

REGULATION # 604/2004

Effective: Dec. 31/04

PROVINCE OF BRITISH COLUMBIA**REGULATION OF THE MINISTER OF
WATER, LAND AND AIR PROTECTION*****Integrated Pest Management Act***

Ministerial Order No.

M 422

I, Bill Barisoff, Minister of Water, Land and Air Protection, order that, effective December 31, 2004,

(a) Part 1 of the attached Integrated Pest Management Regulation, and

(b) section 1 of the attached Integrated Pest Management Regulation as it applies in Part 1,

are made.

Dec 29/04
Date

Bill Barisoff
Minister of Water, Land and Air Protection

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Integrated Pest Management Act, S.B.C. 2003, c. 58, ss. 36 and 39

Other (specify):- oic 1225/2004

December 22, 2004

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INTEGRATED PEST MANAGEMENT REGULATION

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Definitions

1 In this regulation:

- “Act” means the *Integrated Pest Management Act*;
- “agriculture” includes aquaculture except aquaculture and aquacultural activities carried on in a body of water;
- “bacterial pesticide” means a pesticide that is or contains bacteria as the active ingredient;
- “body of water” does not include a human-made, self-contained body of or structure for water;
- “business day” means a day other than Saturday or Sunday or another holiday;
- “classified wetland” means a wetland in class W1, W2, W3, W4 or W5 prescribed under the *Forest and Range Practices Act*;
- “commercial pesticide” means a pesticide described in section 2 (c) [*classes of pesticides*];
- “Crown land” means land, or an interest in land, vested in the government;
- “domestic pesticide” means a pesticide described in section 2 (d) [*classes of pesticides*];
- “excluded pesticide” means a pesticide described in section 2 (e) [*classes of pesticide*] and set out in Schedule 2;
- “federal Act” means the *Pest Control Products Act* (Canada);
- “highway” has the same meaning as in the *Transportation Act*;
- “industrial site” means an area of land on which is located industrial infrastructure and ancillary works, including, without limiting this,

- (a) facilities for manufacturing or processing,
 - (b) mines, well sites, equipment yards and other facilities for or ancillary to energy production or resource extraction,
 - (c) highways, transmission lines, pipelines, railways, associated rights of way and other facilities for storing or distributing products, energy or resources,
 - (d) incinerators, landfills, sewage treatment plants and other facilities for the disposal or treatment of waste,
 - (e) dams, dikes and reservoirs, and
 - (f) facilities operated as public airports,
- but does not include landscaped land;

"injury threshold" means the point at which the abundance of pests and the damage they are causing or are likely to cause indicates that pest control is necessary or desirable;

"invasive plant" has the same meaning as under the *Forest and Range Practices Act*;

"land" includes foreshore, bodies of water on land and land covered by water;

"landscape" means an area of land that has been improved by planting with ornamental plants or is maintained for ornamental purposes;

"multi-residence building" means a building that contains two or more separate units occupied as living accommodation and includes, without limiting this, apartment buildings, hotels, and strata titled buildings that contain two or more separate units occupied as living accommodation;

"multi-residence property" means a parcel of land on which is located two or more separate units occupied as living accommodation, whether the units are in the same building or are detached;

"no-treatment zone" means an area of land that must not be treated with pesticide;

"noxious weed" has the same meaning as under the *Weed Control Act*;

"owner", in relation to land, includes a person who has a right of exclusive possession of the land;

"permit-restricted pesticide" means a pesticide described in section 2 (a) [*classes of pesticides*] and set out in Schedule 1;

"pesticide-free zone" means an area of land that

- (a) must not be treated with pesticide, and
- (b) must be protected from pesticide moving onto it;

"private land" includes Crown land in relation to which the government has granted to a person a right of exclusive possession for agricultural or other farming purpose, but does not include bodies of water;

"public land" means

- (a) Crown land that is not private land,
- (b) bodies of water, and
- (c) land that is owned or leased for its own purposes by

- (i) a local authority described in paragraph (a), (b), (c), (d) or (e) of the definition of that term in the Schedule to the *Community Charter*,
- (ii) a university, or an institution, as defined in section 1 of the *College and Institute Act*,
- (iii) a board, or a francophone education authority, as defined in section 1 (1) of the *School Act*,
- (iv) a regional hospital board, or a regional hospital district, as defined in section 1 of the *Hospital District Act*, and
- (v) a government corporation as defined in section 1 of the *Financial Administration Act*,

"restricted pesticide" means a pesticide described in section 2 (b) [*classes of pesticides*];

"right of way" does not include a landscaped area;

"selective application" means the application of a pesticide to individual plants so that the vegetation between the individual plants is not treated;

"single entity", in relation to the management of land, means

- (a) one or more persons, each of whom is registered as a joint tenant or a tenant in common in relation to the land,
- (b) a single individual, corporation or agency, or
- (c) the Crown;

"stream" has the same meaning as in the *Forest Planning and Practices Regulation*;

"treatment area", in relation to a pesticide use, means the area of land to which pesticide is applied or is intended to be applied;

"treatment location", in relation to a pesticide use, means the treatment area and the pesticide-free zones or no-treatment zones required under this regulation in relation to the use;

"veterinarian" means an individual registered as a practising member of the British Columbia Veterinary Medicine Association continued under the *Veterinarians Act*;

"wetland" has the same meaning as under the *Forest and Range Practices Act*.

PART 1 – MINISTER'S REGULATION

Division 1 – Interpretation

Classes of pesticides

2 The following classes of pesticides are established:

- (a) permit-restricted pesticides, being those pesticides assigned to this class under section 43 (1) [*classification of pesticides*] because the administrator considers that the risk of unreasonable adverse effects from their use should be evaluated for each proposed use;
- (b) restricted pesticides, being those pesticides that

- (i) are required under the federal Act to be labeled with the product class designation "RESTRICTED", and
- (ii) are not permit-restricted pesticides or excluded pesticides;
- (c) commercial pesticides, being those pesticides that
 - (i) are required under the federal Act to bear a label indicating their product class designation acceptable under that Act in relation to their general uses in commercial activities that are specified on the label as "commercial", "industrial", "agricultural" or another commercial activity, and
 - (ii) are not permit-restricted pesticides or excluded pesticides;
- (d) domestic pesticides, being those pesticides that
 - (i) are required under the federal Act to be labeled with the product class designation "DOMESTIC", and
 - (ii) are not permit-restricted pesticides or excluded pesticides;
- (e) excluded pesticides, being those pesticides assigned to this class under section 43 (2) [*classification of pesticides*] because the administrator considers that excluding them from compliance with the requirements imposed on a licensee, permit holder or confirmation holder under the Act will not increase the risk of unreasonable adverse effects from their use.

Exclusions from the definition of "pesticide"

- 3 The following micro-organisms, materials, substances and control products are excluded from the definition of pesticide in section 1 of the Act:
- (a) an article, instrument, apparatus, contrivance or gadget that, by itself or in conjunction with another control product, is used as a means to control pests directly or indirectly;
 - (b) a control product that is
 - (i) used to control arthropods on or in humans, livestock or domestic animals, and
 - (ii) administered internally by mouth or injection;
 - (c) a control product that is used to destroy, inactivate or reduce viruses, bacteria or other micro-organisms for the purposes of treating, mitigating or preventing a disease in humans or animals;
 - (d) a control product that is used to destroy, inactivate or reduce mould, mildew or odors, except when used as a wood preservative.

Definition of "service"

- 4 In the Act and this regulation, "service", in relation to a pesticide, means the use of the pesticide by a licensee, or an employee or contractor of a licensee, for another person under a contract for service between the licensee and that other person who is an owner or manager of the land on which the pesticide is to be used.

Division 2 – Licences

Pesticide uses requiring a licence

- 5 (1) Except as provided in subsection (2), the following uses of a pesticide are prescribed for the purpose of section 4 (1) (b) of the Act:
- (a) the management of vegetation or preservation of wood on not more than 20 ha a year of public or private land that are
 - (i) used for a railway right of way, yard or associated signal or communication facility, and
 - (ii) managed by a single entity;
 - (b) the management of vegetation on not more than 20 ha a year of public or private land that are
 - (i) used for
 - (A) a highway,
 - (B) a facility or right of way for a public utility as defined in the *Utilities Commission Act*,
 - (C) a facility or right of way for the delivery of water, not including a pipe or a system or arrangement of pipes to distribute water in a community to ultimate consumers, or
 - (D) a pipeline, as defined in the *Petroleum and Natural Gas Act*, and associated facilities, and
 - (ii) managed by a single entity;
 - (c) the management of mosquitoes, using a bacterial pesticide, on not more than 1 ha a year of public or private land that is
 - (i) a body of water, and
 - (ii) managed by a single entity;
 - (d) to preserve up to 1 000 wooden poles a year on public or private land that is
 - (i) used for
 - (A) a highway, or
 - (B) a facility or right of way for a public utility as defined in the *Utilities Commission Act*, and
 - (ii) managed by a single entity;
 - (e) effective January 7, 2007, the management of pests inside rooms used as living accommodation, or in areas to which more than one occupier has access, in a multi-residence building on private land and containing at least 4 separate units;
 - (f) effective January 7, 2007, the management of pests on outdoor areas, to which more than one occupier has access, of a multi-residence property on private land and containing at least 4 separate units;
 - (g) the management of forest pests on private land used for timber production, including private roads, roadsides and other areas ancillary to the timber production;
 - (h) the management of pests of structures and pests of goods on public land;

- (i) the management of pests of gardens and pests of landscaping, including the management of weeds in sidewalks and on parking lots, on public land;
 - (j) the management of forest pests on not more than 20 ha a year of public land that are
 - (i) used for timber production or forested, and
 - (ii) managed by a single entity;
 - (k) the management of vegetation on not more than 20 ha a year of public land that are
 - (i) used for an industrial site, other than an industrial site described in paragraph (a) (i) or (b) (i), and
 - (ii) managed by a single entity;
 - (l) the management of noxious weeds or invasive plants on not more than 50 ha a year of public land managed by a single entity;
 - (m) the management of plant roots in sewers and drain pipes on public land.
- (2) The use of a pesticide for the management of pests inside rooms used as living accommodation is not prescribed under subsection (1) if an occupier of the living accommodations uses the pesticide only within his or her own living accommodations.

Exceptions from licensing requirement

- 6 (1) A licence under section 4 of the Act is not required by a person who
- (a) sells, uses or provides a service using an excluded pesticide,
 - (b) uses or sells a pesticide only as an employee or contractor of a licensee,
 - (c) is the owner of land and uses a pesticide only on goods brought to the land by the owner,
 - (d) under a contract for paving services, uses a pesticide to manage vegetation on land before paving it,
 - (e) having a possessory interest in agricultural land in relation to which another person has a surface lease or another right of entry under the *Petroleum and Natural Gas Act* for purposes of a pipeline or an oil or gas facility, applies pesticide to control vegetation on the pipeline right of way or on or around the oil or gas facility under contract with the holder of the surface lease or other right of entry,
 - (f) is a manufacturer of pesticides, or a manufacturer's agent, and supplies a pesticide to a pesticide wholesaler,
 - (g) is a wholesaler of pesticides and supplies pesticide to a vendor licensee or a veterinarian,
 - (h) is a wholesaler of pesticides and returns pesticide to its manufacturer or the manufacturer's agent, or
 - (i) uses a pesticide for a research purpose, if
 - (i) the pesticide is exempt from registration under the federal Act for the research purpose, and

- (ii) the use is consistent with the terms on which the pesticide is exempt from registration.
- (2) A licence under section 4 of the Act is not required by a veterinarian, or an individual under the direction of a veterinarian, who sells or uses a pesticide for the treatment of animal pests.
- (3) Nothing in subsection (2) excepts the use of a pesticide by a veterinarian from a requirement under section 6 of the Act.

