms from becoming pests;
- b. Identifying pest problems and potential pest problems;
- c. Monitoring populations of pests and beneficial organisms, damage caused by pests and environmental conditions;
- d. Using injury thresholds in making treatment decisions;
- e. Suppressing pest populations to acceptable levels using strategies based on considerations of:
 - Biological, physical, cultural, mechanical, behavioural and chemical controls in appropriate combinations,
 - Environmental and human health protection; and
- f. Evaluating the effectiveness of pest management treatments.”

2.4 What is a “pesticide” and how are pesticides classified under the Act?

A **pesticide** is defined under the *Act* as a “micro-organism or material that is represented, sold, used or intended to be used to prevent, destroy, repel or mitigate a pest.” This includes growth regulators, defoliators or desiccants; control products defined in the federal *Pest Control Products Act*; and other substances classed as a pesticide by regulation.

A number of micro-organisms, substances and control products are explicitly excluded from the definition of pesticide:

- ◆ Instruments or “gadgets” that are used as a means to control pests (directly or indirectly) (e.g., a trap);
- ◆ Control products used to control arthropods on or in humans, livestock or domestic animals – and are administered internally by mouth or injection;
- ◆ Control products used to attack viruses, bacteria or other micro-organisms with the aim of treating, mitigating or preventing disease in humans or animals; and
- ◆ Control products used to attack mould, mildew or odors (except when used as a wood preservative).

The *IPM Act* and Regulation establish **classes** of pesticides, and requirements for licences, certification, permits and pesticide use notices for each class. The classification system utilizes definitions, labeling and other standards for sale and use of pesticides set out in the federal *Pest Control Products Act*. Pesticide classes under the *IPM Act* are:

- ◆ **Permit-restricted:** the most strictly controlled pesticides, because the Administrator considers that the risk of unreasonable adverse effects from their use should be evaluated for each proposed use, requiring a permit for purchase or application;¹

¹ Permit-restricted pesticides listed in the Regulation are 4-aminopyridine, strychnine used to control bird populations and monosodium methanearsonate (MSMA).

- ◆ **Restricted:** a pesticide labeled under the federal Act with the product class designation “RESTRICTED” (and not a permit-restricted or an excluded pesticide), requiring a pesticide applicator certificate for purchase or use;
- ◆ **Commercial:** a pesticide that bears a product class designation on its label that is acceptable under the federal Act in relation to its general use in “commercial,” “industrial,” “agricultural” or other commercial activities (and is not a permit-restricted or an excluded pesticide);
- ◆ **Domestic:** required under the federal Act to be labeled with the product class designation “DOMESTIC” (and not an excluded pesticide) or pesticides that are contained in a fertilizer registered under the *Fertilizer Act* (Canada); and
- ◆ **Excluded:** specified pesticides assigned to this class because the Administrator considers that their use – without a licence, permit² or pesticide use notice – will not increase the risk of unreasonable adverse effects (see list of excluded pesticides on the following page).

The table below provides a summary of requirements for each class of pesticide under the *IPM Act* and Regulation. Excluded products named in the Regulation are listed on the following page.

Summary of Requirements for each Class of Pesticide under the *IPM Act* and Regulation

Requirements	Pesticide Classes				
	Permit-restricted	Restricted	Commercial	Domestic	Excluded
Permit required for purchase and all uses	Yes	No	No	No	No
Applicator certificate required for purchase and all uses	Yes	Yes	No	No	No
Purchase must be recorded by Vendor	Yes	Yes	Yes	No	No
Dispenser certificate required for selling pesticides	Yes	Yes	Yes	Yes	No
Vendor licence required for selling pesticides	Yes	Yes	Yes	Yes	No
User licence required for pesticide applications	Yes	Yes	Yes	Yes	No
Pesticide user licence required for use on specified private or public lands for specified purposes to a defined maximum area per year (see sections 3 and 5 of this review paper)	Yes	Yes	Yes	Yes	No
Pesticide user licence required for use in a multi-resident building in rooms occupied as living accommodation, or to a common area (effective January 7, 2007)	Yes	Yes	Yes	Yes	No
Pest Management Plan and confirmation of receipt of pesticide use notice required for specified pesticide use and lands (see sections 3 and 4 of this review paper)	Yes	Yes	Yes	Yes	No
Applicator certificate required to supervise applications to public land or on fee-for-service basis	Yes	Yes	Yes	Yes	No
Pesticide use permit required for uses of high concern (e.g., aerial application over urban or residential areas)	Yes	Yes	Yes	Yes	Yes
Use must not cause an unreasonable adverse effect	Yes	Yes	Yes	Yes	Yes

² Note that the Administrator may require a permit for a specified use of an excluded pesticide in some circumstances (e.g., aerial application).

The Regulation lists the following excluded pesticides:

1. acetic acid (DOMESTIC)
2. animal repellents (DOMESTIC and COMMERCIAL) except thiram
3. anti-fouling paints (DOMESTIC and COMMERCIAL)
4. antispain wood preservatives used on private, industrial land owned by the company or person responsible for the application (COMMERCIAL)
5. asphalt solids (pruning paints) (DOMESTIC and COMMERCIAL)
6. *bacillus thuringiensis kurstaki* (Btk) (DOMESTIC)
7. bactericides used in petroleum products (DOMESTIC and COMMERCIAL)
8. boron compounds (DOMESTIC)
9. boron compounds with up to 5 % copper for insect control and wood preservation (COMMERCIAL)
10. capsaicin (DOMESTIC, COMMERCIAL and RESTRICTED)
11. cleansers (DOMESTIC and COMMERCIAL)
12. corn gluten meal (DOMESTIC and COMMERCIAL)
13. d-phenothrin (DOMESTIC)
14. d-trans-allethrin, also referred to as d-cis, trans allethrin (DOMESTIC)
15. deodorizers (DOMESTIC and COMMERCIAL)
16. fatty acids (DOMESTIC)
17. ferric phosphate (DOMESTIC and COMMERCIAL)
18. ferrous sulphate (DOMESTIC and COMMERCIAL)
19. hard surface disinfectants (DOMESTIC and COMMERCIAL)
20. insect bait stations (DOMESTIC)
21. insect pheromones (DOMESTIC and COMMERCIAL)
22. insect repellents (DOMESTIC)
23. laundry additives (DOMESTIC and COMMERCIAL)
24. material preservatives (DOMESTIC and COMMERCIAL)
25. methoprene (DOMESTIC)
26. mineral oils for insect and mite control (DOMESTIC)
27. n-octyl bicycloheptene dicarboximide (DOMESTIC)
28. naphthalene for fabric protection (DOMESTIC)
29. paradichlorobenzene for fabric protection (DOMESTIC)
30. pesticides in aerosol containers (DOMESTIC)
31. pesticides registered under the federal Act for application to pets (DOMESTIC & COMMERCIAL)
32. piperonyl butoxide (DOMESTIC)
33. plant growth regulators (DOMESTIC)
34. polybutene bird repellents (DOMESTIC and COMMERCIAL)
35. pyrethrins (DOMESTIC)
36. resmethrin (DOMESTIC)
37. rotenone (DOMESTIC)
38. silica aerogel, also referred to as silica gel, amorphous silica and amorphous silica gel (DOMESTIC & COMMERCIAL)
39. silicon dioxide, also referred to as “diatomaceous earth” (DOMESTIC and COMMERCIAL)
40. slimicides (COMMERCIAL)
41. soaps (DOMESTIC and COMMERCIAL)
42. sulphur, including lime sulphur sulphide sulphur and calcium polysulphide (DOMESTIC)
43. surfactants (DOMESTIC and COMMERCIAL)
44. swimming pool algicides and bactericides (DOMESTIC and COMMERCIAL)
45. tetramethrin (DOMESTIC)
46. wood preservatives (DOMESTIC)

3. Determining Whether a Pesticide Use Notice Confirmation, a Pesticide User Licence or a Permit is Required For Forest Pest Management

Use of a pesticide (except an excluded pesticide) for forest pest management requires a pesticide use notice confirmation, a pesticide user licence and/or a permit, as well as appropriate pesticide applicator certification.

