

***Integrated Pest Management Act* and Regulation**

Vendors' Review Paper

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



**Ministry of Water, Land and Air Protection
Integrated Pest Management Program**

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1. Introduction – Purpose of this Review Paper

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

This document presents a lay summary of requirements specified in the *IPM Act* and Regulation for pesticide vendors. Additional information – including a summary overview and a compendium of the *Act* and Regulation, other industry sector reviews of the *Act* and Regulation and links to application forms and the legislation – can be accessed by clicking on the address below, or from the Ministry of Water, Land and Air Protection homepage, by following the *Environmental Protection Division, Environmental Management Branch*, and *Integrated Pest Management* links. The IPM Program webpage address is: wapwww.gov.bc.ca/epd/epdpa/ipmp/pestact/index.html

2. General Information

2.1 Who administers the *IPM Act*?

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

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

2.2 What does the *Act* regulate? How?

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

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

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

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

Licences: for sale or use of specified pesticides

Certificates: for dispensing or applying specified pesticides

Permits: for use of pesticides of particular concern

Pest Management Plans and pesticide use notices: for specified large scale programs that require IPM plans and ministry notification

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

Because it requires a proactive and preventative approach, IPM reduces reliance on pesticides and can lead to a reduction in their use. The *Act* and Regulation require the use of Integrated Pest Management (IPM) for pesticide use on public land; on private land used for forestry, transportation, public utilities and pipelines; and for pest control service companies.

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

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

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

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

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

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

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

- ◆ **Permit-restricted:** the most strictly controlled pesticides, because the Administrator considers that the risk of unreasonable adverse effects from their use should be evaluated for each proposed use, requiring a permit for purchase or application;¹
- ◆ **Restricted:** a pesticide labeled under the federal Act with the product class designation “RESTRICTED” (and not a permit-restricted or excluded pesticide), requiring a pesticide applicator certificate for purchase or use;

¹ Permit-restricted pesticides listed in the Regulation are 4-aminopyridine and monosodium methanearsonate (MSMA).

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

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

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

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

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

The Regulation lists the following excluded pesticides:

1. acetic acid (DOMESTIC)
2. animal repellents (DOMESTIC and COMMERCIAL) except thiram
3. anti-fouling paints (DOMESTIC and COMMERCIAL)
4. antispain wood preservatives used on private, industrial land owned by the company or person responsible for the application (COMMERCIAL)
5. asphalt solids (pruning paints) (DOMESTIC and COMMERCIAL)
6. *bacillus thuringiensis kurstaki* (Btk) (DOMESTIC)
7. bactericides used in petroleum products (DOMESTIC and COMMERCIAL)
8. boron compounds (DOMESTIC)
9. boron compounds with up to 5 % copper for insect control and wood preservation (COMMERCIAL)
10. capsaicin (DOMESTIC, COMMERCIAL and RESTRICTED)
11. cleansers (DOMESTIC and COMMERCIAL)
12. corn gluten meal (DOMESTIC and COMMERCIAL)
13. d-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 & COMMERCIAL)
32. piperonyl butoxide (DOMESTIC)
33. plant growth regulators (DOMESTIC)
34. polybutene bird repellents (DOMESTIC and COMMERCIAL)
35. pyrethrins (DOMESTIC)
36. resmethrin (DOMESTIC)
37. rotenone (DOMESTIC)
38. silica aerogel, also referred to as silica gel, amorphous silica and amorphous silica gel (DOMESTIC & COMMERCIAL)
39. silicon dioxide, also referred to as “diatomaceous earth” (DOMESTIC and COMMERCIAL)
40. slimicides (COMMERCIAL)
41. soaps (DOMESTIC and COMMERCIAL)
42. sulphur, including lime sulphur sulphide sulphur and calcium polysulphide (DOMESTIC)
43. surfactants (DOMESTIC and COMMERCIAL)
44. swimming pool algicides and bactericides (DOMESTIC and COMMERCIAL)
45. tetramethrin (DOMESTIC)
46. wood preservatives (DOMESTIC)

3. Information for Pesticide Vendors (Licensees)

3.1 Who requires a pesticide vendor licence?

A pesticide vendor licence is required to sell non-excluded pesticides. The definition of “sell” includes “barter, distribute, offer, expose, advertise or possess for the purpose of selling.” A person purchasing a pesticide that is intended to be sold (i.e., from a wholesaler or manufacturer) must hold a valid pesticide vendor licence.

