

ATTACHMENT B

PESTICIDE OPERATOR LICENCE

INDUSTRIAL VEGETATION

B1. Notification to Pesticides Control Section

(1) The Pesticides Control Section shall be notified at least **one week** prior to the start of any program. This notification may be made by either fax to (709) 729-6969, or email: pesticidescontrol@gov.nl.ca .

(a) This notification shall include:

- (i) Proposed areas to be treated during the next seven calendar day period.
- (ii) Name of pesticide(s) to be used including *Pest Control Products Act* Registration Number (PCP Act Reg. #).
- (iii) Method of application.
- (iv) Contact information for site supervisor(s)

(b) Exceptions to the seven day advance notification may be granted on a case by case basis. Contact the Pesticides Control Section for details.

(2) Once a program has begun bi-weekly updates shall be provided to the Pesticides Control section. These updates shall include:

- (a) Areas treated in the previous 14 days.
- (b) Name of pesticide(s) used including *Pest Control Products Act* Registration Number (PCP Act Reg. #)
- (c) Areas proposed for treatment in next 14 calendar day period

B2. Provision of maps

(1) For pesticide operations involving treatments of transmission line, railway or road rights-of-way and silviculture areas, the operator shall provide to the Pesticides Control Section, maps of the proposed treatment area in an ArcGIS compatible format.

(2) Proposed treatment and buffer areas should be accurately represented on these maps to the best of the operator's ability. This would include but is not limited to accounting for private property, wells, watershed areas and other potentially relevant landmarks.

(3) The maps must be pre-approved by the Water Resources, Wildlife, and Parks and Natural Areas divisions before submission to the Pesticide Control Section.

(4) The maps must be provided to the Pesticides Control Section for review not less than 30 days prior to the commencement of the proposed pesticide application.

B3. GPS mapping and data provision

- (1) An operator that undertakes a program of roadside vegetation management using pesticides shall be required to log all “boom on/boom off” locations where the pesticide had been applied with a GPS data collection unit.
- (2) The operator shall make arrangements to determine the most appropriate format for the provision of the data collection with the Pesticides Control Section prior to the commencement of the roadside vegetation management program.
- (3) The operator shall provide all GPS data to the Pesticides Control Section within 14 days of completion of the program.

B4. Accessibility

- (1) The operator shall ensure that all pesticide spray areas are accessible to Pesticides Control Section inspectors.
- (2) If the pesticide spray areas are in a remote area, it is the responsibility of the operator to ensure that the inspector can have reasonable access to the site at all appropriate times during a spray program.

B5. Maximum height of vegetation to be treated

In areas along highways visible to the public, only vegetation that is 1 meter or less in height shall be treated with a herbicide. In all other areas, such as forest access roads or roads accessing transmission lines, only vegetation that is 2 meters or less in height shall be treated with a herbicide.

B6. Notification to the public

- (1) For pesticide operations involving treatments of transmission/distribution lines, railway or road rights-of-way, earthen dyke and dam structures and silviculture areas, the public shall be advised of the purpose and scope of the project and of the issuance of this licence by means of a notice published in at least one (1) newspaper with circulation in the region(s) where the treatment area(s) have been proposed.

The newspaper notice will:

- (a) appear in any issue at least one week prior to commencing the program;
- (b) state the area that is proposed for treatment over the next 21 calendar days, at the end of which time another notice is to be placed until the program is completed;
- (c) state the proposed date(s) for treatment of the areas that are proposed for treatment over the next 21 days, at the end of which time another notice is to be placed until the program is completed;
- (d) list the name(s) of the pesticide(s) to be applied, and the *Pest Control Products Act* Registration Number for each pesticide;

- (e) contain contact information (website address, toll-free information number or other) for individuals who wish to obtain additional information, and
 - (f) contain the telephone numbers of the pesticide operator's Operations Supervisor and the Pesticides Control Section, 1-709-729-2556, and be indicated accordingly.
 - (g) Contain an invitation for residents of treatment areas to contact the operator to advise of a well in the area
- (2) A copy of the published newspaper notice(s) and/or receipt(s) shall be electronically submitted, mailed or faxed to the Pesticides Control Section prior to commencement of the program.
- (3) Exceptions to the public notification process may be granted on a case by case basis. Communication plans will be submitted to the Pesticides Control Section for review. If approved by the Pesticides Control Section, only then can the Operator deviate from the original notification process.