Preparation of a Pest Management Plan (PMP), submission of a pesticide use notice and receipt of confirmation from the ministry (**pesticide use notice confirmation**) is required for the management of forest pests **on more than 20 ha a year of public land** that is: a) used for timber production or forested; and b) managed by a single entity.

A **pesticide user licence** is required:

- ◆ If a person **provides, or offers to provide, a service** involving the use of a non-excluded pesticide under a contract for services. This includes services on public or private land; **or**
- ◆ If a person is not providing a service, but is using a pesticide for the management of **forest pests on private land** used for timber production, including private roads, roadsides and other areas ancillary to the timber production; **or**
- ◆ If a person is not providing a service, but is using a pesticide for the management of **forest pests on not more than 20 ha a year of public land** that is: a) used for timber production or forested; and b) managed by a single entity.

A **permit** is required:

- ◆ For use of a permit-restricted pesticide;³
- ◆ For the aerial use of a pesticide, except not if the pesticide is listed in Schedule 4⁴ and applied in accordance with a licence or confirmation, to land that is neither in an urban area, nor used for residential purposes; or
- ◆ If a licence or confirmation holder requires an exemption from a pesticide use standard.

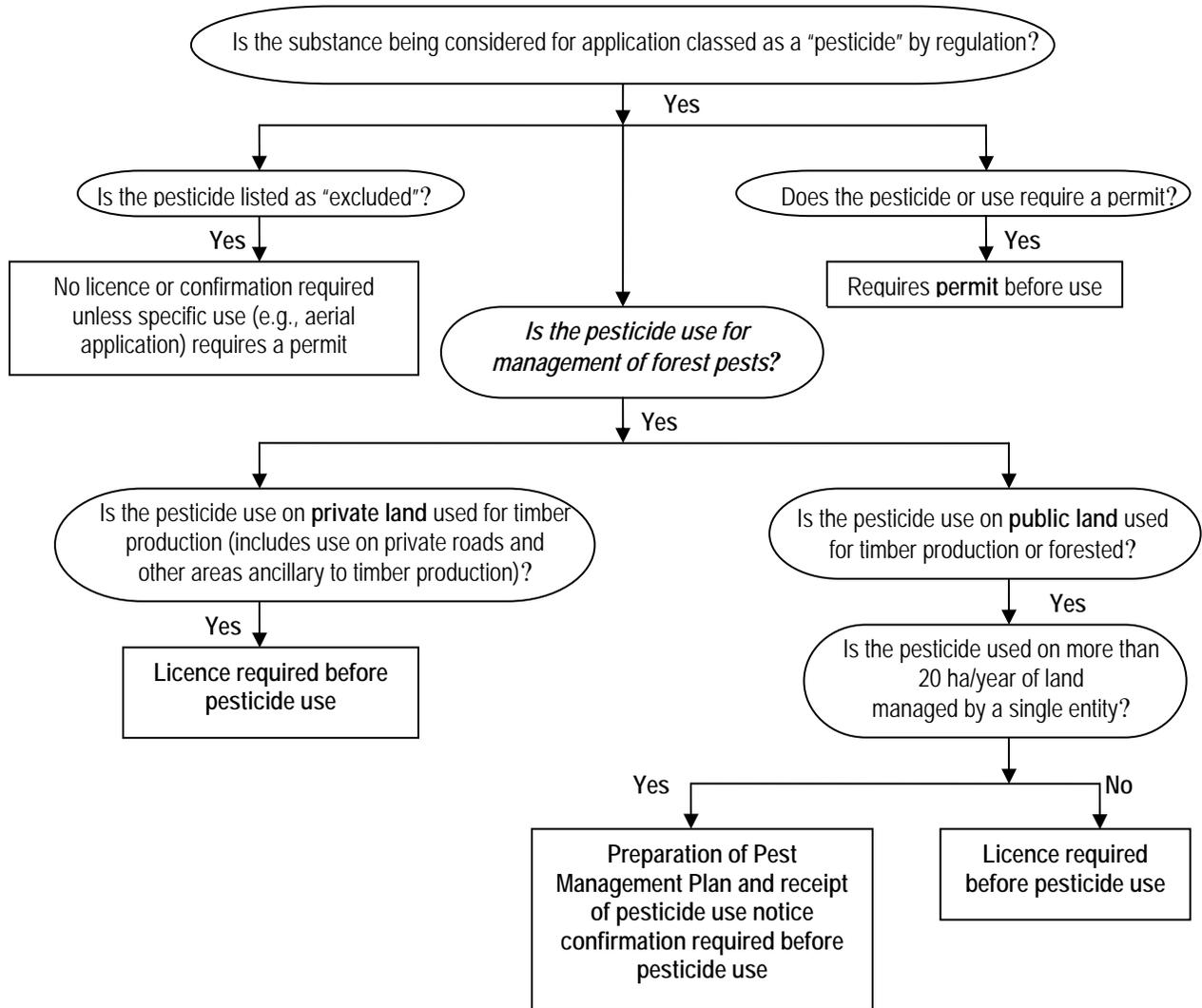
For details concerning permits, see the *Review Paper for Permit Applications* when available on the ministry's IPM website.

The criteria for deciding whether a person who may be using a pesticide for the management of forest pests is required to hold a pesticide use notice confirmation, a pesticide user licence or a permit are summarized in the figure below. Application requirements, standards for safe handling and use of pesticides, and common and specific obligations for forest pest management pesticide user licensees and pesticide use notice confirmation holders are described in subsequent sections of this review paper.

³ Permit-restricted pesticides are 4-aminopyridine and monosodium methanearsonate (MSMA).

⁴ Pesticides listed in Schedule 4 are Bti, Btk, glyphosate and nuclear polyhedrosis virus

Criteria for determining type of authorization required for use of a pesticide



Note that in addition to the circumstances of pesticide use illustrated above, a licence is required by a person who applies a pesticide as a service under a service contract.

4. PMP and Pesticide Use Notice Confirmation Process, and Public Consultation and Notice Requirements

4.1 What is the process for preparing a Pest Management Plan (PMP) and receiving a pesticide use notice confirmation from the ministry?

A **Pest Management Plan (PMP)** must be prepared, pesticide use notice submitted and **confirmation** of receipt received from the ministry for the use of restricted, commercial or domestic pesticides⁵ **for the management of forest pests on more than 20 ha a year of public land** that is: a) used for timber production or forested; and b) managed by a single entity.

The Regulation specifies the information that must be contained in a PMP, a pesticide use notice and an annual notice of intent to treat, as well as consultation, notification, pesticide storage, record keeping, and reporting requirements. Standards for the protection of human health and property, and the environment, are also set out in the Regulation.

The process for PMP preparation, obtaining a pesticide use notice confirmation and conducting the treatment program involves:

- ◆ Preparation by the applicant of a Pest Management Plan (PMP), following standards and including information set out in the Regulation;
- ◆ Documented public consultation as specified in the Regulation, consideration of comments and finalization of the PMP;
- ◆ Submission to the ministry of a pesticide use notice indicating consultation was conducted in accordance with terms of the Regulation;⁶
- ◆ Obtaining a confirmation of receipt of the pesticide use notice from the ministry;
- ◆ Submission of an annual notice of intent to treat to the ministry at least 21 days prior to pesticide use in the first year⁷ and each subsequent year of the confirmation;
- ◆ Notification of individuals as agreed during consultation and posting of signs;
- ◆ Safe use and handling of pesticides in accordance with requirements set out in the Regulation; and
- ◆ Keeping records of pesticide use and submission of annual reports (including specified information and maps) to the ministry.

