

PROVINCE OF BRITISH COLUMBIA

REGULATION OF THE ADMINISTRATOR APPOINTED
UNDER THE *INTEGRATED PEST MANAGEMENT ACT*

Integrated Pest Management Act

M 213

I, Christine Houghton, Administrator appointed under the Integrated Pest Management Act, order that, effective October 1, 2006, the Integrated Pest Management Regulation, B.C. Reg. 604/2004, is amended

- (a) as set out in sections 14 to 21 of the attached Schedule, and
- (b) as set out in section 1 of the attached Schedule insofar as the definitions enacted and amended by that section apply in Part 2 of the Integrated Pest Management Regulation.

September 26, 2006
Date

C. Houghton
Administrator

(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, sections 38 and 39

Other (specify):- oic M422/2004 and M423/2004

July 25, 2006

690/2004/48

SCHEDULE

1 Section 1 of the Integrated Pest Management, B.C. Reg. 604/2004, is amended

(a) by repealing the definition of “agriculture” and substituting the following:

“agriculture” has the same meaning as “primary agricultural production” in the Standards for the Classification of Land as a Farm Regulation, B.C. Reg. 411/95, but does not include aquaculture, or aquacultural activities, carried on in a body of water; ,

(b) by adding the following definitions:

“government corporation” has the same meaning as in the *Financial Administration Act*;

“pipeline” means

(a) a pipe, or a system or arrangement of pipes, by which petroleum, natural gas, or water used or obtained in drilling for, or in the production of, petroleum or nature gas is conveyed, and

(b) property that is used for, with or incidental to the operation of the pipe or system or arrangement of pipes,

but does not include a pipe or system or arrangement of pipes used to distribute natural gas in a community to ultimate consumers. , *and*

(c) by repealing paragraphs (b) and (c) of the definition of “single entity” and substituting the following:

(b) an individual, partnership, corporation or agency,

(c) a ministry of the government,

(d) a government corporation, or

(e) a program of a ministry of the government, or a division or other part of a government corporation, designated under section 2.1; .

2 Section 2 (d) is repealed and the following substituted:

(d) domestic pesticides, being those pesticides

(i) that

(A) are required under the federal Act to be labeled with the product class designation “DOMESTIC”, and

(B) are not permit-restricted pesticides or excluded pesticides, or

(ii) that are contained in a fertilizer registered under the *Fertilizers Act* (Canada); .

3 The following section is added:

Administrator may designate “single entity”

2.1 (1) On request, the administrator may designate a program of a ministry of the government as a single entity for the purposes of this regulation if satisfied that

the program's pesticide use is operationally distinct from, or otherwise unrelated to, other pesticide uses of the ministry.

- (2) On request, the administrator may designate a division or other part of a government corporation as a single entity for the purposes of this regulation if satisfied that the pesticide uses of the division or part are operationally distinct from, or otherwise unrelated to, other pesticide uses of the corporation.

- (3) A designation under subsection (1) or (2) must be in writing.

- 4 Section 4 is amended by striking out everything after “means the use of the pesticide” and substituting “by a person, or an employee or contractor of the person, under a contract for service between the person and the owner or manager of the land on which the pesticide is to be used.”**

- 5 Sections 5 (1) (b) (i) (D) and 24 (2) (b) (i) (D) are amended by striking out “, as defined in the Petroleum and Natural Gas Act,”.**

- 6 Section 6 (1) is amended**

- (a) in paragraph (e) by striking out “has a surface lease or another right of entry under the Petroleum and Natural Gas Act for purposes of” and substituting “has a surface lease, or another right of entry, for purposes of”,**

- (b) in paragraph (h) by striking out “agent, or” and substituting “agent,”,**

- (c) in paragraph (i) by striking out “registration.” and substituting “registration, or”, and**

- (d) by adding the following paragraph:**

- (j) is a pesticide user service licensee, a pesticide user non-service licensee or a confirmation holder and sells surplus pesticide to a pesticide user service licensee, a pesticide user non-service licensee, a confirmation holder or the holder of an appropriate certificate, if the seller notifies the administrator of the sale.**

- 7 Section 10 is amended**

- (a) in subsection (6) by striking out “in an outdoor public use area,” and substituting “in an outdoor public use area for a use described in section 5 (1) (f), (i) or (l),” and**

- (b) in subsection (11) by striking out everything after “in accordance with” and substituting “section 64 [public notification requirement – form and content] immediately before the use.”**

- 8 Section 12 is amended by striking out “or” at the end of paragraph (f), adding “, or” at the end of paragraph (g) and adding the following paragraph:**