Who does not require a licence?

A licence is not required by a person who:

- ◆ Sells only excluded pesticides;
- ◆ Sells a pesticide only as an employee or contractor of a licensee;
- ◆ Is a manufacturer of pesticides, or a manufacturer’s agent, and supplies a pesticide to a pesticide wholesaler;
- ◆ Is a wholesaler of pesticides and supplies pesticide to a vendor licensee or a veterinarian;
- ◆ Is a wholesaler of pesticides and returns pesticide to its manufacturer or the manufacturer’s agent; or
- ◆ Is a veterinarian, or an individual under direction of a veterinarian, who sells a pesticide for the treatment of animal pests.

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

As well as prescribing pesticide vendor licences, the Regulation includes provisions for pesticide user service and pesticide user non-service licences. Those wishing detailed definitions and particulars concerning licence categories and requirements may view the *Compendium of Integrated Pest Management Legislation and Industry Sector Reviews* posted on the ministry’s website.

3.2 How do I apply for a pesticide vendor licence?

To be eligible for a licence, an applicant must maintain a business location in British Columbia for doing business in the province, and hold (or employ a person who holds) appropriate certification under the Regulation. An applicant must provide information to the ministry concerning: the name and place of business; each business address where pesticides are intended to be sold; a principle contact; classes of pesticides intended to be sold (domestic or commercial); certified staff members; term requested; and payment information.

Application forms are available from the ministry’s IPM website or by mail from:

Pesticide Licence Processing
Ministry of Water, Land and Air Protection
PO Box 9377 Stn Prov Govt
Victoria, BC V8W 9M1

Forms may be returned to the ministry by mail, courier or fax. The fax number is (250) 356-0299.

A sample form is included in Appendix I of this Review Paper.

For information about completing the application form, telephone the ministry receptionist in Victoria at (250) 387-3205 and you will be directed to the appropriate person.

What are the terms and fees for a pesticide vendor licence?

An applicant may request a licence term of up to five years. A “year” means the period from April 1 in one year, to March 31 in the next year. A full year fee is required for any portion of the year to which the application relates (i.e., fees are not prorated).

If an applicant sells only domestic pesticides or sells less than 100 kg a year of commercial, restricted and permit-restricted pesticides, the licence fee is: **\$250 per year**.

If an applicant sells 100 kg or more a year of commercial, restricted and permit-restricted pesticides, the licence fee is: **\$1,000 per year**. (For this fee a Vendor can also sell any amount of domestic pesticides.)

A licensee is required to give notice to the Administrator within 30 days of a change that has the effect of increasing the fee payable in relation to the licence, and to accompany the notice with the appropriate fee (e.g., if in any year within the term of a licence, a licensee moves from selling less than 100 kg of commercial pesticides to more than 100 kg, the licensee must submit a notice informing the Administrator, accompanied by an additional fee payment of \$750 for the year in which the increase occurred).

3.3 What conditions must a pesticide vendor follow?

A vendor licensee must ensure that a certified individual performs the required duties when a pesticide is offered for sale and that copies of the certificates held by certified individuals are available at the place of business for inspection.

A licensee may not sell a pesticide to an individual who is under 16 years of age. A permit-restricted or restricted pesticide may only be sold to a person who holds a certificate, or is the agent of an individual who holds a certificate. In addition, a permit-restricted pesticide may only be sold to a person who holds a permit, or is the agent of an individual who holds a permit.

The Administrator may suspend or revoke a licence for failure to comply with the Regulation. A licence is not transferable without the written authorization of the Administrator and a licensee may only sell pesticides (in accordance with the terms specified by the licence) at the place of business identified on the licence application. The Administrator is to be informed of a change of address in the licensee's place of business within 30 days of the change.

All licence holders are required to ensure compliance with standards for protection of human health and the environment, specified in the *Act* and Regulation.

What are the standards for containment, transport or storage of a pesticide by vendors?

Any person storing, transporting or selling a pesticide must do so in a manner that minimizes hazards to human health and the environment.

A pesticide must be kept in the container in which it was originally packaged and with the label originally affixed by the manufacturer. Pesticides must be transported in a manner: that is sufficient to prevent escape, discharge or unauthorized removal of the pesticide from the transport vehicle; and that prevents contamination of food or drink intended for human or animal consumption, or of household items such as furnishings, clothes, toiletries, or bedding.