Licence requirement exemptions

- 7 (1) A licensee is exempt from the requirements under section 68 [*licensee use of pesticide – integrated pest management*] in relation to the use of wood preservatives on land described in section 5 (1) (a).
- (2) A licensee is exempt from a requirement under section 33 (3) (b) [*containment, storage, transportation, disposal and use of pesticides*] in relation to a pesticide use if the licensee holds a permit issued under section 6 (1) of the Act authorizing the exemption in relation to the use and setting out terms and conditions the licensee must comply with instead.

Licence criteria

- 8 For the purpose of section 4 (3) (b) of the Act, the administrator must be satisfied that the applicant
 - (a) holds, or employs a person who holds, the category of certificate that under section 50 [*category of certificate required*] is required in relation to the category of licence applied for, and
 - (b) maintains a business location in British Columbia for doing business in the Province or provides the administrator with an address in British Columbia at which the person may be served with documents.

Public consultation requirements – licensee

- 9 A licensee must conduct public consultations in the manner and to the extent set out in section 62 [*public consultations – licensees in respect of forest land*] if the licensee intends to use a pesticide for a use described in section 5 (1) (g) [*pesticide uses requiring a licence*] on more than 20 ha a year managed by a single entity.

Public notification requirements

- 10 (1) In this section:
 - “multi-residence common area” means
 - (a) an indoor area of a multi residence property to which all or most occupants of the property have access, and
 - (b) an outdoor area of a multi-residence property that is
 - (i) within 5 m of an entrance or a window to living accommodations, or
 - (ii) maintained for purposes of passage, parking or recreation;
 - “multi-residence restricted access area” means an area of a multi-residence property that

- (a) is not used or intended to be used as living accommodation, and
 - (b) is not accessible to the general public and most occupants of the property;
- “outdoor public use area”** means an outdoor, landscaped area of public land that is maintained for purposes of public passage or recreation.

(2) At least 72 hours before using a pesticide in occupied living accommodations, a licensee must provide a treatment notice that complies with section 63 (1) *[treatment notice – form and content]* to

- (a) the occupant of the living accommodations, and
- (b) if different from the occupant, the owner or manager of the building or the agent of either.

(3) A licensee who uses a pesticide in unoccupied living accommodations must,

- (a) before or immediately following the use, provide a treatment notice that complies with section 63 (1) to the owner or manager of the building or the agent of either, and

(b) either,

- (i) provide a treatment notice that complies with section 63 (1) to a person who will be occupying the living accommodations within 48 hours after the pesticide use, or
- (ii) immediately following the use, post a treatment notice that complies with section 63 (1) and (2) at each entrance to the unoccupied living accommodation, which notice must not be removed by the licensee for 48 hours after the pesticide use.

(4) At least 48 hours before using a pesticide in a multi-residence common area, a licensee must

- (a) provide a treatment notice that complies with section 63 (1) to the owner or manager of the building or the agent of either, and

(b) either

- (i) provide a treatment notice that complies with section 63 (1) to each person who has access to the common area within 48 hours after the use, or
- (ii) post a treatment notice that complies with section 63 (1) and (2)
 - (A) at each entrance to an indoor treatment area,
 - (B) if the common area is an outdoor area that is fenced, at each gate or opening that provides access to the common area, and
 - (C) if the common area is an outdoor area that is not fenced, at intervals around the common area so that the notice is clearly visible and will provide notice of the pesticide use to any person approaching the common area,

which treatment notice must not be removed by the licensee within 48 hours after the pesticide use.

(5) A licensee who uses a pesticide in a multi-residence restricted access area must

- (a) before or immediately following the use, provide a treatment notice that complies with section 63 (1) to the owner or manager of the building or the agent of either, and
- (b) either
 - (i) provide a treatment notice that complies with section 63 (1) to each person who has access to the treatment area within 48 hours after the use, or
 - (ii) immediately following the use, post a treatment notice that complies with section 63 (1) and (2) at each entrance to the treatment area, which notice must not be removed by the licensee for at least 48 hours after the pesticide use.
- (6) Before using a pesticide in an outdoor public use area, a licensee must post a treatment notice that complies with section 63 (1) and (2),
 - (a) if the treatment area is fenced, at each gate or opening that provides access to the area, and
 - (b) if the treatment area is not fenced, at intervals around or along the area as necessary so that a notice is clearly visible and will provide notice of the pesticide use to any person approaching the area,which treatment notices must not be removed by the licensee within 48 hours after the pesticide use.
- (7) At least 72 hours before using a pesticide on the property of a school or a child care facility, a licensee must provide a treatment notice that complies with section 63 (1) to the school or facility administrator, principal or manager or an agent of the administrator, principal or manager.
- (8) At least 48 hours before using a pesticide on private land to control adult mosquitoes, a licensee must provide a treatment notice that complies with section 63 (1) to
 - (a) the owner or manager of each property within 200 m of the treatment area, and
 - (b) bee keepers whose bees enter or are likely to enter the treatment area.
- (9) Before using a fumigant gas in a structure, a licensee must
 - (a) post a treatment notice that complies with section 63 (1) and (2) at each entrance to the structure, and
 - (b) ensure that the treatment notice remains posted until the licensee confirms that it is safe to enter the structure.
- (10) The notice period under subsection (2), (4), (7) or (8) may be shortened only with the consent of each person who has access to the proposed treatment area and is entitled to notice of the proposed use either in writing or by posted notice.
- (11) Before using a pesticide for a use described in section 5 (1) (a), (b), (g), (j) or (k), a licensee must post a notice in accordance with section 64 (2) [*public notification requirement form and content – confirmation holders*] immediately before the use, which notice may not be removed for at least 14 days after the use.

- (12) Immediately following a pesticide use for which a treatment notice was required to be given or posted under this section, the licensee must provide written notice to the owner, manager, administrator or principal, or the agent of the owner, manager, administrator or principal, giving notice that the pesticide use occurred and of any differences between the information given in the treatment notice and the actual pesticide use.
- (13) If during public consultations a licensee offers to directly notify an individual about an intended pesticide use, before performing the use the licensee must notify the individual in the agreed time and manner.

Different notification requirements – medical health officer

- 11 If a medical health officer has given direction in writing for a different notification requirement in relation to a requirement under section 10 (2), (3), (4), (5), (6), (7) or (8), the licensee must comply with the medical health officer's direction.

Exemptions from public notification requirements

- 12 A licensee is exempt from section 10 (4) (b), (5) (b) or (6), as applicable, in relation to a pesticide use if
 - (a) the pesticide is insecticide applied in cracks and crevices,
 - (b) the pesticide is insect gel, or insect bait in a bait station, that is placed in a concealed location not accessible to children or pets,
 - (c) the pesticide is insecticide applied to a wasp nest that
 - (i) is outdoors, or
 - (ii) is indoors and no person will have access to the treatment area within the 48 hour period after the use,
 - (d) the pesticide is rodenticide and is used in accordance with the requirements in section 81 *[use requirements – licensee in relation to rodenticide use]*,
 - (e) the pesticide is herbicide and is used to manage weeds along fences or in cracks in the pavement on roads, in sidewalks or in parking lots,
 - (f) granular pesticide is used in flower, vegetable or shrub beds and mixed into soil, or
 - (g) the pesticide is a bacterial pesticide applied to water.

Licence fees

- 13 (1) In this section, "year" means the period from April 1 in one year to March 31 in the next year.
- (2) An applicant for a pesticide user non-service licence for a pesticide use described in section 5 (1) (a) to (f) or (h) to (l) *[pesticide uses requiring a licence]* must include \$250 with the application for each year or part year to which the application relates.
- (3) An applicant for a pesticide user service licence for a use described in section 5 (1) (a), (b), (g), (j), (k) or (l) *[pesticide uses requiring a licence]* and an applicant for a pesticide user non-service licence for a use described in

section 5 (1) (g) must include with the application the following fee for each year or part of a year to which the application relates:

- (a) \$250 if the application is for pesticide use on less than 50 ha in each year;
 - (b) \$500 if the application is for pesticide use on 50 or more ha in any year and less than 500 ha in each year;
 - (c) \$1 000 if the application is for pesticide use on 500 or more ha in any year.
- (4) An applicant for a pesticide user service licence for a pesticide use not referred to in subsection (2) or (3) must include with the application the following fee for each year or part of a year to which the application relates:
- (a) \$250 if the application is for the pesticide use from one business address;
 - (b) \$500 if the application is for the pesticide use from 2 or 3 business addresses;
 - (c) \$1 000 if the application is for the pesticide use from 4 or more business addresses.
- (5) An applicant for a pesticide vendor licence must include with the application the following fee for each year or part of a year to which the application relates:
- (a) \$250 if the applicant sells only domestic pesticides or sells less than 100 kg a year of commercial, restricted and permit-restricted pesticides;
 - (b) \$1 000 if the applicant sells 100 or more kg a year of commercial, restricted and permit-restricted pesticides.
- (6) If an applicant would be subject to a fee under two or more of subsections (2), (3) (4) and (5) in respect of an application, the licence fee payable on application is the highest fee payable under subsection (2), (3), (4) or (5) as applicable.
- (7) A fee paid on application is not refundable unless the application is withdrawn before any processing has occurred.
- (8) If a licensee is required by the term and condition in section 47 (1) (c) [*licence terms and conditions*] to give notice to the administrator of a change that has the effect of increasing the fee payable in relation to the licence, the notice must be accompanied by the amount of the increase.

Division 3 – Certificates

Pesticide classes and pesticide uses requiring a certificate

- 14** (1) The following classes of pesticides are prescribed for the purpose of section 5 (1) of the Act:
- (a) permit-restricted;
 - (b) restricted.
- (2) Aerial application of pesticide by a pilot is prescribed for the purpose of section 5 (1) of the Act.

Pesticides prescribed in relation to certified individuals

- 15** The following classes of pesticide are prescribed for the purposes of section 5 (2) and (3) of the Act:

- (a) permit-restricted;
- (b) restricted;
- (c) commercial;
- (d) domestic.

Certificate criteria

- 16 (1) For the purpose of section 5 (5) (b) of the Act, the administrator must be satisfied that the applicant
- (a) has reached 16 years of age,
 - (b) has attained the appropriate educational level for the certificate or has completed one or more courses specified by the administrator, and
 - (c) either
 - (i) has passed an examination set by the administrator for the purpose of testing the knowledge of an applicant in relation to the matters listed in Schedule 3 for the category of certificate applied for, or
 - (ii) has passed an examination, approved by the administrator, of another provincial government and has passed an examination set by the administrator for the purpose of testing the knowledge of an applicant in relation to the Act and this regulation.
- (2) Despite subsection (1) (c), if an applicant has previously held a certificate in the category applied for, the administrator may issue a new certificate in accordance with section 53 *[certificate renewal requirements]*.
- (3) Before reinstating a suspended certificate, the administrator must be satisfied that the holder satisfies the requirements of section 5 (5) of the Act.

Certificate fees

- 17 (1) An applicant for a certificate must include with the application a fee of \$90 for each certificate examination required for the certificate.
- (2) If an applicant for a certificate
- (a) has been given notice of the time and place of a certificate examination on 2 different occasions, and
 - (b) has failed to attend for the examination on both occasions,
- the administrator is deemed to have rejected the applicant's application and the fee paid under subsection (1) is forfeited.
- (3) An applicant for a certificate renewal to whom section 53 applies must include with the application a non-refundable fee of \$25.

Division 4 – Permits

Pesticides and pesticide uses requiring a permit

- 18 (1) Permit-restricted pesticides are prescribed for the purpose of section 6 (1) of the Act.