The Administrator must confirm receipt of a pesticide use notice or amendment if satisfied that: a Pest Management Plan has been prepared that complies with the Regulation and is applicable to the pesticide use at the place specified in the notice; the prescribed fee is submitted; required consultations have been conducted; proposed actions in response to received comments are described by the applicant; and the applicant is not subject to a previous restriction (i.e., suspension or revocation of a licence, certificate or permit) imposed by the Administrator. An applicant must also maintain a business location in British Columbia for doing business in the province (or provide the Administrator with an address in British Columbia at which the person may be served with documents).

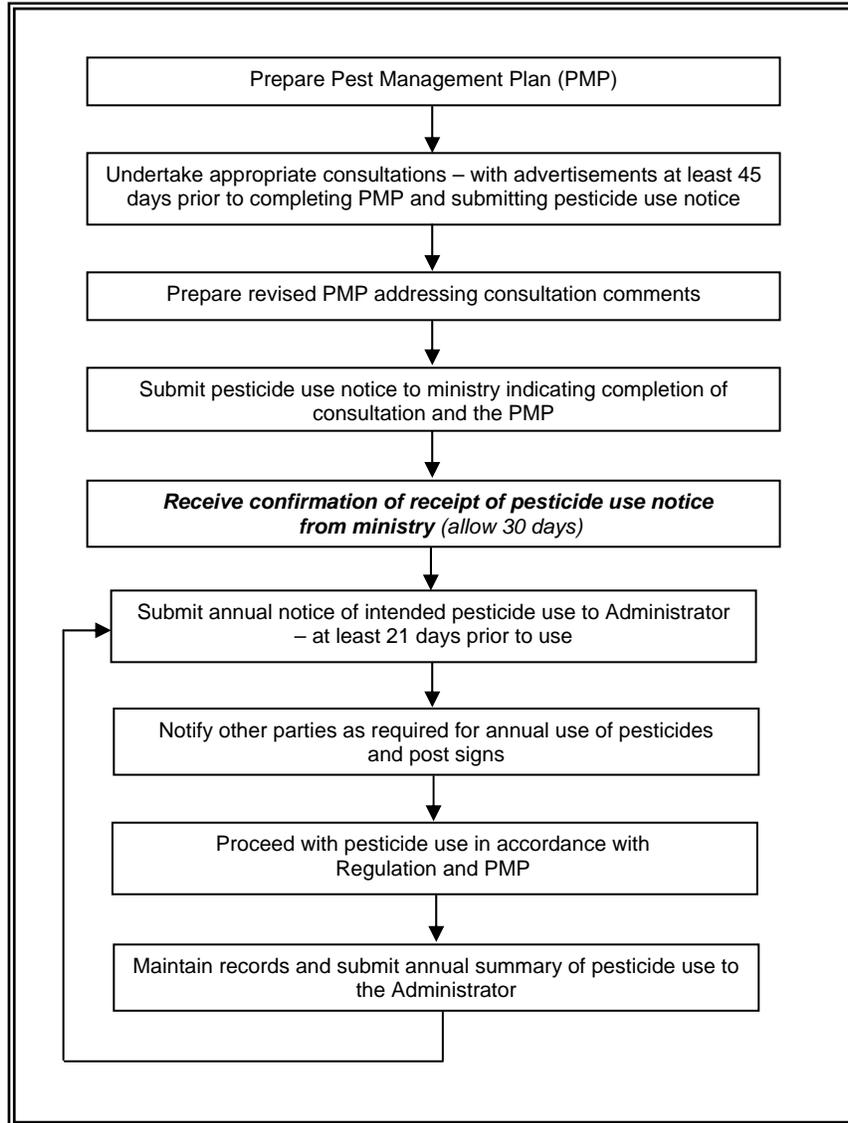
⁵ Permit-restricted pesticides require a permit before they may be used, excluded products do not require regulatory approval under the terms of the *Act*.

⁶ The pesticide use notice is to include a description of the action, if any, the applicant proposes to take in response to comments received during consultations.

⁷ The annual notice of intent to treat may be submitted immediately after the pesticide use notice, but treatment may not commence unless 21 days has elapsed following the submission and a pesticide use notice confirmation has been received.

This process is outlined in a flowchart as follows:

PMP Preparation and Pesticide Use Notice Confirmation Process



4.2 What are the fees and term for a pesticide use notice confirmation?

A pesticide use notice confirmation is associated with an applicable Pest Management Plan (PMP), the term of which can be up to five years.

An applicant for a confirmation must include with a pesticide use notice a fee based on the largest area of pesticide use in any year of the term of the applicable Pest Management Plan, according to the following schedule:

- ◆ **\$500** if the confirmation is for pesticide use on **less than 50 ha in each year of the term**;
- ◆ **\$1,000** if the confirmation is for pesticide use on **50 or more ha in any year of the term and less than 500 ha in each year of the term**; or
- ◆ **\$2,000** if the confirmation is for pesticide use on **500 ha or more in any year of the term**.

Note that the fee is for the entire term of the applicable Pest Management Plan (i.e., NOT for each year of the term).

An applicant who has submitted a pesticide use notice is required to inform the Administrator of specified changes regarding the use of pesticides through submission of an amended pesticide use notice. If any of the amended information has the effect of increasing the fee payable in relation to the confirmation, the amended notice must be accompanied by the amount of the increase for the remainder of the term. The fee paid with a pesticide use notice is not refundable.

4.3 What are the requirements for preparing a Pest Management Plan (PMP)?

A Pest Management Plan (PMP) prepared under a pesticide use notice and confirmation process must include detailed information pertaining to identification of the area involved and responsible parties, integrated pest management elements, and operations involved in pesticide storage, transport and use.

A PMP must include the following **identifying information**:

- ◆ A description of the geographic boundaries of the area to which the plan applies and maps or diagrams showing proposed treatment areas within that area;
- ◆ The person responsible for managing pests in relation to the land described; and
- ◆ The name and phone number of an individual who is the principal contact for information pertaining to the PMP.

A PMP must include the following **integrated pest management elements**:

- ◆ A description of the program that will be employed to *prevent* organisms from becoming pests;
- ◆ Either a description of the program that will be employed to *identify* pests, or identification of the pests, targeted by the plan;
- ◆ A description of the *monitoring* program that will be employed before or during periods of pesticide use for assessing pest populations, environmental conditions and damage caused by pests, including the monitoring methods, frequency of monitoring and data that will be collected;
- ◆ The *injury thresholds* that will be applied in deciding whether a pesticide treatment is necessary and an explanation of how the thresholds were chosen and how they will be applied;

- ◆ Pest *treatment options*, including a description of the pesticide and non-pesticide treatment methods of controlling pests that may be used, the rationale for selecting treatment methods, the benefits and limitations of each treatment method, and a description of how a decision to use treatment methods will be made; and
- ◆ A description of the monitoring program that will be employed for *evaluating effectiveness* of the pesticide use on pest populations and the environment, including effects on organisms other than targeted pests, for comparison with the information collected through monitoring before and during periods of pesticide use.

A PMP must include the following **operational information**:

- ◆ A description of the methods of handling, preparing, mixing, applying and otherwise using pesticides that will be employed under the PMP, including procedures for:
 - Safely transporting pesticides,
 - Safely storing pesticides,
 - Safely mixing, loading and applying pesticides,
 - The safe disposal of empty pesticide containers and unused pesticides, and
 - Responding to pesticide spills; and
- ◆ A description of the environmental protection strategies and procedures that will be followed under the PMP, including:
 - Strategies to protect community watersheds and other domestic and agricultural water sources from adverse effects of pesticide use,
 - Strategies to protect fish and wildlife, riparian areas and wildlife habitat from adverse effects of pesticide use,
 - Strategies to prevent the contamination of food intended for human consumption,
 - Pre-treatment inspection procedures for identifying treatment area boundaries,
 - Procedures for maintaining and calibrating pesticide application equipment, and
 - Procedures for monitoring weather conditions and strategies for modifying pesticide application methods for different weather conditions; and
- ◆ Identification of each pesticide that will be used under the PMP, the manner of its application and the type of equipment required for each manner of application.