Domestic pesticides must be stored separately from food intended for human or animal consumption.

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

- ◆ Separated from (and not used for storage of) food intended for human or animal consumption;
- ◆ Separated from the other areas of the vendor's business premises by floor to ceiling walls constructed of wood, fibreboard, plastic, brick or other solid material;
- ◆ Ventilated so that pesticide vapours are vented outside; and
- ◆ Entered from the outside (or, if the entry is inside, has a self-closing door), locked when unattended and accessible only to persons authorized by the person storing the pesticide.

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

3.4 What certified staff is a pesticide vendor required to engage and what are their specified duties?

The terms of a pesticide vendor licence require a licensee to ensure that a "certified individual" (i.e., one holding a pesticide dispenser certificate for the appropriate class of pesticides) performs the following duties:

- ◆ Assist with pesticide handling, storage and emergency response in the vendor outlet;
- ◆ Advise each pesticide purchaser that they may lawfully use the pesticide only for the use described in the label and in accordance with the instructions on that label; and
- ◆ Offer to provide advice to each pesticide purchaser in relation to pest management and the safe use of the pesticide.

3.5 How can a pesticide dispenser certificate be obtained and renewed? What fees are required? What are the terms of the certificate?

To be eligible for certification (valid for a maximum five year term), a person must: be at least 16 years of age and have successfully passed the appropriate examination. The certification examination is based on a syllabus set out in the Regulation.³ The Administrator may also consider evidence of the applicant having passed an examination of another provincial government, with an additional examination set for the purpose of testing the knowledge of an applicant in relation to the British Columbia *IPM Act* and Regulation.

An applicant for a certificate must note on their application form personal information (including date of birth), the category of certificate being applied for, and the class of pesticides (or uses) requested in relation to the category of certificate (see the sample application form in Appendix I of this Review Paper). A certificate is not transferable. **The fee is \$90 for each certification examination.** An applicant is deemed to have forfeited their application and fee if they fail (on two different occasions) to attend an examination for which they have been given notice of time and place.

Study materials for home study or use in classroom training to prepare for certification examinations are available (for specified charges) from the Distribution Centre Victoria of the BC Ministry of Management Services. An order form and lists of the most current editions of the study materials are provided through

³ The Regulation lists ten "certificate examination matters": general pesticide characteristics, *Act* and Regulations, labeling, human health, pesticide safety, environment, pest management, application technology, emergency response, and professionalism.

the ministry's IPM Program certification webpage at: <http://wlapwww.gov.bc.ca/epd/epdpa/ipmp/certif-main.htm>.

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

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

3.6 What are the reporting requirements associated with a pesticide vendor licence?

Within 60 days after starting to store pesticides at a location, a pesticide vendor (licensee) must provide notice of the storage location to the fire department closest to that location.

A licensee must maintain a record of each sale of a commercial, permit-restricted or restricted pesticide. The **record of sale** must include:

- ◆ The date of sale;
- ◆ The purchaser's name, address, telephone number, and (for sales of a restricted or permit-restricted pesticide) the purchaser's applicator certificate number;
- ◆ The certified dispenser's name and certificate number;
- ◆ The pesticide sold, including its trade name and registration number under the federal Act; and
- ◆ The size of the container the pesticide was sold in and the number of containers sold.

A model form for this information has been placed on the IPM program web site (under "IPM Forms"). Records must be kept up to date, at the business location identified on the licence application and for a period of three years after the sale or application to which they relate. Records of sale can also be maintained by the vendor in electronic format.

A licensee must prepare and submit a summary of the licensee's sales in a calendar year to the Administrator, by April 1 of the following year.

The **annual summary of pesticide sales** must include, for each commercial, restricted or permit-restricted pesticide sold in the calendar year of the report:

- ◆ The pesticide's trade name;
- ◆ Registration number under the federal Act;
- ◆ Active ingredient; and
- ◆ Total litres or kilograms sold.

3.7 How is the *Act* enforced? What penalties may be imposed for non-compliance with terms of the Regulation?

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

If the Administrator considers that the holder of a pesticide vendor licence or dispenser certificate has not been or is not complying with the *Act*, the licence or certificate may be revoked or suspended, and the person ordered to refrain from selling a particular pesticide. The Administrator may also restrict the eligibility of the holder to apply for another licence or certificate – for the period of time that the Administrator considers appropriate.

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

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