- (2) Except as provided in subsection (4), the following uses of a pesticide are prescribed for the purpose of section 6 (1) of the Act:
- (a) aerial application of a pesticide;
 - (b) use of a pesticide, other than an excluded pesticide, in or on a body of water, unless under section 5 *[pesticide uses requiring a licence]* a licence is required for the use or under section 24 *[pesticide classes and pesticide uses requiring a confirmation]* a confirmation is required for the use;
 - (c) use of a pesticide, other than an excluded pesticide, on public land, unless under section 5 a licence is required for the use or under section 24 a confirmation is required for the use.
- (3) In addition to the uses prescribed in subsection (2), if a licence or confirmation applicant or holder requires an exemption from a requirement under section 33 (3) (b) *[containment, storage, transportation, disposal and use of pesticides]* in relation to a use for which the licence or confirmation, as applicable, is required, a permit specifying the requirement and the terms and conditions on which the exemption is authorized is required for the use.
- (4) A use described in subsection (2) is not prescribed if
- (a) the use is aerial application to private land used primarily for agricultural production,
 - (b) the use is aerial application
 - (i) of a pesticide listed in Schedule 4,
 - (ii) in accordance with a licence or a confirmation, and
 - (iii) to land that is neither in an urban area nor used for residential purposes, or
 - (c) the use is for research purposes
 - (i) of a pesticide that is exempt from registration under the federal Act for research purposes, and
 - (ii) consistent with the terms on which the pesticide is exempted from registration.

Permit criteria

- 19 (1) For the purposes of section 6 (3) (b) of the Act, the administrator must be satisfied that the applicant
- (a) maintains a business location in British Columbia for doing business in the Province or provides the administrator with an address in British Columbia at which the person may be served with documents,
 - (b) has conducted the consultations as required under section 20 *[public consultation requirements]* and submitted a description of the action, if any, the applicant proposes to take in response to comments received during consultations, and
 - (c) if requested by the administrator, has submitted to the administrator an evaluation of the geographical features that require a pesticide-free zone or a no-treatment zone at the treatment location.

- (2) For the purposes of section 6 (3) (b) of the Act in relation to a permit for a use described in section 18 (3), the administrator must also be satisfied that
- (a) meeting the requirement is impractical in relation to the proposed use, method of application or treatment area, and
 - (b) if the terms and conditions imposed on the permit under section 18 (3) are complied with, allowing the licensee or confirmation holder to perform the use without meeting the requirement will not cause unreasonable adverse effects.

Public consultation requirements – permits

- 20 An applicant for a permit must conduct public consultations in accordance with section 60 [*public consultation process – permit application*].

Exemptions from public consultation requirement

- 21 An applicant for a permit is exempt from the requirement under section 60 (2) (j) for a 30 day comment period if the applicant satisfies the administrator that
- (a) the application relates to an unforeseen pest problem and the delay in applying the pesticide required to carry out the consultations is likely to result in an unreasonable adverse effect, or
 - (b) the particular pesticide use to which application relates is
 - (i) to such a small area, or
 - (ii) to such a remote areathat the use is unlikely to affect any person, other than the person who owns the treatment area, or any other person's property.

Public notification requirement – permits

- 22 If during public consultations a permit holder offers to directly notify an individual about an intended pesticide use, before performing the use the holder must notify the individual in the agreed time and manner.

Permit fees

- 23 (1) An applicant for a permit must include with the application a fee of \$1 000 for a term of up to 3 years.
- (2) A fee paid on application is not refundable unless the application is withdrawn before any processing has occurred.

Division 5 – Pesticide Use Notices – Confirmations

Pesticide classes and pesticide uses requiring a confirmation

- 24 (1) The following classes of pesticides are prescribed for the purpose of section 7 (1) of the Act:
- (a) restricted pesticides;
 - (b) commercial pesticides;
 - (c) domestic pesticides.

- (2) Except as provided in subsection (3), the following uses of a pesticide in a class referred to in subsection (1) are prescribed for the purpose of section 7 (1) of the Act:
- (a) the management of vegetation or preservation of wood on more than 20 ha a year of public or private land that are
 - (i) used as a railway right of way, yard or associated signal or communication facility, and
 - (ii) managed by a single entity;
 - (b) the management of vegetation on more than 20 ha a year of public or private land that are
 - (i) used as
 - (A) a highway,
 - (B) a facility or right of way for a public utility as defined in the *Utilities Commission Act*,
 - (C) a facility or right of way for the delivery of water, not including a pipe or a system or arrangement of pipes to distribute water in a community to ultimate consumers, or
 - (D) a pipeline, as defined in the *Petroleum and Natural Gas Act*, and associated facilities, and
 - (ii) managed by a single entity;
 - (c) the management of mosquitoes, using bacterial pesticide, on more than 1 ha a year of public land that is
 - (i) a body of water, and
 - (ii) managed by a single entity;
 - (d) the preservation of more than 1000 wooden poles in a year on public or private land that is
 - (i) used as
 - (A) a highway, or
 - (B) a facility or right of way for a public utility as defined in the *Utilities Commission Act*, and
 - (ii) managed by a single entity;
 - (e) the management of forest pests on more than 20 ha a year of public land that are
 - (i) used for timber production or forested, and
 - (ii) managed by a single entity;
 - (f) the management of vegetation on more than 20 ha a year of public land that are
 - (i) used as an industrial site, other than an industrial site described in paragraph (a) (i) or (b) (i), and
 - (ii) managed by a single entity;
 - (g) the management of noxious weeds or invasive plants on more than 50 ha a year of public land managed by a single entity;

- (h) the management of mosquitoes on public land, other than with a bacterial pesticide applied to a body of water.
- (3) A use described in subsection (2) (h) is not prescribed if carried out by aerial application to land that is in an urban area or used for residential purposes.

Confirmation holder exemptions

- 25 (1) A confirmation holder is exempt from the requirements under section 69 [*confirmation holder use of pesticide – integrated pest management*] in relation to the use of wood preservatives on land described in section 24 (2) (a).
- (2) A confirmation holder is exempt from a requirement in section 33 (3) (b) [*containment, storage, transportation, disposal and use requirements*] in relation to a pesticide use if the confirmation holder holds a permit issued under section 6 (1) of the Act authorizing the exemption in relation to the use and setting out terms and conditions the confirmation holder must comply with instead.

Confirmation criteria

- 26 For the purpose of section 7 (3) (b) of the Act, the administrator must be satisfied that the applicant
 - (a) maintains a business location in British Columbia for doing business in the Province or provides the administrator with an address in British Columbia at which the person may be served with documents, and
 - (b) has conducted the consultations as required under section 27 (1) and submitted with the application a description of the action, if any, the applicant proposes to take in response to comments received during consultations.

Public consultation requirements – confirmations

- 27 (1) A person preparing a pest management plan for the purposes of section 7 (1) (a) of the Act must conduct public consultations in relation to the pest management plan in accordance with section 61 [*public consultation process – pesticide management plan*].
- (2) A holder of a confirmation must conduct public consultations in accordance with section 61 before submitting an amendment to the pesticide use notice if the amendment relates to information required under section 59 (1) (c), (d) or (e) [*pesticide use notice requirements*].

Public notification requirement – confirmations

- 28 (1) A holder of a confirmation must give notice to individuals in the vicinity of a treatment location, in accordance with section 64 [*public notification requirements – confirmation holders*].
- (2) If during public consultations a confirmation holder offers to directly notify an individual about an intended pesticide use, before performing the use the holder must notify the individual in the agreed time and manner.

Confirmation fees

- 29 (1) An applicant for a confirmation must include with the pesticide use notice the following fees:
- (a) for a use described in section 24 (2) (a) to (c) or (e) to (h) [*pesticide uses requiring a confirmation*],
 - (i) \$500 for a confirmation if the confirmation is for pesticide use on less than 50 ha in each year of the term,
 - (ii) \$1 000 for a confirmation 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, and
 - (iii) \$2 000 for a confirmation if the confirmation is for pesticide use on 500 or more ha in any year of the term;
 - (b) for a use described in section 24 (2) (d),
 - (i) \$1 000 if the confirmation is for pesticide use on more than 1 000 poles in any year of the term of confirmation and not more than 10 000 poles in each year of the term of the confirmation, and
 - (ii) \$2 000 if the confirmation is for pesticide use on more than 10 000 poles in any year of the term of the confirmation.
- (2) If an amendment to a pesticide use notice required under section 59 (2) [*pesticide use notice requirements*] 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 of the confirmation.
- (3) If a confirmation is issued in relation to a pesticide use notice or an amended pesticide use notice, the fee paid with the pesticide use notice is not refundable.

Fee for pest management plan copy

- 30 For the purposes of section 7 (6) (c) (ii) of the Act, a confirmation holder may charge \$0.25 for each page for a copy of the pest management plan.

**Division 6 – General Requirements:
Use, Containment, Transport, Storage or Sale of a Pesticide**

Requirement to notify fire department

- 31 Within 60 days after starting to store pesticides at a location, each of the following must provide notice of the storage location to the fire department closest to that location:
- (a) a pesticide manufacturer;
 - (b) a pesticide distributor;
 - (c) a pesticide formulator;
 - (d) a pesticide wholesaler;
 - (e) a licensee.

Use requirements – licensee and confirmation holder

- 32 A person who holds a licence or a confirmation must

- (a) apply integrated pest management in accordance with section 68 [*licensee – integrated pest management*] or 69 [*confirmation holder – integrated pest management*], as applicable, when using a pesticide, and
- (b) unless the pesticide use is authorized under another enactment or by an order of the court or the Lieutenant Governor in Council, before using a pesticide obtain the express permission of the owner or manager of the land to which pesticide is applied.

Containment, storage, transportation, disposal and use of pesticides

- 33
- (1) A person who stores a pesticide must store it in a manner that
 - (a) minimizes hazards to human health and the environment, and
 - (b) is in accordance with the standards prescribed in section 65 [*pesticide container and labeling standards*], 66 [*pesticide storage*] and 67 [*pesticide storage – licensee*], as applicable.
 - (2) A person who transports or causes or allows the transport of a pesticide must ensure that the pesticide is secured and transported in accordance with the applicable standards prescribed in Division 7 [*Standards for Use, Containment, Transport, Storage or Sale of Pesticide*] of Part 2 and in a manner that prevents
 - (a) the escape, discharge or unauthorized removal of the pesticide from the transport vehicle, and
 - (b) the contamination of food or drink intended for animal or human consumption, household furnishings, toiletries, clothing, bedding or similar items that are transported with the pesticide.
 - (3) A person who uses a pesticide must use it in a manner that
 - (a) minimizes hazards to human health and the environment, and
 - (b) is in accordance with the applicable standards prescribed in Division 7 [*Standards for Use, Containment, Transport, Storage or Sale of Pesticide*] of Part 2 in relation to
 - (i) the handling, mixing, applying or disposing of pesticides, and
 - (ii) the handling and disposal of containers used for pesticide.

Division 7 – Records and Reporting Requirements

Records of sale and annual report – vendor licensee

- 34
- (1) A licensee who sells pesticides must
 - (a) keep a record of each sale of a commercial, permit-restricted or restricted pesticide, and
 - (b) prepare and submit to the administrator by April 1 of each year following a calendar year in which the licensee was licensed, a summary of the licensee's sales in the calendar year.
 - (2) The record required under subsection (1) (a) must include all the following in relation to each sale:
 - (a) the date of sale;

- (b) the purchaser's name, address, telephone number and, for sales of restricted or permit-restricted pesticide, the purchaser's applicator certificate number;
 - (c) the certified dispenser's name and certificate number;
 - (d) the pesticide sold including its trade name and registration number under the federal Act;
 - (e) the size of the container the pesticide was sold in and the number of containers sold.
- (3) The annual summary of pesticide sales required under subsection (1) (b) must include all the following in relation to each commercial, restricted and permit-restricted pesticide sold by the licensee in the calendar year to which it relates:
- (a) trade name;
 - (b) registration number under the federal Act;
 - (c) active ingredient;
 - (d) total litres or kilograms sold.