If a confirmation holder submits an amendment to a pesticide use notice to the Administrator, the applicable PMP must be amended so that it is consistent with the amended pesticide use notice.

4.4 What are the public consultation requirements for confirmation holders?

A person preparing a pest management plan (PMP) must conduct public consultations in relation to the PMP in accordance with the Regulation. Consultations must include newspaper notices in nearby communities (following direction specified in the Regulation) and “reasonable” efforts to contact and consult with individuals who have the potential to be significantly impacted by a proposed pesticide use under the PMP.⁸

⁸ Advertising and consultations must be started at least 45 days before submitting a pesticide use notice to the Administrator.

Newspaper notices must be published twice in a two-week period starting at least 45 days before submitting a pesticide use notice to the Administrator. The notices must be at least 40 cm² in size and contain the following information:

- ◆ The heading “DEVELOPMENT OF A PEST MANAGEMENT PLAN” in block letters;
- ◆ A reference number or other identifier unique to the proposed PMP and the applicant’s name, address and telephone number;
- ◆ The area to which the PMP applies, a statement that pesticides are intended to be used and a description (including reference to communities) of the area;
- ◆ The proposed duration of the PMP;
- ◆ The trade name(s) and active ingredient(s) of the pesticide(s) proposed for use and the proposed manner of application;
- ◆ A location where copies of the proposed PMP and maps of the proposed treatment area may be examined;⁹ and
- ◆ The text: “A person wishing to contribute information about a proposed treatment site, relevant to the development of the Pest Management Plan, may send copies of the information to the applicant at the address above within 30 days of the publication of this notice.”

4.5 What information must be contained in a pesticide use notice?

A person who has prepared a Pest Management Plan must submit a pesticide use notice to the Administrator, indicating to the ministry that the PMP has been prepared following terms of the legislation. The pesticide use notice must be signed by the applicant or the applicant’s agent and contain the following information:

- ◆ The name and business address of the applicant, and the name and address under which the applicant carries on business;
- ◆ The type and use of pesticide to which the notice pertains;
- ◆ A description of the geographic boundaries of the area to which the pesticide use notice relates (as described in the applicable PMP), including the names of the regional districts within those boundaries;
- ◆ A list of the active ingredients of the pesticides proposed for use under the applicable PMP;
- ◆ A statement of whether aerial application of pesticide is intended under the applicable PMP;
- ◆ The name and phone number of an officer or employee of the applicant who is the principal contact for information relating to the applicable PMP, and the location where a copy of the PMP may be viewed during normal business hours; and
- ◆ The term of the applicable PMP (which must not exceed five years) and the appropriate fee prescribed in relation to the confirmation requested.

A form on which this information is to be submitted to the Administrator is available on the ministry web site. Information on how to obtain the form or where to obtain assistance in completing the forms and where to send them is included in Appendix I of this Review Paper. The ministry will issue a confirmation of receipt of the pesticide use notice if the notice contains the required information and the applicant meets the specified requirements (listed in section 4.1).

⁹ A confirmation holder may charge a person who requests a copy of a pest management plan up to \$0.25 for each copied page.

All matters relating to pesticide use by a confirmation holder must be in accordance with the information submitted in the pesticide use notice. If, after submitting a pesticide use notice, the applicant requires a change to any of the required information, he or she must submit an amended pesticide use notice containing the updated information to the Administrator. If an amendment involves adding a pesticide active ingredient, additional treatment locations outside the originally described geographic boundaries, or a new purpose (e.g., industrial vegetation management, noxious weed/invasive plant control), then consultation must be conducted in regard to the changes, as described in section 4.4, before the amended pesticide use notice is submitted.

4.6 What information must a confirmation holder submit to the Administrator in an annual “notice of intent to treat”?

At least 21 days¹⁰ before the first use of pesticide in each calendar year, a confirmation holder must submit an annual notice of intent to treat to the Administrator. The notice must contain the following information related to the intended use of pesticide:

- ◆ The name and business location of the confirmation holder;
- ◆ A description of the proposed treatment locations for the calendar year and a map or diagram that clearly identifies those locations;¹¹
- ◆ A description of the proposed treatment for each area, including the pesticide to be used and its method of application; and
- ◆ The total area of treatment areas in the proposed treatment locations for the calendar year.

The information provided by the confirmation holder in the annual notice of intent to treat must be based on a detailed map or diagram prepared and retained by the confirmation holder showing proposed treatment areas and the geographic features that require a pesticide-free zone or no-treatment zone. These detailed maps or diagrams are to be provided to the Administrator within three business days, if requested. A confirmation holder must ensure that a person applying a pesticide on the confirmation holder’s behalf has access to the detailed maps or diagrams.

Pesticides can only be used in areas described in the notice of intent to treat, except that after a notice of intent to treat has been submitted, a confirmation holder may increase the total area of treatment by up to 10% if written notice is given to the Administrator at least two business days before using the pesticide in the area involved. If, during a calendar year, a confirmation holder intends to exceed the total area of treatment by more than 10%, he or she must provide the Administrator with a revised notice of intent to treat at least 21 days before the pesticide use that causes the excess.

4.7 What are the public notification requirements for confirmation holders?

If during public consultations a confirmation holder offers to directly notify an individual about an intended pesticide use, the holder must fulfill the offer in the agreed time and manner before performing the use. The confirmation holder must also post notices at entrances to treatment areas. Such notices are not to be removed for at least 14 days after the use.

¹⁰ The notice of intent to treat can be submitted together with the pesticide use notice to start the 21-day period before commencement of pesticide use in the first year of a confirmation.

¹¹ The intention of the “locations” on this map or diagram is to show where pesticide is to be used, but not at the level of the detailed map or diagram retained by the confirmation holder showing the geographic features that require a pesticide-free zone or a no-treatment zone.

Notices must be posted before pesticide use in an area:

- ◆ So that they are clearly visible and legible from each approach used by the public to access a treatment area on public land; or
- ◆ At a location on a highway, so that they are clearly visible and legible to a member of the public accessing such approaches from the highway.

Notice must include: the trade name or active ingredient of the pesticide that will be used; the date and time of the use; precautions required to prevent harm to people entering the treatment area; the confirmation holder's confirmation number; and contact information for the confirmation holder (or their agent) so that interested individuals can obtain additional information about the pesticide or pesticide use.

5. Pesticide User Licence Process and Requirements

5.1 Who requires a pesticide user licence?

A **pesticide user licence** is required:

- ◆ If a person **provides or offers to provide a service** involving the use of a non-excluded pesticide under a contract for services; **or**
- ◆ If a person is not providing a service, but is using a pesticide for the **management of forest pests** that is not a service under a service contract:
 - **On private land used for timber production,¹² or**
 - **On not more than 20 ha a year of public land** that is used for timber production or forested, and managed by a single entity.

The Regulation includes provisions for a number of other pesticide uses (e.g., landscape, structural, industrial vegetation, noxious weeds and mosquito pest management) for which a licence is required. Those wishing definitions and requirements concerning other industry sectors should consult the IPM Regulation or other information posted on the ministry's IPM website.

Who does not require a licence?

A licence for forest pest management is not required by a person who:

- ◆ Uses, sells or provides a service using an excluded pesticide;
- ◆ Uses a pesticide only as an employee or contractor of a licensee; or
- ◆ Uses a pesticide for a research purpose if the pesticide is exempt from registration under the federal *Pest Control Products Act* for the research purpose and the research is consistent with requirements of the federal Act.

A licence is not required for the use of excluded pesticides.

5.2 What category of licence do I require?

The Regulation prescribes pesticide user service and pesticide user non-service (as well as pesticide vendor) categories of licences. Pesticide users require a licence endorsed as either "service" or "non-service" (as appropriate to their situation and identified in their licence application).

¹² Private land used for timber production includes private roads, roadsides and other areas ancillary to the timber production.

A licence endorsed for the **service** category must be held by a person who:

- ◆ Provides, or offers to provide, a service respecting pesticides; or
- ◆ Purchases, directly or indirectly, a pesticide for the purpose of providing such a service.