- (i) the pesticide is used as described in section 5 (1) (d).**

9 *Section 13 is amended*

(a) by repealing subsection (1) and substituting the following:

(1) In this section, “**licence year**” means the period from the date a licence is issued until March 31 in the next calendar year. ,

(b) in subsection (2) by striking out “for each year or part year to which the application relates.” and substituting “for the licence year and each additional year of the term requested.”,

(c) in subsections (3), (4) and (5) by striking out “for each year or part of a year to which the application relates:” and substituting “for the licence year and each additional year of the term requested:” , and

(d) by repealing subsection (5) (a) and (b) and substituting the following:

(a) \$250 if the application is for the sale of domestic pesticides only or for the sale of less than 100 kg a year of commercial, restricted or permit-restricted pesticides;

(b) \$1 000 if the application is for the sale of 100 or more kg a year of commercial, restricted or permit-restricted pesticides.

10 *Section 18 is amended*

(a) in subsection (2) by adding the following paragraph:

(d) use of strychnine to control bird populations. , *and*

(b) in subsection (4) by striking out “or” at the end of paragraph (b) (iii), adding “or” at the end of paragraph (c) (ii) and adding the following paragraph:

(d) the use is of a pesticide on public land used for agricultural activities, except agricultural activities authorized by a licence or permit issued under the *Range Act*.

11 *Section 31 is amended by striking out “fire department closest to that location:” and substituting “fire department responsible for fire protection at that location:” and by adding the following paragraphs:*

(f) a permit holder;

(g) a confirmation holder.

12 *Section 35 is amended by adding the following subsection:*

(5) A licensee who uses a fumigant gas must keep a record of the results of monitoring required under section 82 [*use requirements – licensee in relation to fumigant gas*].

13 *Section 42 (2) is amended by striking out “submit a notice of intent” and substituting “submit to the administrator a notice of intent”.*

14 Section 49 (1) is amended

(a) by repealing paragraph (b), and

(b) in paragraph (c) by striking out “treatment location” and substituting “treatment area”.

15 Section 63 is amended

(a) in subsection (1) by striking out everything before paragraph (a) and substituting “A treatment notice for the purposes of section 10 must contain all the following information:”, and

(b) in subsection (2) by striking out everything before paragraph (a) and substituting “A treatment notice posted for the purposes of section 10 must”.

16 Section 64 is amended

(a) in subsection (1) by striking out everything before “must be posted” and substituting “A notice for the purposes of section 10 (11) [public notification requirements – licensee] or 28 (1) [public notification requirement – confirmations]”,

(b) in subsection (2) by striking out “for the purposes of section 28 (1) must” and substituting “for the purposes of section 10 (11) or 28 (1) must”,

(c) in subsection (2) (b) (ii) by striking out “highway, and” and substituting “highway,”,

(d) in subsection (2) (c) by striking out “give notice of” and substituting “if posted by a confirmation holder, give notice of” and by adding “, and” at the end of subparagraph (v),

(e) in subsection (2) by adding the following paragraph:

(d) if posted by a licensee, 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 licensee’s licence number, unless the licensee is using the pesticide under contract with a confirmation holder, in which case, the confirmation holder’s confirmation number, and

(v) how to contact the licensee or that person’s agent to obtain additional information about the pesticide or pesticide use, unless the licensee is using the pesticide under contract with a confirmation holder, in which case, how to contact the confirmation holder or that person’s agent for the additional information. , and

(f) by repealing subsection (4) and substituting the following:

- (4) Notice under this section is not required in relation to a use described in section 5 (1) (c) or (d) *[pesticide uses requiring a licence]* or 24 (2) (c) or (d) *[pesticide uses requiring a confirmation]*.

- 17** *Section 67 (2) is amended by striking out “must store” and substituting “must store and display”.*
- 18** *Section 71 (8) is amended by striking out “30 minutes after sunset.” and substituting “30 minutes after sunset unless a lighting device is used so that the person applying the pesticide and the pesticide use are clearly visible from a distance of at least 30 m.”*
- 19** *Section 77 (1) is amended by striking out “more than 1.5 ms” and substituting “more than 1.5 m”.*
- 20** *Section 78 (2) is amended by striking out everything after “in relation to” and substituting “the application of pesticide to a body of water for the purpose of managing mosquitoes.”*
- 21** *Section 81 is amended by adding the following subsection:*
- (4) Subsection (3) applies to a licensee applying rodenticide bait for a use described in section 5 (1) (e), (f), (h) or (i) in a playground or inside or outside a school, daycare, recreational facility or other facility frequented by or likely to be frequented by children.