Records of use – licensee

- 35 (1) A licensee who uses a pesticide, other than a wood preservative, must keep a record containing the following information for each treatment location and day of use:
- (a) if the use was performed as a service, the name and address of the person for whom the service was performed;
 - (b) if the service was performed for another licensee or a permit or confirmation holder, the number of the person's licence, permit or confirmation;
 - (c) if the use was not performed as a service, the name and address of the owner or manager of the treatment location;
 - (d) the name and certificate number of the certified applicator who used the pesticide or supervised the use;
 - (e) the date and time of the pesticide use;
 - (f) the name of the pest targeted by the use or the purpose of the pesticide use;
 - (g) the trade name of each pesticide used and its registration number under the federal Act;
 - (h) for each pesticide used, the method and rate of application and the total quantity used;
 - (i) if the use was outdoors, the prevailing meteorological conditions including temperature, precipitation and velocity and direction of the wind;
 - (j) pest monitoring methods and injury thresholds used to fulfill the licensee's integrated pest management requirements in relation to the use;
 - (k) advice given to the owner or manager of the treatment area in relation to the following:
 - (i) safe re-entry time;
 - (ii) the number of days before a crop can be harvested safely;

- (iii) additional precautions that should be taken to minimize exposure to the pesticide;
- (l) if the licensee decided under section 71 (4) [*use requirements – licensee and confirmation holder*] that a no-treatment zone may be reduced, the information on which the licensee based the decision.
- (2) A licensee who performs a use described in section 5 (1) (g) [*pesticide uses requiring a licence*] on more than 20 ha a year managed by a single entity must also keep records of each of the following for each treatment location:
 - (a) the results of pest monitoring carried out by the licensee in relation to
 - (i) the pest population, and
 - (ii) the damage caused by pests;
 - (b) the use of the monitoring results described in paragraph (a) to determine injury thresholds;
 - (c) how public notification was given and where notices were posted;
 - (d) the effectiveness and impacts of the pesticide use.
- (3) A licensee who performs a use described in section 5 (1) (g) on more than 20 ha a year managed by a single entity must keep a record for each piece of the licensee's pesticide application equipment that requires calibration showing when the equipment was calibrated and the data upon which its calibration was based.
- (4) A licensee who uses a wood preservative must keep the records described in subsection (1) (a) to (h) for each treatment location and day of use.

Records of use – permit holder

- 36 A permit holder who uses a pesticide, or authorizes the use of a pesticide, must keep a record containing the following information for each treatment location and day of use under the permit;
- (a) the name and address of the owner or manager of the treatment location;
 - (b) if the use was performed as a service, the name and licence number of the licensee who performed the service;
 - (c) 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;
 - (d) if a confirmation was required for the use, the confirmation number;
 - (e) the information described in section 35 (1) (e) to (i) and (k) [*records of use – licensee*].

Records of use – confirmation holder

- 37 (1) A confirmation holder who uses a pesticide or authorizes the use of a pesticide, other than a wood preservative, must keep a record containing the following information for each treatment location and day of use:
- (a) the name and address of the owner or manager of the treatment location;
 - (b) if the use was performed as a service, the name and licence number of the licensee who performed the service;

- (c) 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;
 - (d) if a permit was required for the use or the class of pesticide, the permit number;
 - (e) the information required under section 35 (1) (e) to (i), (k) and (l) and (2);
- (2) A confirmation holder must keep a record for each piece of the holder's pesticide application equipment that requires calibration showing when the equipment was calibrated and the data upon which its calibration was based.
- (3) A confirmation holder who uses a wood preservative, or authorizes the use of a wood preservative, must keep the records required under section 35 (4).

Public consultation records

- 38 (1) A licensee, a permit holder and a confirmation holder who is required under this regulation to conduct consultations in relation to an application or a pesticide use must prepare and maintain the following records of those consultations:
- (a) a record of when and in what newspaper the notice was published or when the notice was given of the public consultation, as applicable;
 - (b) a summary of the verbal public responses to the public consultation;
 - (c) a summary of the responses given by the licensee, permit holder or confirmation holder to the public responses described in paragraph (b).
- (2) In addition to the records under subsection (1), a licensee, a permit holder and a confirmation holder must also retain
- (a) copies of any notices published or given under section 60, 61 or 62, and
 - (b) all written responses to the notice under subsection (1).
- (3) If a person described in subsection (1) conducting public consultations described in subsection (1) agrees to give notice to an individual before a pesticide use, the licensee, permit holder or confirmation holder must retain a copy of the notice given.

Annual use report – licensee, permit holder and confirmation holder

- 39 (1) A pesticide user service and a pesticide user non-service licensee, a permit holder and a confirmation holder must provide to the administrator an annual report for a calendar year by January 31 in the next calendar year.
- (2) An annual report under this section must include
- (a) the name and address of the licensee, permit holder or confirmation holder, and their licence, permit or confirmation number,
 - (b) the following information for each pesticide used in the calendar year:
 - (i) trade name;
 - (ii) registration number under the federal Act;
 - (iii) active ingredient;
 - (iv) amount in kilograms, and
 - (c) the total area treated.

- (a) provide separate records of the information required under subsection (2) (b) for
 - (i) those pesticides used for another licensee or a permit or confirmation holder, and
 - (ii) those pesticides used for a person who did not hold a licence, permit or confirmation for the use, and
 - (b) set out the total has treated in the calendar year for a use described in section 5 (1) (a), (b), (j), (k) or (l).
- (4) In the annual report required under this section a licensee, in relation to a use described in section 5 (1) (g) [*pesticide uses requiring a licence*] on more than 20 ha a year managed by a single entity, and a confirmation holder, in relation to all pesticide uses, must also provide the following information:
- (a) a description of the treatment location and a map identifying its gross boundaries;
 - (b) the methods used to apply pesticide;
 - (c) the total area treated;
 - (d) total area treated with each pesticide used;
 - (e) methods of non-pesticide pest controls used and the estimated total area of their use.

**Licensee – notice of intent to treat
public land or aerlally or by fumigation**

- 40 If a licensee has not given prior notice under section 45 (h) [*licence applications*] that the licensee intends to
- (a) use a pesticide on public land,
 - (b) aerlally apply pesticide, or
 - (c) use a fumigant gas pesticide,
- the licensee must give written notice to the administrator at least 2 business days before the first such use.

**Licensee – annual notice of intent to treat
more than 20 ha private forest land**

- 41 (1) For the purpose of the annual notice of intent to treat under this section, a licensee who uses a pesticide for a use described in subsection (2) must prepare and retain a detailed map or diagram showing the treatment locations for the applicable calendar year and indicating for each treatment location
- (a) the proposed treatment areas, and
 - (b) the geographic features that require a pesticide-free zone or a no-treatment zone.
- (2) At least 14 days before using a pesticide for the first time in a calendar year for a use described in section 5 (1) (g) [*pesticide uses requiring a licence*] on more than 20 ha a year managed by a single entity, a licensee must provide to the administrator a notice of intent that complies with subsection (3).

- (3) A notice of intent to treat under subsection (2) must provide all the following information:
 - (a) the name and business location of the licensee;
 - (b) a description of each treatment location proposed for a use described in subsection (2) for the calendar year and a map or diagram, based on the map or diagram prepared and retained under subsection (1), that clearly identifies those locations;
 - (c) a description of the proposed treatment for each treatment area including the pesticide to be used and its method of application;
 - (d) the total area of treatment areas in the treatment locations described under paragraph (b).
- (4) After a notice of intent to treat has been submitted for a calendar year, the licensee may increase the total provided under subsection (3) (d) by up to 10% if the licensee gives written notice to the administrator at least 2 business days before using the pesticide, which notice provides the information required under subsection (3) in relation to the increased area.
- (5) If, during a calendar year, the licensee intends to exceed the total provided under subsection (3) (d) by more than 10%, the licensee, at least 14 days before a pesticide use that causes the excess, must provide to the administrator a revised notice of intent to treat that complies with subsection (3).
- (6) The detailed map required by subsection (1) must be provided to the administrator within 3 business days of a request.

Confirmation holder – annual notice of intent to treat

- 42
- (1) For the purpose of an annual notice of intent to treat under this section, a confirmation holder who uses a pesticide, or authorizes the use of a pesticide, other than a wood preservative, must prepare and retain a detailed map or diagram showing the treatment locations for the applicable calendar year and indicating for each treatment location
 - (a) the proposed treatment areas, and
 - (b) the geographic features that require a pesticide-free zone or a no-treatment zone.
 - (2) At least 21 days before the first use of pesticide in a calendar year, a confirmation holder must submit a notice of intent to treat that complies with subsection (3).
 - (3) A notice under subsection (2) must contain all the following information, which information must be consistent with the information provided in the pesticide management plan and pesticide use notice prepared or submitted in relation to the confirmation:
 - (a) the name and business location of the confirmation holder;
 - (b) a description of the proposed treatment locations for the calendar year and a map or diagram, based on the map or diagram prepared and retained under subsection (1), that clearly identifies those locations;
 - (c) a description of the proposed treatment for each treatment area including the pesticide to be used and its method of application;

- (d) the total area of treatment areas in the treatment locations described under paragraph (b).
- (4) After a notice of intent to treat has been submitted for a calendar year, a confirmation holder may increase the total provided under subsection (3) (d) by up to 10% if the confirmation holder gives written notice to the administrator at least 2 business days before using the pesticide, which notice provides the information required under subsection (3) in relation to the increased area.
- (5) If, during a calendar year, a confirmation holder intends to exceed the total provided under subsection (3) (d) by more than 10%, the confirmation holder, at least 21 days before a pesticide use that causes the excess, must provide to the administrator a revised notice of intent to treat that complies with subsection (3).
- (6) The detailed map described in subsection (1) must be provided to the administrator within 3 business days of a request.

PART 2 – ADMINISTRATOR’S REGULATION

Division 1 – Interpretation

Classification of pesticides

- 43 (1) The pesticides set out in Schedule 1 are classified as permit-restricted pesticides.
- (2) The pesticides set out in Schedule 2 are classified as excluded pesticides.

Division 2 – Licences

Category of licence required

- 44 (1) The following categories of licences are prescribed:
 - (a) pesticide vendor;
 - (b) pesticide user service;
 - (c) pesticide user non-service.
- (2) Subject to Division 2 [Licences] of Part 1, a person must hold a pesticide vendor licence who
 - (a) sells or offers to sell a pesticide, or
 - (b) purchases, directly or indirectly, a pesticide for the purpose of selling the pesticide.
- (3) Subject to Division 2 of Part 1, a person must hold a pesticide user service licence who
 - (a) provides, or offers to provide, for a fee a service respecting pesticides,
 - (b) provides, or offers to provide, for a fee a service of a use prescribed in section 5 (1) [pesticide uses requiring a licence], or
 - (c) purchases, directly or indirectly, a pesticide for the purpose of providing a service described in paragraph (a) or (b).

- (4) Subject to Division 2 of Part 1, a person must hold a pesticide user non-service licence who uses, or whose employees use, pesticide on the person's own land.