A licence endorsed for the **non-service** category is required if a person uses (or if his or her employees use) a pesticide on public land managed by that person, or on that person's own land.

5.3 What is the process that licence applicants must follow for pesticide use?

All licence applicants intending to use a pesticide for forest pest management must:

- ◆ Submit a licence application form to the Administrator and obtain a licence;
- ◆ Post signs before pesticide use, if required;
- ◆ Use and handle pesticides in accordance with requirements set out in the Regulation; and
- ◆ Keep records of pesticide use, and submit annual reports (including specified information and maps) to the ministry.

Licensees (landowners) treating more than 20/ha of private forest land in a year must also:

- ◆ Undertake consultation with adjacent landowners; and
- ◆ Submit an annual notice of intent to treat to the ministry at least 14 days before pesticide use in each year of the licence term.

5.4 How do I apply for a pesticide user licence?

To be eligible for a licence, an applicant must maintain a business address in British Columbia for doing business in the province, (or provide a British Columbia address where that person may be served with documents) and hold (or employ a person who holds) the appropriate pesticide applicator certification (see section 6 below). Information that is required from the applicant for a licence includes: the applicant's name and contact details; the business address from which pesticides are to be used; the intended uses of pesticides (e.g., forest management or noxious weed management); whether the applicant intends to use a pesticide on public land; whether the applicant intends to aerially apply a pesticide; the term requested (one to five years); and payment details.

A licence is not transferable without the written authorization of the Administrator. A licensee must provide the Administrator with written notice of a change in any information provided by the licensee in an application (e.g., classes and amounts of pesticides used, types of use, change in business location or contact information) within 30 days of the change.

Information on how to obtain licence application forms, where to obtain assistance in completing the forms and where to send them is included in Appendix I of this Review Paper.

5.5 What are the fees and term for a pesticide user licence?

An applicant may request a licence term of up to five years. A "year" means the period from the date a licence is issued until March 31 in the next calendar year. A full year fee is required for any portion of the year to which the application relates (i.e., fees are not prorated).

The pesticide use licence fee for forest pest management (whether for a service or non-service licence) depends on the area to be treated per calendar year. An applicant must include with the application the following fee **for each year** or part year to which the application relates:

- ◆ **\$250** if the application is for pesticide use **on less than 50 ha in each calendar year** of the licence term;
- ◆ **\$500** if the application is for pesticide use **on 50 or more ha in any year but less than 500 ha in each calendar year** of the licence term; or
- ◆ **\$1,000** if the application is for pesticide use **on 500 or more ha in any calendar year** of the licence term.

A licensee is required to give notice to the Administrator within 30 days of a change that has the effect of increasing the fee payable in relation to the licence, and to accompany the notice with the appropriate fee. For example, if in any year within the term of a licence, a licensee increases the area to which pesticides are applied from less than 50 ha to more than 50 ha in any year, the licensee must submit a notice informing the Administrator, accompanied by an additional fee payment.

5.6 What public consultation requirements must a licensee follow?

If a licensee intends to use a pesticide on more than 20 ha a year on private forest land¹³ public consultations must be conducted with adjacent landowners. At least 14 days before the pesticide use, the licensee must give written notice to the owner of any property with 150 m of the treatment area. The notice must contain the following information:

- ◆ A description of the treatment area and reason for the pesticide use;
- ◆ The pesticide to be used, its registration number under the federal Act and its active ingredients;
- ◆ The earliest date that the pesticide will be used;
- ◆ The width of any no-treatment zones that will be maintained from any water supply intake or well used for domestic or agricultural purposes (including water used for livestock or for irrigation of crops);
- ◆ A request that the recipient supply the licensee with the location of any water supply intakes or wells and advise the licensee of other land uses that may be adversely affected by the use; and
- ◆ A phone number at which the licensee or an employee can be reached for more information about the proposed pesticide use.

5.7 What information must a licensee submit to the Administrator in an annual “notice of intent to treat”?

A licensee who proposes to treat more than 20 ha/year must submit an annual notice of intent to treat to the Administrator at least 14 days before the first use of pesticide in each calendar year. The notice must contain the same information required of a confirmation holder submitting an annual notice of intent to treat (see section 4.6 above).

The requirements for preparation and keeping detailed maps are also the same as for a confirmation holder (described in section 4.6 above). Pesticides can only be used in areas described in the notice of intent to treat, except after a notice of intent to treat has been submitted, a licensee may increase the total area of treatment by up to 10% if written notice is given to the Administrator at least two business days before using the pesticide in the area involved. If, during a calendar year, a licence holder intends to

¹³ On land managed by a single entity.

exceed the total area of treatment by more than 10%, he or she must provide the Administrator with a revised notice of intent to treat at least 14 days before the pesticide use that causes the excess.

5.8 What public notification requirements must a licensee follow?

If pesticide is used under a licence, **on public land**, for forest pest management (i.e., when less than 20 ha/year is treated by a single entity), the licence holder must post notices at locations specified for confirmation holders in section 4.7 above.

If pesticide is used under a licence, **on private land**, for forest pest management, the licence holder must post notices at the following locations:

- ◆ So that a notice is clearly visible and legible from each approach maintained by the owner or manager of the land for use by the public to access the treatment area; or
- ◆ At a location on a highway so that the notice is clearly visible and legible to a member of the public accessing, from the highway, the approaches maintained for public access.

Notices must include: the trade name or active ingredient of the pesticide that will be used; the date and time of the use; precautions required to prevent harm to people entering the treatment area; the licence holder's licence number; and contact information for the licence holder¹⁴ (or their agent) so that interested individuals can obtain additional information about the pesticide or pesticide use.

Notices above are to be posted before pesticide use and are not to be removed for at least 14 days after the use.

5.9 For what type of area or application method must a licensee inform the Administrator before pesticide use?

If a licensee has not given prior notice in their application for a pesticide use licence that they intend to use a pesticide on public land or to aerially apply a pesticide, he or she must give written notice to the Administrator at least two business days before the first such use during the term of the licence.

6. Requirements for Certified Staff

6.1 What certified staff are confirmation and licence holders required to engage and what is their role?

Pesticide confirmation and licence holders must hold, or employ one or more people who hold, a **pesticide applicator certificate** (certificate holder) endorsed for the appropriate category of pesticide use. The confirmation or licence holder must ensure that each pesticide use is performed by or supervised by a certificate holder. A certificate holder must not supervise more than four uncertified individuals and must be no more than 500 m from, and in continuous visual or auditory contact with, each person being supervised. The confirmation or licence holder must also ensure that the certificate of each individual using or supervising the use of a pesticide is at or near the treatment area during the pesticide use.

¹⁴ unless the licensee is using the pesticide under contract with a confirmation holder, in which case, the confirmation holder's confirmation number and contact information is to be provided

6.2 How can a pesticide applicator certificate be obtained and renewed? What fees are required? What are the terms and conditions of the certificate?

To be eligible for a pesticide applicator certificate for B.C., a person must be at least 16 years of age and have successfully passed the appropriate B.C. examination. The certification examination is based on a syllabus set out in the Regulation.¹⁵ The Administrator may also consider evidence of the applicant having passed an examination of another provincial government, and require an additional B.C. examination only to test the knowledge of an applicant in relation to the *IPM Act* and Regulation.

An applicant for a certificate must note on their application form personal information (including date of birth) and the category of certificate being applied for.¹⁶ A certificate is not transferable. **An applicant must include a fee of \$90 for each examination required for the certificate.** An applicant is deemed to have forfeited their application and fee if they fail (on two different occasions) to attend an examination for which they have been given notice of time and place.

Study materials for home study or use in classroom training to prepare for certification examinations are available (for specified charges) from the Distribution Centre Victoria of the B.C. Ministry of Management Services. Information on how to obtain study materials and to apply to write an examination is included in Appendix I of this Review Paper.

A certificate is valid on issue for the category endorsed on it, and for a period of up to five years, at the discretion of the Administrator.

A certificate holder must comply with all applicable terms and conditions set out in the *Act* and Regulation (e.g., standards to minimize hazards to human health and the environment, safe handling and application, and reporting). If a certificate holder believes that a contravention of the *Act* and Regulation in a manner involving the release of pesticide into the environment has occurred, he or she must give written notice to the Administrator as soon as possible after forming that belief. A certificate holder must also ensure that his or her certificate is at or near the place of pesticide use.

The Administrator may renew a certificate before its expiry date, or within one year after that date, without requiring the applicant to sit an examination, if the certified individual has accumulated 20 continuing education credits¹⁷ relating to subjects set out in the examination syllabus within the five year period immediately preceding the application date for re-certification, or, if the applicant for certificate renewal has not completed 20 (but has completed at least five) continuing education credits and agrees as a term of the new certificate to obtain the additional continuing education credits within the period specified for that purpose. **An applicant for a certificate renewal must include a non-refundable fee of \$25 with the application.**

¹⁵ The Regulation lists ten “certificate examination matters”: general pesticide characteristics, *Act* and Regulations, labeling, human health, pesticide safety, environment, pest management, application technology, emergency response, and professionalism.

¹⁶ Information and links to a sample application form are included in Appendix I of this document.

¹⁷ A “continuing education credit” is equal to one hour of training that is related to topics listed in the examination syllabus, and provided by a training provider that is approved (and provides training approved by) the Administrator and maintains (for at least five years) registration, attendance and course completion information for each student.

7. Standards for the Storage, Transport and Use of Pesticides

7.1 What general conditions must licence and confirmation holders follow?

All licence holders and pesticide use notice confirmation holders (with a pertinent PMP) are required to ensure compliance with standards for the use of integrated pest management and the protection of human health and the environment, as specified in the *Act* and Regulation. The Administrator may suspend or revoke a licence or confirmation, or order the person holding the licence or confirmation to refrain from using a pesticide, for failure to comply with the *Act* or Regulation.

If a licence or confirmation holder believes that the *Act* or Regulation has been contravened (by the licence or confirmation holder themselves, or another person) in a manner involving the release of pesticide into the environment, the licence or confirmation holder must give written notice to the Administrator as soon as possible after forming the belief.

7.2 What are the standards for use of Integrated Pest Management?

Licensees

A licensee may use a pesticide only after undertaking all of the following actions in accordance with integrated pest management principles:

- ◆ Identify and implement, or identify and advise the owner or manager of the treatment area, of reasonable measures to prevent pests;
- ◆ Identify pest species and pest complexes to be managed;
- ◆ Monitor to determine the population of pests and their location;
- ◆ Determine the injury threshold for each pest and apply it to the determination of when to use a pesticide;
- ◆ Select pest treatment methods based on:
 - Consideration of practical alternatives to pesticide use, and
 - Protection of human health and the environment; and
- ◆ Evaluate, following each pesticide use, the effectiveness of that use.

A licensee conducting forest pest management must ensure that integrated pest management monitoring is conducted within an 18-month period before the pesticide use to which the monitoring relates.

Confirmation holders

A confirmation holder may use, or authorize the use of, a pesticide only after undertaking all of the following actions in accordance with integrated pest management principles:

- ◆ Implement reasonable measures to prevent pests identified in the PMP prepared in relation to the confirmation;
- ◆ Identify pest species and pest complexes to be managed;
- ◆ Determine, on the basis of monitoring, the population of pests and their location, the environmental conditions and features of the treatment area, and the damage that has been or may be caused by the pests;

- ◆ Determine the injury threshold for each pest and apply it to the determination of when to use a pesticide;
- ◆ Select pest treatment methods based on (as identified in the related PMP):
 - Consideration of practical alternatives to pesticide use, and
 - Protection of human health and the environment; and
- ◆ Make pre-treatment and post-treatment observations of the treatment area to evaluate the effectiveness and impact of each pesticide use.

A confirmation holder must ensure that specified integrated pest management monitoring activities are conducted within the 18-month period before the pesticide use to which the monitoring relates.

7.3 What are the standards for containment, transport and storage of pesticides?

Standards set out in the Regulation are intended to ensure that any person storing, transporting or using a pesticide does so only in a manner that minimizes hazards to human health and the environment.

Standards for pesticide containment

A pesticide must be kept, handled, stored or transported in the container in which it was originally packaged and with the label originally affixed by the manufacturer, or in an appropriately designed and labeled container.¹⁸

Standards for pesticide transport

Pesticides must be transported in a manner that is sufficient to prevent escape, discharge or unauthorized removal of the pesticide from the transport vehicle; and that prevents contamination of food or drink intended for human or animal consumption, or of household items such as furnishings, clothes, toiletries, or bedding.

Standards for pesticide storage

Pesticides (other than domestic or excluded pesticides) must be stored in a storage facility that is:

- ◆ Separated from (and not used for storage of) food intended for human or animal consumption;
- ◆ Ventilated so that pesticide vapours are vented outside;
- ◆ Locked when unattended; and
- ◆ Accessible only to persons authorized by the person storing the pesticide.

Each door providing access to a pesticide storage facility must have a sign that is clearly visible to a person approaching, with the words “WARNING: CHEMICAL STORAGE – AUTHORIZED PERSONS ONLY” written in block letters. Fumigants and other pesticides that release vapours and bear a “poison” symbol on the label must be stored in a facility that is not attached to or within a building used for living accommodations.

Within 60 days after starting to store pesticides at a location, a pesticide licence or confirmation holder must provide notice of the storage location to the fire department responsible for fire protection at that location.

¹⁸ One designed for the containment of the pesticide, with a label that displays the pesticide’s trade name, the name and concentration of the pesticide’s active ingredient and the pesticide’s registration number under the federal Act. This requirement does not apply to tanks being used for mixing pesticides for, or holding pesticides during, use.

7.4 What are the standards for the use of pesticides?

General standards for all licence and confirmation holders

A container used to prepare, mix or apply a pesticide must not be washed or submerged in a body of water. Pesticides must be prevented from entering any body of water or irrigation system used to draw water from for the containment, preparation, mixing or application of a pesticide.¹⁹

A licence or confirmation holder must ensure that:

- ◆ Each individual who will be using a pesticide (for the purposes for which the licence or confirmation is required) is informed of:
 - The boundaries of the proposed treatment area,
 - The requirements for personal protection, and
 - The pesticide use procedures required to protect human health and the environment;
- ◆ The application equipment is in good working order and, if required, is calibrated to conform with the application rates on the pesticide label;
- ◆ An inspection of the treatment area is carried out to ensure that the applicable regulatory requirements and standards can be met in carrying out the pesticide use; and
- ◆ If the pesticide is to be applied aurally, the pilot conducts an inspection of the proposed treatment area to ensure that he or she is familiar with its boundaries and other critical features.

A licence or confirmation holder must ensure that the following precautions are taken in carrying out the pesticide use:

- ◆ Precautions to prevent unprotected human exposure to pesticide;
- ◆ Precautions to ensure that domestic water sources, agricultural water sources and soil used for agricultural crop production are protected for their intended use; and
- ◆ Avoiding the use of pesticide over vertebrate wildlife or domestic animals that are visible to the user.²⁰

A licence or confirmation holder must ensure that their use of a herbicide does not remove vegetation that is necessary to:

- ◆ Prevent erosion of a streambank;
- ◆ Prevent debris that would cause an unreasonable adverse effect from entering a stream; or
- ◆ Maintain slope stability in areas where landslides have occurred.

A licence or confirmation holder must not:

- ◆ Engage in broadcast spraying or foliar spraying outdoors if the wind speed exceeds 8 km an hour;
- ◆ Use a residual pesticide on water-saturated soil, during heavy rainfall or if heavy rainfall is imminent;
- ◆ Spray a pesticide on foliage covered by ice or frost or if water is flowing on the foliage; or
- ◆ Spray a pesticide between 30 minutes after sunset and 30 minutes before sunrise unless a lighting device is used so that the person applying the pesticide and the pesticide use are clearly visible from a distance of at least 30 m.