Licence applications

- 45 An applicant for a licence must provide the following information, as applicable to the category of licence and class of pesticides or use applied for, in an application form that is signed by the applicant or the applicant's agent and is in the form specified by the administrator:

- (a) name, address and telephone number of the applicant, and if the applicant is a corporation, the name a person who is the principal contact in relation to the application;
- (b) if the applicant carries on business in a name other than a name provided under paragraph (a), that other name;
- (c) each business address where pesticides are sold or from which pesticides are used;
- (d) category of licence applied for;
- (e) classes and amounts of pesticides in relation to which the applicant applies to be licensed to sell;
- (f) uses of pesticides for which the applicant applies to be licensed and the number of ha or poles a year to be treated under the licence;
- (g) term requested up to a maximum of 5 years;
- (h) whether the applicant intends to
 - (i) use a pesticide on public land,
 - (ii) aurally apply pesticide, or
 - (iii) use a fumigant gas pesticideduring the term of the licence.

Duties of certified individuals in relation to licensee

- 46 (1) For the purpose of section 5 (2) of the Act, the duties that a licensee providing a service using a class of pesticides prescribed in section 15 [*pesticides prescribed in relation to certified individual*] must ensure are performed by a certified individual are the following:
- (a) be present when the service is provided;
 - (b) either
 - (i) perform the use, or
 - (ii) supervise not more than 4 uncertified individuals who perform the use.
- (2) For the purposes of subsection (1) (b) (ii), the certified individual must not be more than 500 m from and must maintain continuous visual or auditory contact with each individual being supervised.
- (3) For the purpose of section 5 (3) of the Act, the duties that a licensee selling a class of pesticides prescribed in section 15 must ensure are performed by a certified individual are the following:

- (a) advise each pesticide purchaser that they may lawfully use the pesticide only for the use described on the label and in accordance with the instructions on that label;
- (b) offer to provide advice in relation to pest management and the safe use of the pesticide.

Licence terms and conditions

- 47 (1) The following are terms and conditions of every licence issued under section 4 of the Act:
- (a) a licensee must comply with all applicable regulations;
 - (b) a licence is not transferable without the written approval of the administrator;
 - (c) within 30 days after a change in any information provided by the licensee in an application under section 45 [*licence applications*], the licensee must give written notice to the administrator of the change;
 - (d) if a licensee performs a pesticide use as a service
 - (i) for a permit holder, the licensee must comply with the terms and conditions of the permit, or
 - (ii) for a confirmation holder, the licensee must comply with the requirements in sections 73 to 79.
 - (e) if a licensee believes that the licensee or another person has contravened the Act or this regulation in a manner involving the release of pesticide into the environment, the licensee must give written notice to the administrator as soon as practicable after forming the belief.
- (2) A person may request the administrator's approval of a transfer of a licence to another person by submitting to the administrator an application containing the name of the licensee and the information required on a new licence application.

Vendor licence terms and conditions

- 48 The following are terms and conditions of every pesticide vendor licence issued under section 4 of the Act:
- (a) the licence is valid according to its terms only in relation to the business location indicated on the licence application;
 - (b) the licensee must have available for inspection, at the place and time a pesticide is sold, a copy of the certificate held by the certified individual required under 5 (3) of the Act to perform duties described in section 46 (3) [*duties of certified individuals in relation to licensee*] in relation to the sale;
 - (c) a licensee may not sell a pesticide to an individual who has not reached 16 years of age;
 - (d) a licensee may sell or distribute a permit-restricted pesticide or a restricted pesticide only to a person who
 - (i) holds a certificate, or
 - (ii) is the agent of an individual who holds a certificate;

- (e) a licensee may sell or distribute a permit-restricted pesticide only to a person who
 - (i) holds a permit, or
 - (ii) is the agent of a person who holds a permit;
- (f) a licensee must ensure that an individual holding a pesticide dispenser certificate endorsed for the applicable class of pesticides performs the following functions:
 - (i) provides assistance with handling and storing pesticide at the business location;
 - (ii) provides assistance in responding to emergencies involving pesticides at the business location;

**User service and user non-service
licence terms and conditions**

- 49 (1) The following are terms and conditions of every pesticide user service licence and pesticide user non-service licence:
- (a) the licensee must ensure that an individual holding the certificate required under section 50 (4) in relation to a particular use is present when the use is performed and either
 - (i) performs the use, or
 - (ii) supervises not more than 4 uncertified individuals who perform the use;
 - (b) ensure that the certificate of the individual described in paragraph (a) is at or near the treatment area during the treatment;
 - (c) the licensee must ensure that a copy of the certificate of the certificate holder performing the duties for the licensee that must be performed by a certificate holder is at or near the treatment location during the pesticide use.
- (2) For the purposes of subsection (1) (a) (ii), the certified individual must not be more than 500 m from and must maintain continuous visual or auditory contact with each person being supervised.

Division 3 – Certificates

Category of certificate required

- 50 (1) The following categories of certificates are prescribed:
- (a) pesticide dispenser;
 - (b) pesticide applicator.
- (2) Subject to Division 3 [*Certificates*] of Part 1, an individual must hold a pesticide dispenser certificate endorsed for the class of pesticide dispensed who performs for a person holding a pesticide vendor licence the duties required under section 46 (3) [*duties of certified individual in relation to licence*] in relation to the class of pesticides.

- (3) Subject to Division 3 of Part 1, an individual must hold a pesticide applicator certificate endorsed for a class of pesticide who performs for a holder of a pesticide user service licence or a pesticide user non-service licence the duties required under section 46 (1) [*duties of certified individual in relation to licence*] in relation to the class of pesticides.
- (4) Subject to Division 3 of Part 1, an individual must hold a pesticide applicator certificate endorsed for a pesticide use who performs or supervises the pesticide use for a holder of a pesticide user service licence, a pesticide user non-service licence, a permit or a confirmation unless the use is of an excluded pesticide.

Certificate applications

- 51 An applicant for a certificate must provide the following information, as applicable to the category of certificate and class of pesticides or use applied for, in an application form that is signed by the applicant and is in the form specified by the administrator:
 - (a) individual's name and address and date of birth;
 - (b) category of certificate applied for;
 - (c) class of pesticides or uses requested in relation to the category of certificate.

Certificate examinations

- 52 (1) An examination for the purpose of section 16 (1) (c) [*certificate criteria*] examines the applicant's knowledge in relation to the certificate applied for and each matter set out in Schedule 3.
- (2) An examination referred to in subsection (1)
 - (a) may be taken orally or in writing, as directed by the administrator, and
 - (b) must be taken at the time and place directed by the administrator.

Certificate renewal requirements

- 53 (1) For the purposes of section 16 (2), the administrator may reissue a certificate before its expiry date or within one year after that date without requiring the applicant to sit the examination required under section 16 (1) (c) if
 - (a) within the 5 year period immediately preceding the application date, the applicant has accumulated 20 continuing education credits relating to a matter set out in Schedule 3, or
 - (b) the applicant
 - (i) has accumulated at least 5 but fewer than 20 continuing education credits relating to a matter set out in Schedule 3 within the 5 year period immediately preceding the application date, and
 - (ii) as a term of the new certificate, agrees to complete the difference between the number of continuing education credits accumulated in the 5 year period referred to in subparagraph (i) and 20 within the period specified for that purpose in the certificate.
- (2) A continuing education credit is equal to one hour of training that is
 - (a) in relation to a matter set out in Schedule 3, and

- (b) provided by a training provider that
 - (i) is approved by the administrator,
 - (ii) provides training approved by the administrator, and
 - (ii) maintains, for at least 5 years, registration, attendance and course completion information for each student.

Certificate terms and conditions

54 The following are terms and conditions of every certificate issued under section 5 of the Act:

- (a) a certificate holder must comply with all applicable regulations;
- (b) a certificate is not transferable;
- (c) if a certificate holder believes that the certificate holder or another person has contravened the Act or this regulation in a manner involving the release of pesticide into the environment, the certificate holder must give written notice to the administrator as soon as practicable after forming the belief;
- (d) a certificate holder must ensure that his or her certificate is at or near anyplace where the certificate holder is performing a duty that under this regulation must be performed by a certified individual.

Division 4 – Permits

Category of permit required

- 55 (1) Subject to Division 4 [Permits] of Part 1, a person must hold a permit endorsed for the use of a permit-restricted pesticide who uses or authorizes the use of the permit-restricted pesticide.
- (2) Subject to Division 4 of Part 1, a person must hold a permit endorsed for the applicable use who uses or authorizes the use of a pesticide for a use described in section 18 (2) [pesticides and pesticide uses requiring a permit].
- (3) Subject to Division 4 of Part 1, a licensee and a confirmation holder require a permit for the purposes of section 7 (2) [licence requirement exemptions] or 25 (2) [confirmation holder exemptions], as applicable, authorizing an exemption from a requirement under section 33 (3) (b) in relation to a use and setting out terms and conditions the licensee or confirmation holder must comply with instead.

Permit applications

- 56 An applicant for a permit must provide the following information in an application form that is signed by the applicant or the applicant's agent and is in the form specified by the administrator:
- (a) name, address and telephone number of the applicant, and if the applicant is a corporation, the name of a person who is the principal contact in relation to the application;
 - (b) if the applicant carries on business in a name other than a name provided under paragraph (a), that other name;

- (c) pesticide class or pesticide use in relation to which the permit is applied for and the following information in relation to the particular pesticide intended to be used:
 - (i) active ingredient;
 - (ii) registration number under the federal Act;
 - (iii) rate of application;
 - (iv) method of application;
 - (v) number of has to be treated;
 - (vi) quantity in kilograms;
- (d) purpose of the proposed pesticide use;
- (e) a description of the treatment location and a map identifying the gross boundaries of the treatment area;
- (f) proposed start and end date of pesticide use;
- (g) name of the owner or manager of the treatment location.

Permit terms and conditions

- 57 (1) The following are terms and conditions of every permit issued under section 6 of the Act:
- (a) a permit holder must comply with all applicable regulations;
 - (b) a permit is not transferable without the written approval of the administrator;
 - (d) a permit holder must ensure that an individual holding the certificate required under section 50 (4) [*category of certificate required*] in relation to a particular use is present when the use is performed and either
 - (i) performs the use, or
 - (ii) supervises not more than 4 uncertified individuals who perform the use;
 - (e) a permit holder must ensure that a copy of the certificate of the individual described in paragraph (d) is at or near the treatment location during the pesticide use;
 - (f) if a permit holder believes that the permit holder or another person has contravened this regulation in a manner involving the release of pesticide into the environment, the permit holder must give written notice to the administrator as soon as practicable after forming the belief.
- (2) For the purposes of subsection (1) (d) (ii), the certified individual must not be more than 500 m from and must maintain continuous visual or auditory contact with each individual being supervised.
- (3) A person may request the administrator's approval of a transfer of a permit to another person by submitting to the administrator an application containing the name of the permit holder and the information required on a new permit application.