¹⁹ By maintaining a gap between the pesticide and the equipment used to draw water.

²⁰ This provision does not apply if the pesticide is a bacterial pesticide (e.g., *Btk*).

No-treatment zone standards for all licence and confirmation holders

A 30 m no-treatment zone must be maintained around a water supply intake or well used for domestic or agricultural purposes (including water used for livestock or irrigation of crops) unless the licence or confirmation holder are “reasonably satisfied” that a smaller no-treatment zone is sufficient to ensure that pesticide from the use will not enter the intake or well²¹.

No-treatment zone means an area of land that must not be treated with pesticide

Body of water does not include a human-made, self-contained body or structure for water

The pesticide user must ensure that a no-treatment zone between an outdoor pesticide use area and a body of water is sufficient to prevent the release of pesticide spray or runoff into the body of water. The user must also ensure that a no-treatment zone between an outdoor pesticide use area and adjacent properties is sufficient to prevent the release of pesticide spray or runoff onto the adjacent property (unless the adjacent property owner or manager agrees otherwise).²²

Additional standards for pesticide-free zones and no-treatment zones for management of forest pests

Except for the use of glyphosate (addressed in the following section), a licence or confirmation holder using or authorizing the use of pesticides for forest pest management **must ensure that a minimum 10 m pesticide-free zone is maintained around and along bodies of water, dry streams²³ and classified wetlands.²⁴** Pesticide-free zones must be measured in horizontal distance from the high water mark of the relevant feature. The pesticide user overseeing the application of the pesticide must ensure that a no-treatment zone sufficient to ensure the maintenance of the pesticide-free zone is maintained around the pesticide-free zone.

Pesticide-free zone means an area of land that must not be treated with pesticide and must be protected from pesticide moving on to it

Stream, wetland and classified wetland have the same meaning as in the *Forest Planning and Practices Regulation* (see footnotes on this page for definitions from the Regulation)

Additional standards for the use of glyphosate for management of forestry pests

A licence or confirmation holder using or authorizing the use of glyphosate may reduce the required pesticide-free zone to 2 m along or around a body of water or classified wetland if it is not fish bearing at

²¹ A record must be kept of the information on which the decision was based for a smaller no-treatment zone that still ensures no pesticide enters the intake or well.

²² The provisions for no-treatment zones and pesticide-free zones do not apply if the pesticide is a bacterial pesticide (e.g., *Btk*).

²³ "**Stream**" means a watercourse, including a watercourse that is obscured by overhanging or bridging vegetation or soil mats, that contains water on a perennial or seasonal basis, is scoured by water or contains observable deposits of mineral alluvium, and that has a continuous channel bed that is 100 m or more in length, or flows directly into a fish stream, a fish-bearing lake or wetland, or a licensed waterworks.

²⁴ "**Wetland**" means a swamp, marsh, bog, or other similar area that supports natural vegetation, that is distinct from adjacent upland areas. A "**classified wetland**" is a wetland referred to as having a class W1, W2, W3, W4 or W5 under the *Forest Planning and Practices Regulation*. Classified wetlands include all wetlands that are:

1. Not less than 0.25 ha in size in one of the following biogeoclimatic zones or subzones: (a) Ponderosa Pine (b) Bunch Grass (c) Interior Douglas-fir, very dry hot, very dry warm or very dry mild; or
2. Not less than 0.5 ha in size in one of the following biogeoclimatic zones or subzones: (a) Coastal Douglas-fir (b) Coastal Western Hemlock, very dry maritime, dry maritime or dry submarine.

any time of the year and selective application²⁵ methods are used between 2 m and 10 m above the high water mark.

If the pesticide is used for the purpose of noxious weed or invasive plant management and if selective application is used between 1 m and 10 m above the high water mark, the pesticide-free zone may be reduced to 1 m.

A pesticide-free zone is not required for the use of glyphosate if no glyphosate is applied below the high water mark and the body of water is:

- ◆ A temporary free-standing body of water;
- ◆ Not a classified wetland nor a wildlife habitat feature; and
- ◆ Not fish bearing and does not drain into a fish bearing body of water within 100 m.

Glyphosate may be applied to a body of water, providing it meets the above three criteria and is either smaller than 25 m² or not a wetland. Glyphosate may be applied to a dry stream bed if the dry stream is not a wildlife habitat feature and is not fish bearing when wet.

In this section:

Fish bearing in relation to a body of water or wetland means that it is frequented by:

- Anadromous salmonids;
- Rainbow trout, cutthroat trout, brown trout, bull trout, Dolly Varden char, lake trout, brook trout, kokanee, largemouth bass, small mouthed bass, mountain whitefish, lake whitefish, arctic grayling, burbot, white sturgeon, black crappie, yellow perch, walleye, northern pike; or
- A species of fish identified under section 11 (1) or as regionally important wildlife under section 11 (2) of the *Government Actions Regulation*.

Wildlife habitat feature means a wildlife habitat feature identified by the Minister of Environment under section 11 (2) of the *Government Actions Regulation*. Such features are to be listed on the website for Biodiversity Branch in that ministry. None were listed when this document was prepared.

Standards for management of noxious weeds and invasive plants²⁶

A licence or confirmation holder applying a herbicide for the purpose of noxious weed or invasive plant management must apply the herbicide **not more than 1.5 m from a targeted weed or plant**.

A licence or confirmation holder using a pesticide for noxious weed or invasive plant management must make reasonable efforts to identify **sites where biological weed control organisms have been released** and prevent harm to those organisms.

²⁵ “**Selective application**” means the application of a pesticide to individual plants so that the vegetation between individual plants is not treated.

²⁶ **Noxious weed** means a weed listed as noxious under the *Weed Control Act*. **Invasive plant** means a plant listed as invasive under the *Forest and Range Practices Act*.

7.5 What are the reporting and record keeping requirements for licence and confirmation holders?

Record keeping

Records required under the Regulation must be kept up to date, at the business location identified on the licence application or pesticide use notice (except when being kept at or near the treatment location during the use), and for a period of (at least) three years after the use or application to which they relate. The licence or confirmation holder must ensure that records are at their specified business location within 60 days after completion of the related pesticide use.

Requirements for records of use²⁷

Licensees are required to maintain a record of pesticide use for each treatment location and day of use that includes:

- ◆ If the use was performed as a service, the name and address of the person for whom the service was performed;
- ◆ If the service was performed for another licensee (or permit holder or PMP confirmation holder), the number of the person's licence (or permit or confirmation);
- ◆ If the use was not performed as a service, the name and address of the owner or manager of the treatment location;
- ◆ The name and certificate number of the certified applicator who used or supervised the use of the pesticide; and
- ◆ Pest monitoring methods and injury thresholds used to fulfill the licensee's IPM requirements in relation to the use (see below for additional requirements for treatment of more than 20 ha/year).

Confirmation holders are required to maintain a record of pesticide use for each treatment location and day of use that includes:

- ◆ The name and address of the owner or manager of the treatment location;
- ◆ If the use was performed as a service, the name and licence number of the licensee who performed the service; and
- ◆ If the use was not performed as a service, the name and certificate number of the certified applicator who used the pesticide or supervised the use.

License and confirmation holders must also maintain the following information as part of their record of pesticide use for each treatment location and day of use:

- ◆ The date and time of the pesticide use;
- ◆ The name of the pest targeted by, or the purpose of, the pesticide use;
- ◆ The trade name of each pesticide used and its registration number under the federal Act;
- ◆ For each pesticide used, the method and rate of application and total quantity used;
- ◆ If the use was outdoors, the prevailing meteorological conditions, including temperature, precipitation and velocity and direction of the wind;

²⁷ A model record form that could be used by most licence holders and, with some additions, for holders of pesticide use notice confirmations is posted on the ministry IPM Program web site at the following address:
<http://www.env.gov.bc.ca/epd/epdpa/ipmp/forms1.html>

- ◆ Advice given to the owner or manager of the treatment area, including safe re-entry time, the number of days before a crop can be harvested safely (where applicable), and any additional precautions that should be taken to minimize exposure to the pesticide; and
- ◆ If the licence or confirmation holder decided that the 30 m no-treatment zone around a water supply intake or well used for domestic or agricultural purposes may be reduced, the information on which the licensee based the decision.

For treatment of forest pests on more than 20 ha a year managed by a single entity, both licence and confirmation holders are required to keep additional records as follows:

- ◆ **For each treatment location:**
 - The results of pest monitoring carried out by the licence or confirmation holder in relation to the pest population and the damage caused by pests,
 - The use of the monitoring results to determine injury thresholds,
 - How public notification was given and where notices were posted, and
 - The effectiveness and impacts of the pesticide use; **and**
- ◆ **For each piece of application equipment that requires calibration:**
 - When the equipment was calibrated, and
 - The data upon which its calibration was based.

Public consultation records

A licence or confirmation holder who is required under the Regulation to conduct consultations in relation to an application or a pesticide use must prepare and maintain the following records of those consultations (as applicable to Regulation requirements):

- ◆ A record of when and in what newspaper the notice was published or when the notice was given of the public consultation;
- ◆ A summary of the verbal public responses to the public consultation;
- ◆ A summary of the responses given by the licence or confirmation holder to the public responses received during consultations;
- ◆ Copies of any notices published or given under notification requirements of the Regulation, and all written responses to the notices; and
- ◆ If the licence or confirmation holder agrees through consultations to give notice to an individual before pesticide use, a copy of the notice given to the individuals.

Annual use reports

Licence and confirmation holders must submit an annual report of pesticide use to the Administrator by January 31 of every year (a summary of the previous calendar year's use). The annual report must include:

- ◆ The name and address of the licence or confirmation holder and their licence or confirmation number;
- ◆ For each pesticide used in the calendar year, the trade name, registration number under the federal Act, active ingredient name(s) and amount of pesticide product used in kilograms; and
- ◆ The total area treated.²⁸

²⁸ For the purposes of annual reporting, if an area is treated more than once, the "area treated" is recorded (i.e., not a multiple or cumulative figure, dependent on the area of each treatment).

The annual report of a pesticide service **licensee** must provide separate summaries of: a) pesticides used for other licensees, permit holders or pesticide use notice confirmation holders; and b) pesticides used for people who did not hold a licence, permit or pesticide use notice confirmation.

Confirmation and licence holders, who use pesticides for forest pest management on land managed by a single entity **on more than 20 ha a year**, must also provide in the annual report the following information:

- ◆ A description of the treatment location and a map identifying its gross boundaries;
- ◆ The methods used to apply pesticide;
- ◆ The total area treated and total area treated with each pesticide used; and
- ◆ Methods of non-pesticide pest controls used and the estimated total area of their use.

8. How is the Act Enforced? What Penalties May be Imposed for Non-Compliance With Terms of the Regulation?

Under the *Act*, the minister may designate specified provincial, federal or local government employees as “inspectors,” with authority to audit for compliance and enforce provisions of the Regulation.

If the Administrator considers that the holder of a pesticide service or non-service licence, or certificate has not been or is not complying with the *Act*, the licence or certificate may be revoked or suspended, and the person ordered to refrain from using a particular pesticide. The Administrator may also restrict the eligibility of the holder to apply for another licence or certificate – for the period of time that the Administrator considers appropriate. The Administrator may similarly, with sufficient cause, revoke or suspend a pesticide use notice confirmation, or order a person holding the confirmation to refrain from using a pesticide.

If the Administrator believes on reasonable grounds that a person’s handling, release, transport, storage, use or disposal of a pesticide has caused or is likely to cause an unreasonable adverse effect – or that a person has contravened the *Act* or Regulation – the Administrator may order the person to stop or refrain from the action, or take other actions to assess, repair, clean or decontaminate any premises, equipment or site.

The *Act* contains provisions for substantive penalties if deemed warranted (for a first offense, up to a maximum of \$200,000 for an individual or \$400,000 for a corporation), as well as providing latitude to the Courts for sentencing options (e.g., directing payment of funds or services to environmental restoration).

Appendix I: Application and Record Forms & Certification Information

Application and Record Forms

Pesticide use notice forms and licence application forms are available by following the links to the ministry's IPM website, or directly, by clicking on the hyperlinks highlighted below.

Application forms or information for completing the forms can also be obtained by telephoning the Environmental Management Branch receptionist in Victoria at (250) 387-3205 (you will be directed to the appropriate IPM Program person). Forms may be ordered by mail from the following address:

Pesticide Licence Processing
Ministry of Environment
PO Box 9377 Stn Prov Govt
Victoria, BC V8W 9M1

Application forms may be returned to the ministry by mail or fax. The fax number is (250) 356-0299 in Victoria.

The ministry IPM Program webpage address is: <http://www.env.gov.bc.ca/epd/epdpa/ipmp/index.html>. It can also be accessed by going to the B.C. Government web page at www.gov.bc.ca and in the search function inserting the words IPM Program.

Forms are all in portable document format (PDF). Adobe Acrobat PDF Reader may be downloaded for free by following the links from www.adobe.com or by clicking the following link ([Download](#)). This software will enable you to read and print the forms.

Application for a Pesticide Use Notice Confirmation: form to submit pesticide use notice information to obtain a confirmation for pesticide uses prescribed by the *Integrated Pest Management Act* Regulation.

- ◆ [Pesticide Use Notice](#)

Application for a Pesticide Licence: to apply for a Pesticide Licence for retail sale of Domestic, Commercial or Restricted label pesticides, for the application of pesticides as a service / business, and for non-service pesticide uses prescribed by the *Integrated Pest Management Act* Regulation.

- ◆ [Licence Application Form](#)

The following links provide an explanation and templates for recording and reporting pesticide use:

Pesticide Use Record: for pesticide users to record information about each pesticide application.

- ◆ [Pesticide Use Records Explanatory Information](#)
- ◆ [Pesticide Use Record](#)

Annual Summary of Pesticide Use: to record the total quantities of pesticides applied in a calendar year, to be submitted by January 31 in the next calendar year by Licence, Confirmation and Permit holders.

- [Annual report form for licence holders](#) reporting any pesticide use other than pesticide treatments to more than 20 ha of private forest land
- [Annual report form for licence holders](#) reporting treatments to more than 20 ha of private forest land owned or managed by a single entity
- [Annual report form for confirmation holders](#)
- [Annual report form for permit holders](#)

Pesticide Certification Information

Pesticide certification for dispensers and applicators must be in the appropriate category (see [category descriptions](#)). There is a separate study kit and exam for each category.

Study Materials

Order study materials for the selected certification category from the B.C. Government's Distribution Centre (located in Victoria, BC). See the list of study kit contents and prices for each category on the second page of the [Order Form](#).

It is usually easiest to order study materials by telephone and pay by credit card. Call 1-800-282-7955 (or 250-952-4460 outside B.C.).

To fax or mail in your order, use the [Order Form](#).

Note:

- ◆ The study materials for most certification categories include a core manual which is the same for several categories, as well as category specific booklets.
- ◆ If you require certification in more than one category, you do not need to order duplicate materials.
- ◆ Any item can be ordered by itself, if you are missing that item or for purposes other than certification.

If you have a study kit that is more than one year old, check the [list of current editions](#) to find out if any documents have been revised, before using it to study for the certification exam. Order updated versions if yours have been revised.

Certification Examinations

When you have obtained the study materials and are prepared to write the exam, read the [exam instructions](#) enclosed with the study materials. Candidates can arrange to write the B.C. certification exam at many government agents' offices and some colleges across B.C., and also outside of B.C., as listed in the exam instructions.

The fee for writing an examination is \$90, to be sent with the exam application – not when ordering study materials.