Division 5 – Confirmations

Pest management plans

- 58 (1) A pest management plan prepared for the purpose of section 7 (1) (a) of the Act must include the following identifying information;
- (a) 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;
 - (b) the person responsible for managing pests in relation to the land described in paragraph (a);
 - (c) the name and phone number of an individual who is the principal contact for information relating to the pest management plan.
- (2) A pest management plan prepared for the purpose of section 7 (1) (a) of the Act must include the following integrated pest management elements:
- (a) a description of the program that will be employed to prevent organisms from becoming pests;
 - (b) either
 - (i) a description of the program that will be employed to identify pests targeted by the plan, or
 - (ii) identification of the pests targeted by the plan;
 - (c) a description of the monitoring program that will be employed before or during the pesticide use for assessing pest populations, environmental conditions and damage caused by pests, which program must include a description of
 - (i) the monitoring methods,
 - (ii) the frequency of monitoring, and
 - (iii) the data that will be collected;
 - (d) the injury thresholds that will be applied in deciding whether a pesticide treatment is necessary and an explanation of
 - (i) how the thresholds were chosen, and
 - (ii) how the thresholds will be applied;
 - (e) pest treatment options including
 - (i) a description of the pesticide and non-pesticide treatment methods of controlling pests that may be used,
 - (ii) the rationale for selecting the treatment methods described under subparagraph (i),
 - (iii) the benefits and limitations of each treatment method described under subparagraph (i), and
 - (iv) a description of how a decision to use treatment methods will be made;
 - (f) a description of the monitoring program that will be employed for evaluating the effectiveness of the pesticide use on pest populations and the environment, including effects on organisms other than targeted pests, by

- comparison with the information collected under the program described in paragraph (c), which program must include a description of
- (i) the monitoring methods,
 - (ii) the frequency of monitoring, and
 - (iii) the data that will be collected.
- (3) A pest management plan prepared for the purpose of section 7 (1) (a) of the Act must include the following operational information:
- (a) a description of the methods of handling, preparing, mixing, applying and otherwise using pesticides that will be employed under the plan including a description of the following procedures:
 - (i) procedures for safely transporting pesticides;
 - (ii) procedures for safely storing pesticides;
 - (iii) procedures for safely mixing, loading and applying pesticides;
 - (iv) procedures for the safe disposal of empty pesticide containers and unused pesticides;
 - (v) procedures for responding to pesticide spills;
 - (b) a description of the environmental protection strategies and procedures that will be followed under the plan, including a description of the following strategies and procedures:
 - (i) strategies to protect community watersheds and other domestic and agricultural water sources from adverse effects of pesticide use;
 - (ii) strategies to protect fish and wildlife, riparian areas and wildlife habitat from adverse effects of pesticide use;
 - (iii) strategies to prevent pesticide contamination of food intended for human consumption;
 - (iv) pre-treatment inspection procedures for identifying treatment area boundaries;
 - (v) procedures for maintaining and calibrating pesticide application equipment;
 - (vi) procedures for monitoring weather conditions and strategies for modifying pesticide application methods for different weather conditions;
 - (c) identification of each pesticide that will be used under the plan, the manner of its application and the type of equipment required for each manner of application.
- (4) If a confirmation holder submits under section 59 (2) an amendment to a pesticide use notice, the confirmation holder must amend the pest management plan prepared in relation to the pesticide use notice so that it is consistent with the amended pesticide use notice.

Pesticide use notice requirements

- 59** (1) A pesticide use notice under section 7 (2) of the Act must be signed by the applicant or the applicant's agent and contain the following information:

- (a) the name and business address of the applicant, and if different from the business address, an address for service on the applicant;
 - (b) if the applicant carries on business in a name other than a name provided under paragraph (a), that other name;
 - (c) the class of pesticide prescribed under section 24 (1) [*pesticide classes and pesticide uses requiring a confirmation*] or the use prescribed under section 24 (2) in relation to which the notice is sent;
 - (d) a description of the geographic boundaries of the area to which the pesticide use notice relates, as described in the applicable pest management plan, including the names of the regional districts of which all or a part are within those geographic boundaries;
 - (e) a list of the active ingredients of the pesticides proposed for use under the applicable pest management plan;
 - (f) a statement of whether aerial application of pesticide is intended under the applicable pest management plan;
 - (g) the name and phone number an officer or employee of the applicant who is the principal contact for information relating to the applicable pest management plan;
 - (h) the location for the purpose of section 7 (6) (a) of the Act;
 - (i) the maximum number of has or poles a year intended to be treated with pesticide under the applicable pest management plan;
 - (j) the term of the applicable pest management plan, which must not exceed 5 years;
 - (k) the amount of the fee prescribed in section 29 [*confirmation fees*] in relation to the confirmation requested.
- (2) If, after the applicant has submitted a pesticide use notice, the information required under subsection (1) changes, the applicant must submit to the administrator an amended pesticide use notice containing the amended information.

Division 6 – Public Consultations and Public Notifications

Public consultation – permit application

- 60 (1) Within the 45 day period after the administrator has issued an application number in relation to an application for a for a permit for a pesticide use, the applicant must
- (a) publish a notice of the application, at least 40 cm² in size and containing the information set out in subsection (2), in a newspaper circulated in the treatment location and, if no newspaper is circulated there, in the newspaper that is circulated nearest to the treatment location, or
 - (b) if all persons who may be affected by use are identifiable, give written notice containing the information set out in subsection (2) to each of those persons.
- (2) A notice for the purpose of subsection (1) must contain all the following:

- (a) the heading "APPLICATION FOR PESTICIDE USE" in block letters 18 pt. or larger and in bold or medium type;
 - (b) the application number;
 - (c) the applicant's name, address and a telephone or fax number at which the applicant can be contacted;
 - (d) the purpose of the pesticide use;
 - (e) the manner of application of the pesticide;
 - (f) the location and size of the treatment area;
 - (g) the trade name of the pesticide and its active ingredient;
 - (h) pesticide use proposed start and end dates;
 - (i) a location where copies of the permit application and maps of the treatment area may be examined;
 - (j) the following paragraph:

A person wishing to contribute information about the treatment site for the evaluation of this permit application must send copies of the information to both the applicant at the address above and the administrator under the *Integrated Pest Management Act* at [address] within 30 days of the publication of this notice.
- (3) Within 90 days after the date the notice required under subsection (1) is published or given, as applicable, the applicant for the permit must submit to the administrator
- (a) proof of publication of the notice or, if the notice was not published, a copy of the notice and a statement identifying the persons to whom the notice was given, and
 - (b) a signed statement describing the action the applicant proposes to take in response to information provided in response to the notice.

Public consultation – pest management plan

- 61 (1) At least 45 days before submitting a pesticide use notice to the administrator, an applicant for a confirmation must publish the first of 2 notices, at least 40 cm² in size, that must be published in a 2 week period in a newspaper circulated in the communities described in paragraph (e) and, if no newspaper is circulated in those communities, in the newspaper that is circulated nearest to them, which notices must contain all the following:
- (a) the heading "DEVELOPMENT OF A PEST MANAGEMENT PLAN" in block letters;
 - (b) a reference number or other identifier unique to the proposed pest management plan;
 - (c) the applicant's name, address and telephone number;
 - (d) a statement that the use of pesticides is intended within the area to which the pest management plan applies;
 - (e) a description, with reference to communities, of the area to which the pest management plan applies;

- (f) the proposed duration of the pest management plan;
 - (g) the trade name and active ingredient of the pesticides proposed to be used under the pest management plan;
 - (h) the proposed manners of applying the pesticides identified under paragraph (g);
 - (i) a location where copies of the proposed pest management plan and maps of the proposed treatment area may be examined;
 - (j) the following paragraph:

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.
- (2) If a proposed pesticide use under a pest management plan has the potential to significantly impact an individual or member of an organization or community, the confirmation holder must make reasonable efforts, starting at least 45 days before submitting a pesticide use notice to the administrator, to contact and consult those individuals.

Public consultations – licensees in respect of forest land

- 62 (1) For the purposes of section 9 [*public consultation requirement – licensee*], at least 14 days before the pesticide use, the licensee must give written notice to the owner of any property within 150 m of the treatment area.
- (2) A notice for the purposes of subsection (1) must contain all the following:
- (a) description of the treatment area;
 - (b) reason for the pesticide use;
 - (c) pesticide to be used, its registration number under the federal Act and its active ingredients;
 - (d) the earliest date that the pesticide will be used;
 - (e) the width of the no-treatment zone that will be maintained from a water supply intake or well used for domestic or agricultural purposes, including water for livestock or for irrigation of crops;
 - (f) a request that the recipient
 - (i) supply the licensee with the location of water supply intakes or wells described in paragraph (e), and
 - (ii) advise the licensee of other land uses that may be adversely affected by the use;
 - (g) a phone number at which the licensee or an employee can be reached for more information about the proposed pesticide use.

Treatment notice – form and content

- 63 (1) A treatment notice must contain all the following information:
- (a) description of the treatment area;
 - (b) name of the targeted pest;

- (c) the registration number under the federal Act of the pesticide to be used and its active ingredient;
 - (d) proposed date and start time of the pesticide use and proposed alternate dates and times of the pesticide use;
 - (e) name of licensee and licence number;
 - (f) a phone number at which the licensee or an employee can be reached for more information about the proposed pesticide use;
 - (g) precautions that should be taken to minimize exposure to a pesticide or its residues, including, without limiting this, specifying the period following the use during which people should not enter the treatment area;
 - (h) if fruit-bearing trees or other food crops are treated, the number of days before food can be harvested safely.
- (2) If a treatment notice is required to be posted, the treatment notice must
- (a) if posted in an outdoor area, be at least 550 cm² in size and if posted in an indoor area, be at least 200 cm² in size,
 - (b) if the notice may be exposed to water, be constructed of water resistant material,
 - (c) use type or letters that are clearly legible to a person approaching the treatment area,
 - (d) contain a cautionary symbol, like a stop sign or a raised hand, that will draw the attention of a person approaching the treatment area, and
 - (e) display, in bold, block letters, the words "NOTICE OF PESTICIDE USE" or, in place of the word "pesticide", the word "insecticide", herbicide" or another category of pesticide.

Public notification requirement form and content – confirmation holders

- 64 (1) A notice for the purposes of section 28 (1) [*public notification requirement – confirmations*] must be posted or given before each pesticide use in accordance with this section and in the case of a notice posted in accordance with subsection (2) may not be removed for at least 14 days after the use.
- (2) Except as provided in subsection (3) and (4), a notice for the purposes of section 28 (1) must
- (a) if in relation to private land, be posted
 - (i) so that it 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
 - (ii) at a location on a highway so that the notice is clearly visible and legible to a member of the public accessing the approaches described in subparagraph (i) from the highway,
 - (b) if in relation to public land, be posted
 - (i) so that it is clearly visible and legible from each approach used by the public to access the treatment area, or

- (ii) at a location on a highway so that so the notice is clearly visible and legible to a member of the public accessing the approaches described in subparagraph (i) from the highway, and
- (c) give notice of
 - (i) the trade name or active ingredient of the pesticide that will be used,
 - (ii) the date and time of the pesticide use,
 - (iii) precautions to be taken to prevent harm to people entering the treatment area,
 - (iv) the confirmation holder's confirmation number, and
 - (v) how to contact the confirmation holder or that person's agent to obtain additional information about the pesticide or pesticide use.
- (3) A notice for the purposes of section 28 (1) in relation to a confirmation holder intending to use, or authorize the use of, a pesticide to manage adult mosquitoes must be
 - (a) published in a newspaper circulated in the area in which the treatment area is located and, if no newspaper is circulated in that area, in the newspaper that is circulated nearest that area,
 - (b) broadcast on a radio station heard in the treatment area, or
 - (c) given personally to the residents of the treatment areaand give notice of the matters described in subsection (2) (c) in relation to the proposed pesticide use.
- (4) Notice under this section is not required if the pesticide to be used is a bacterial pesticide and is applied to water.

Division 7 – Standards for Use, Containment, Transport, Storage or Sale of Pesticide

Pesticide container and labeling standards

- 65
- (1) Pesticide must be kept, handled, stored or transported
 - (a) in the container in which it was originally packaged and with the label originally affixed by the manufacturer, or
 - (b) in a container designed for containing the pesticide and labeled in accordance with subsection (2).
 - (2) For the purposes of subsection (1) (b), a label must display
 - (a) the trade name of the pesticide,
 - (b) the name and the concentration of the active ingredient in the pesticide, and
 - (c) the pesticide's registration number under the federal Act.
 - (3) Subsections (1) and (2) do not apply to tanks being used for mixing pesticides for or holding pesticides during use.

Pesticide storage

- 66
- (1) Pesticide, other than excluded pesticides and domestic pesticides, must be stored

- (a) separately from food intended for human or animal consumption, and
- (b) in a storage facility that is
 - (i) ventilated so that pesticide vapours are vented to the outside,
 - (ii) not used for the storage of food intended for human or animal consumption,
 - (iii) locked when unattended, and
 - (iv) accessible only to persons authorized by the person storing the pesticide.
- (2) Each door providing access to a facility described in subsection (1) (b) must bear a sign that
 - (a) has the words "warning: chemical storage – authorized persons only" written in block letters, and
 - (b) is clearly visible to a person approaching the door.
- (3) Fumigants and other pesticides that
 - (a) release vapours, and
 - (b) bear a "poison" symbol on the labelmust be stored in a storage facility that is not attached to or within a building used for living accommodation.

Pesticide storage – vendor licensee

- 67
- (1) Despite section 66, a holder of a pesticide vendor licence must store and display pesticides, other than domestic or excluded pesticides, in a storage facility that is
 - (a) separated from the other areas of the vendor's business premises by floor to ceiling walls constructed of wood, fibreboard, plaster, brick or other solid material,
 - (b) entered from the outside or, if the entry is inside, has a self-closing door, and
 - (c) ventilated so that pesticide vapours are vented to the outside.
 - (2) A holder of a pesticide vendor licence must store domestic pesticides separately from food intended for human or animal consumption.

Licensee use of pesticide – Integrated pest management

- 68
- (1) Except as provided in section 7 (1) [*licence requirement exemptions*], a licensee may use a pesticide only after doing all the following in accordance with integrated pest management principles:
 - (a) identify and implement, or identify and advise the owner or manager of the treatment area of, reasonable measures to prevent pests;
 - (b) identify pest species and pest complexes to be managed;
 - (c) monitor to determine the population of pests and their location;
 - (d) determine the injury threshold for each pest and apply them to the determination of when to use a pesticide;
 - (e) select pest treatment methods based on
 - (i) consideration of practical alternatives to pesticide use, and

- (ii) protection of human health and the environment.
- (2) After each pesticide use, a licensee must evaluate, in accordance with integrated pest management principles, the effectiveness of the use.

Confirmation holder use of pesticide – integrated pest management

- 69 (1) Except as provided in section 25 (1) [*confirmation holder exemptions*], a confirmation holder may use, or authorize the use of, a pesticide only after doing all the following in accordance with integrated pest management principles:
- (a) implement the reasonable measures to prevent pests identified in the pest management plan prepared in relation to the confirmation;
 - (b) identify pest species and pest complexes to be managed;
 - (c) determine, on the basis of monitoring
 - (i) the population of pests and their location,
 - (ii) the environmental conditions and features of the treatment area, and
 - (iii) the damage that has been or may be caused by the pests;
 - (d) determine the injury threshold for each pest and apply it to the determination of when to use a pesticide;
 - (e) select pest treatment methods based on, as identified in the pest management plan prepared in relation to the confirmation,
 - (i) consideration of practical alternatives to pesticide use, and
 - (ii) protection of human health and the environment.
- (2) A confirmation holder must make pre-treatment and post-treatment observations of the treatment area to evaluate the effectiveness and impact of each pesticide use.

Use requirements – all users

- 70 (1) A container used to prepare, mix or apply a pesticide must not be washed or submerged in a body of water.
- (2) If equipment is used to draw water from a body of water or an irrigation system into a container used to contain, prepare, mix or apply a pesticide, a gap must be maintained between the pesticide and the equipment so that pesticide is prevented from entering the body of water or irrigation system.

Use requirements – licensee and confirmation holder

- 71 (1) A licensee, for the purposes of a pesticide use for which the licence is required, and a confirmation holder for the purposes of a pesticide use for which the confirmation is required, must do all the following before the pesticide use:
- (a) ensure that each individual who will be using the pesticide is informed of
 - (i) the boundaries of the proposed treatment area,
 - (ii) the requirements for personal protection, and
 - (iii) the pesticide use procedures required to protect human health and the environment;

- (b) ensure that the application equipment is in good working order and, if required, is calibrated to conform with the application rates on the pesticide label;
 - (c) carry out an inspection of the treatment area to ensure that the applicable regulatory requirements and standards can be met in carrying out the use;
 - (d) if the pesticide is to be applied aerially, ensure that the pilot conducts an inspection of the proposed treatment area to ensure that he or she is familiar with the boundaries and other critical features of the treatment area.
- (2) A person described in subsection (1) must ensure that the following precautions are taken in carrying out the pesticide use:
 - (a) precautions to prevent unprotected human exposure to pesticide;
 - (b) precautions to ensure that domestic water sources, agricultural water sources and soil used for agricultural crop production are protected for their intended use;
 - (c) except as provided under subsection (12), precautions to avoid the use of pesticide over vertebrate wildlife or domestic animals that are visible to the user.
- (3) Except as provided in subsections (4) and (12) and 79 (2), a person described in subsection (1) must maintain a 30 m no-treatment zone around a water supply intake or well used for domestic or agricultural purposes, including water for livestock or for irrigation of crops.
- (4) A person described in subsection (1) may reduce the no-treatment zone under subsection (3) if reasonably satisfied that the smaller zone will ensure that pesticide from the use will not enter the water supply intake or well.
- (5) Except as provided in subsection (12), person described in subsection (1) 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.
- (6) Unless an adjacent property owner or manager agrees otherwise, a person described in subsection (1) must ensure that a no-treatment zone between an outdoor pesticide use area and the adjacent property is sufficient to prevent the release of pesticide spray or runoff onto the adjacent property.
- (7) Except as provided in section 76 (3) [*use requirements – railway vegetation management*], a person described in subsection (1) must not engage in broadcast spraying or foliar spraying outdoors if the wind speed exceeds 8 km an hour.
- (8) Except in the case of pesticide use to manage adult mosquitoes, a person described in subsection (1) must spray pesticides only between 30 minutes before sunrise and 30 minutes after sunset.
- (9) A person described in subsection (1) must not
 - (a) use a residual pesticide on water-saturated soil, during heavy rainfall or if heavy rainfall is imminent, or
 - (b) spray a pesticide on foliage covered by ice or frost or if water is flowing on the foliage.

- (10) A person described in subsection (1) must ensure that a use of herbicide does not remove vegetation that is necessary to
 - (a) prevent erosion of a stream bank,
 - (b) prevent debris that would cause an unreasonable adverse effect from entering a stream, or
 - (c) maintain slope stability in areas where landslides have occurred.
- (11) A person described in subsection (1) must use slug bait that may be harmful to children or domestic animals only
 - (a) in slug bait stations that are resistant to tampering by children and animals, or
 - (b) in areas that are inaccessible to children and domestic animals.
- (12) Subsections (2) (c), (3) and (5) do not apply in relation to a pesticide use if the pesticide is a bacterial pesticide.

Use requirements – confirmation holder

- 72 (1) A confirmation holder using, or authorizing the use of, a pesticide must
- (a) comply with all applicable regulations,
 - (b) ensure that an individual holding the certificate required under section 50 (4) [*category of certificate required*] in relation to a particular use is present when the use is performed and either
 - (i) performs the use, or
 - (ii) supervises not more than 4 uncertified individuals who perform the use,
 - (c) ensure that the certificate of the individual described in paragraph (b) is at or near the treatment area during the pesticide use, and
 - (d) if the confirmation holder believes that the confirmation holder or another person has contravened the Act or this regulation in a manner involving the release of pesticide into the environment, the confirmation holder must give written notice to the administrator as soon as practicable after forming the belief.
- (2) For the purposes of subsection (1) (b) (ii), the certified individual must not be more than 500 m from and must maintain continuous visual or auditory contact with each person being supervised.
- (3) A confirmation holder may use, or authorize the use of, pesticides only in areas described for the purposes of section 42 (3) [*confirmation holder – annual notice of intent to treat*] in the confirmation holder's notice of intent to treat provided to the administrator for the calendar year in which the pesticide use is proposed.
- (4) A confirmation holder must ensure that a person applying pesticide on the confirmation holder's behalf has access to the detailed map or diagram required under section 42 (1) [*confirmation holder – annual notice of intent to treat*].

**Use requirements for pesticide-free zone –
confirmation holder and licensee**

- 73 (1) Except as provided in sections 74 (1) and (2), 75 (3) to (7), 76 (5) to (7), 77 (2), 78 (2), 79 (3) and (4) and 80, a licensee, for the purposes of a pesticide use described in section 5 (1) (a), (b), (g), (j), (k) or (l) [*pesticide uses requiring a licence*], and a confirmation holder, for the purposes of a pesticide use for which the confirmation is required, must ensure that a minimum 10 m pesticide-free zone is maintained around or along bodies of water, dry streams and classified wetlands.
- (2) Pesticide-free zones must be measured in horizontal distance from the high water mark of the body of water, dry stream or classified wetlands.
- (3) A person described in subsection (1) must ensure that a no-treatment zone, sufficient to ensure the maintenance of the pesticide-free zone required under subsection (1), is maintained around the pesticide-free zone.
- (4) This section does not apply in relation to a pesticide use if the pesticide is a bacterial pesticide.

**Use requirements – licensee and confirmation
holder in relation to specific uses**

- 74 (1) A licensee for the purposes of a pesticide use described in section 5 (1) (a), (b), (k) or (l) [*pesticide uses requiring a licence*] and a confirmation holder for the purposes of a pesticide use described in section 24 (2) (a), (b) (f) or (g) [*pesticide classes and pesticide uses requiring a confirmation*] using glyphosate, may reduce the pesticide-free zone required under section 73 (1) as follows:
- (a) to 2 m along or around a body of water or a classified wetland that is fish bearing or that drains directly into a fish bearing body of water or a dry stream that when wet is fish bearing or drain directly into a fish bearing body of water
- (i) if the treatment area is
- (A) railway ballast, signal, switch or yard, or
- (B) another industrial site that must be free of vegetation, or
- (ii) if the pesticide is applied using selective application methods;
- (b) except as provided in section 77 (2), to 5 m along or around body of water or a classified wetland that is fish bearing or that drains directly into a fish bearing body of water or along or around a dry stream that when wet is fish bearing or drains directly into a fish bearing body of water, unless the treatment area is described in paragraph (a) (i);
- (c) except as provided in section 77 (2), to a 2 m no-treatment zone along or around a body of water if the body of water is not fish bearing at any time of the year and does not drain directly into a fish bearing body of water.
- (2) A person described in subsection (1), despite that subsection, may apply glyphosate
- (a) up to but not below the high water mark of temporary, free-standing bodies of water, and

(b) over dry streams

that are not fish bearing at any time of the year and do not drain directly into a fish bearing body of water.

Use requirements – licensee and confirmation holder in relation to forestry uses

75 (1) In this section:

“fish bearing”, in relation to a body of water or classified wetland, means the body of water or classified wetland is frequented by

- (a) anadromous salmonids,
- (b) rainbow trout, cutthroat trout, brown trout, bull trout, Dolly Varden char, lake trout, brook trout, kokanee, largemouth bass, smallmouth bass, mountain whitefish, lake whitefish, arctic grayling, burbot, white sturgeon, black crappie, yellow perch, walleye or northern pike,
- (c) a species of fish identified as a species at risk under section 11 (1) of the Government Actions Regulation, or
- (d) a species of fish identified as regionally important wildlife under section 11 (2) of the Government Actions Regulation;

“wildlife habitat feature” means a wildlife habitat feature identified under section 9 of the Government Actions Regulation, B.C. Reg. 17/2004.

- (2) A licensee, for the purposes of a pesticide use described in section 5 (1) (g) or (j) [*pesticide uses requiring a licence*], and a confirmation holder, for the purposes of a pesticide use described in section 24 (2) (e) [*pesticide uses requiring a confirmation*], must ensure that integrated pest management monitoring activities required under section 68 (1) or 69 (1) are conducted within the 18 month period before the pesticide use to which it relates.
- (3) A person described in subsection (2) using glyphosate, may reduce the pesticide-free zone required under section 73 (1) to 2 m along or around a body of water or classified wetland if
 - (a) the body of water or classified wetland is not fish bearing at any time of the year, and
 - (b) selective application methods are used between 2 m and 10 m above the high water mark.
- (4) The pesticide-free zone required under section 73 (1) is not required along or around a body of water by a person described in subsection (2) using glyphosate, if
 - (a) the body of water is
 - (i) a temporary free-standing body of water,
 - (ii) not a classified wetland nor a wildlife habitat feature,
 - (iii) not fish bearing and does not drain into a fish bearing body of water within 100 m, and
 - (b) no glyphosate is applied below the high water mark.

- (5) The pesticide-free zone required under section 73 (1) is not required along or around a body of water by a person described in subsection (2) using glyphosate if the body of water is
- (a) a temporary free-standing body of water,
 - (b) not a wildlife habitat feature,
 - (c) not fish bearing and does not drain into a fish bearing body of water within 100 m, and
 - (d) either smaller than 25 m² or not a wetland.
- (6) The pesticide-free zone required under section 73 (1) is not required along a dry stream by a person described in subsection (2) using glyphosate, if
- (a) the dry stream is not a wildlife habitat feature, and
 - (b) not fish bearing when wet.
- (7) If the conditions in subsections (5) or (6) are met, glyphosate may be applied to a body of water and a dry stream.

Use requirements – licensee and confirmation holder in relation to railway vegetation management

- 76 (1) A licensee, for the purposes of a pesticide use described in section 5 (1) (a), and a confirmation holder, for the purposes of a pesticide use described in section 24 (2) (a), may not apply pesticide from an aircraft.
- (2) A person described in subsection (1) must not apply pesticide to *Rubus* species of plants that are more than 3 m away from rails, signals or switch stands from the time the flowers open until the berries have predominantly dropped from the vines.
- (3) A person described in subsection (1) may spray pesticide when wind speeds are between 8 km an hour and 16 km an hour if a shrouded boom is used.
- (4) A person described in subsection (1) may apply pesticide from a moving vehicle if
- (a) a shrouded boom is used and the vehicle speed is not more than 30 km an hour,
 - (b) a shrouded boom is not used, paragraph (c) does not apply and the vehicle speed is not more than 16 km an hour, or
 - (c) the pesticide is a wood preservative.
- (5) A person described in subsection (1) using glyphosate may reduce the pesticide-free zone required under section 73 (1) to a 1 m no-treatment zone along or around a body of water if
- (a) the pesticide is applied to railway ballast or yards, and
 - (b) the body of water is a temporary, free-standing body of water that is not fish-bearing at any time of the year and does not drain directly into fish bearing waters.

- (6) A person described in subsection (1) may reduce the pesticide-free zone required under section 73 (1) to a 1 m no-treatment zone along or around a body of water or a dry stream if
 - (a) the treatment is selective application to trees at highway crossings along the right of way,
 - (b) the body of water or dry stream is not fish bearing at any time of the year and does not drain directly into fish bearing water, and
 - (c) if in relation to a body of water, the body of water is a temporary, free-standing body of water.
- (7) The pesticide-free zone required under section 73 (1) is not required by a person described in subsection (1) if
 - (a) the pesticide is a wood preservative, and
 - (b) precautions are taken that prevent the deposit of the wood preservative below the high water mark.

**Use requirements – licensee and confirmation holder
in relation to noxious weed and invasive plant management**

- 77
- (1) Each of the following must not apply herbicide more than 1.5 ms from a targeted weed or plant:
 - (a) a licensee for the purposes of a pesticide use described in section 5 (1) (l);
 - (b) a licensee performing noxious weed or invasive plant management in relation to a use described in section 5 (1) (a), (b), (g), (j) or (k),
 - (c) a confirmation holder, for the purposes of a pesticide use described in section 24 (2) (g);
 - (d) a confirmation holder performing noxious weed or invasive plant management in relation to a use described in section 24 (2) (a), (b), (c) or (f).
 - (2) A person described in subsection (1) using glyphosate may reduce the pesticide-free zone required under section 73 (1) to a minimum of 1 m if selective application is used between 1 m and 10 m above the high water mark.
 - (3) A person described in subsection (1) in carrying out the use must make reasonable efforts to
 - (a) identify sites where biological weed control organisms have been released, and
 - (b) prevent harm to those organisms.

**Use requirements – licensee and confirmation holder
in relation to mosquito management**

- 78
- (1) A licensee, for the purposes of a pesticide use described in section 5 (1) (c), and a confirmation holder, for the purposes of a pesticide use described in section 24 (2) (c) or (h), must not use a pesticide that is a mosquito larvicide in permanent, fish bearing bodies of water or waters that have permanent, direct, surface-water connections with fish bearing bodies of water.

- (2) The pesticide-free zone required under section 73 (1) is not required by a confirmation holder in relation to a use described in section 24 (2) (c).
- (3) If a person described in subsection (1) does not know whether specific bodies of water are described by that subsection, the person must contact a local representative of Fisheries and Oceans Canada and inquire before applying mosquito larvicide to those waters.
- (4) A person described in subsection (1) must
 - (a) confirm by water dip samples that mosquito larva are present in a body of water before applying mosquito larvicide to the body of water,
 - (b) document the efficacy of a use of mosquito larvicide by conducting pre-treatment and post-treatment larval samples of the water, and
 - (c) spray a pesticide for the purpose of controlling adult mosquitoes only between sunset and sunrise.
- (5) A person described in subsection (1) may not use a pesticide containing propoxur in
 - (a) a wildlife management area designated under section 4 of the *Wildlife Act*,
 - (b) a critical wildlife area or wildlife sanctuary designated under section 5 of the *Wildlife Act*,
 - (c) land acquired and administered under section 3 of the *Wildlife Act*,
 - (d) an ecological reserve designated under the *Ecological Reserve Act*,
 - (e) a bird sanctuary designated under the regulations pursuant to the *Migratory Birds Convention Act* (Canada), or
 - (f) a wildlife area designated under the *Canada Wildlife Act*.

**Use requirements – licensee and confirmation holder
in relation to the use of wood preservatives on poles**

79 (1) In this section:

“external liquid formulation” means liquid preservative that is applied to the exterior of wood;

“groundline bandage treatment formulation” means a preservative in a paste form that is applied to the exterior of wood and then wrapped with a covering;

“liquid internal preservative” means a liquid preservative that is applied to wood by low pressure through a hole drilled into the core of the wood.

- (2) The no-treatment zone required under section 71 (3) is not required by a licensee for the purpose of a use described in section 5 (1) (d) [*pesticide uses requiring a licence*] or a confirmation holder for the purpose of a use described in section 24 (2) (d) if
 - (a) an external liquid formulation, a groundline bandage treatment formulation or a liquid internal preservative is used, and
 - (b) a 10 m no-treatment zone is maintained
 - (i) around wells, and
 - (ii) from a water intake on any side from which land slopes upward.

- (3) The pesticide-free zone required under section 73 (1) [*use requirements for a pesticide-free zone*] is not required by a person described in subsection (2) if
 - (a) a liquid internal wood preservative is used,
 - (b) a 3 m no-treatment zone is maintained from fish bearing bodies of water and dry streams that are fish bearing when wet,
 - (c) a 1 m no-treatment zone is maintained from non fish bearing bodies of water, and
 - (d) no pesticide is applied below the high water mark of dry streams that are not fish bearing at any time of the year.
- (4) The pesticide-free zone required under section 73 (1) [*use requirements for a pesticide-free zone*] is not required by a person described in subsection (2) if
 - (a) an external liquid formulation or groundline bandage treatment formulation is used,
 - (b) a 3 m no-treatment zone is maintained from fish bearing bodies of water and dry streams that are fish bearing when wet, and
 - (c) a 1 m no-treatment zone is maintained from non fish bearing bodies of water or dry streams that are not fish bearing at any time of the year.

**Use requirements – licensee and
confirmation holder using bacterial pesticide**

- 80 Sections 71 (2) (c), (3) and (5) and 73 (1) do not apply to a licensee or a confirmation holder using a bacterial pesticide.

Use requirements – licensee in relation to rodenticide use

- 81 (1) A licensee providing a service or performing a use described in section 5 (1) (e), (f), (h) or (i) [*pesticide uses requiring a licence*], must deploy rodenticide bait only
- (a) in rigid walled bait containers that are fastened down to prevent tipping or removal and that remain securely closed for the period of time they are in use, or
 - (b) in locations and in a manner so that unauthorized people and domestic pets cannot gain access to them.
- (2) A licensee who deploys rodenticide bait in a container must ensure that a label is placed on the inside of or outside the container lid which label contains all the following:
- (a) the word "Poison" or the symbol for poison;
 - (b) the name of the licensee's contact and the phone number at which that person can be reached for information about the pesticide use;
 - (c) the pesticide's active ingredient or its registration number under the federal Act.
- (3) If a licensee applies rodenticide bait for a use described in section 5 (1) (e), (f), (h) or (i) in living accommodations or in areas of multi-residence buildings or multi-residence properties to which children have access, the rodenticide

- (a) must contain an agent, like denatonium benzoate, that causes a bitter taste, and
- (b) must be removed from the treatment area and destroyed when the baiting program is complete.

Use requirements – licensee in relation to fumigant gas

- 82
- (1) A licensee who uses a fumigant gas must monitor the concentrations of the fumigant in the air in and near the treatment area for the purposes of
 - (a) detecting fumigant leaks from the treatment area,
 - (b) determining whether the pesticide use is effective,
 - (c) determining when concentrations are at a level that is safe for humans to re-enter the treatment area, and
 - (d) if the fumigant is released into buildings or spaces where humans may be present, determining if concentrations are at a level that is safe for human exposure.
 - (2) A licensee using a fumigant gas must restrict access by unprotected individuals to the treatment area until a certified applicator has determined that the fumigant gas concentration levels are safe for human exposure.
 - (3) A licensee, when clearing a fumigant gas from a treatment area after the use, must release the fumigant gas into the atmosphere in a manner that prevents human exposure to hazardous concentrations of the fumigant gas.

Division 8 – Records

Keeping records

- 83
- (1) Records required to be kept under this regulation must be kept
 - (a) up to date,
 - (b) except as provided in subsection (2), at the business location identified on the licence or permit application or the pesticide use notice, as applicable, and
 - (c) for a period of 3 years after the sale, use or application to which they relate.
 - (2) A licensee, permit holder or confirmation holder
 - (a) may keep records relating to a pesticide use at or near the treatment location during the use, and
 - (b) must ensure that the records described in paragraph (a) are at the business location described in subsection (1) (b) within 60 days after completion of the pesticide treatment to which they relate.

SCHEDULE 1 – PERMIT-RESTRICTED PESTICIDES

- 1 4-aminopyridine
- 2 monosodium methanearsonate (MSMA)

SCHEDULE 2 – 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 (priming 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-phenothryn (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 and 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 and 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)

SCHEDULE 3 - CERTIFICATE EXAMINATION MATTERS

- 1 General pesticide characteristics
- 2 Act and Regulations
- 3 Labelling
- 4 Human Health
- 5 Pesticide Safety
- 6 Environment
- 7 Pest Management
- 8 Application Technology
- 9 Emergency Response
- 10 Professionalism

SCHEDULE 4 - SCHEDULED PESTICIDES

- 1 Bti (bacillus thuringiensis var. israeliensis)
- 2 Btk (bacillus thuringiensis var. kurstaki)
- 3 glyphosate
- 4 nuclear polyhedrosis virus