B7. Notification to First Nations on Island portion of Newfoundland and Labrador

- (1) For pesticide operations involving treatments of transmission/distribution lines, railway or road rights-of-way, earthen dyke and dam structures and silviculture areas but excluding secured industrial treatment areas (ie: substations, storage yards or tank farms), First Nations shall be advised of the purpose and scope of the project and of the issuance of this licence by means of a notice containing the following information:
- (a) state the area that is proposed for treatment;
 - (b) state the proposed date(s) for treatment;
 - (c) list the name(s) of the pesticide(s) to be applied, and the Pest Control Products Act Registration Number for each pesticide;
 - (d) contact information (website address, toll-free information number or other) for individuals who wish to obtain additional information;
 - (e) telephone numbers of the pesticide operator's Operations Supervisor and the Pesticides Control Section, 1-709-729-2556, and be indicated accordingly;
and
 - (f) contain an invitation for residents of treatment areas to contact the operator to advise of a well in the area.

- (2) First Nations can then distribute, as appropriate, to members in the treatment areas.
The contact information for the First Nations are:

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| (a) Qalipu Mi'kmaq
First Nation Band
3 Church Street
Corner Brook, NL A2H 2Z4
Phone: 709-634-0996
Fax: 709-639-3997 | (b) Miawpukek Mi'kamaway Mawi'omi
50 Miawpukek Drive
P.O. Box 10
Conne River, NL A0H 1J0
Phone: 1-709-882-2470
Toll Free: 1-866-882-2470
Fax: 1-709-882-2292 |
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B8. Notification to municipal governments

- (1) For industrial vegetation programs, excluding industrial treatment of secured substations or storage yards, the operator shall notify municipal governments whose boundaries meet or encompass the treatment and storage areas prior to commencement of the program.
- (2) The operator shall provide proof of said notification to Pesticides Control Section in advance of the commencement of the treatment.

B9. Signage requirements

- (1) For industrial vegetation programs, excluding industrial treatment of secured substations or storage yards, the public shall be advised of local treatments by the posting of signs in the area. The signs shall be as follows;
- (2) For roadside vegetation management programs, the particulars of said posting are thus:
- (a) Size of sign: minimum 11" x 17"; with information legible from the road
 - (b) Colour: White or yellow, so that the sign is visible when located in or near foliage;
 - (c) Type of material: Weather and water resistant;
 - (d) Height above ground: placed on a post no less than 1m above the ground and higher than surrounding vegetation
 - (e) Location of signage:
 - (i) on the upside of the ditch farthest from the road, close to the location of the treated area;
 - (ii) at the beginning and end of each treatment area on the side of the road where the treatment has been made,
 - (iii) where any road or trail passes through the treatment area, and
 - (iv) at a set distance of one sign per 500 meters on the side of the road where the treatment has been made.

(3) For transmission/distribution line vegetation management programs, the particulars of said posting are thus:

- (a) Size of sign: minimum 8 ½” x 11”;
- (b) Colour: White or yellow, so that the sign is visible when located in or near foliage;
- (c) Type of material: Weather and water resistant;
- (d) Height above ground: 1 – 2 meters above the ground;
- (e) Location of signage: At all access points to transmission/distribution lines;
- (f) Frequency of posting:
 - i. Transmission: 1 sign per every 5 structures along a linear treatment area.
 - ii. Distribution: 1 sign per every 20 structures along a linear treatment area.

(4) For dyke/dam structure vegetation management programs, the particulars (location, colour, size of signs, etc.) of said posting are thus:

- (a) Size of sign: minimum 8 ½” x 11”;
- (b) Colour: White or yellow, so that the sign is visible when located in or near foliage;
- (c) Type of material: Weather and water resistant;
- (d) Height above ground: 0.5 – 1 meter above the ground;
- (e) Location of signage: At the beginning of any and all access roads to the structure;
- (f) Visibility of signage: All signs are to be visible to vehicular and pedestrian traffic that may access the structure being treated.

<p>This area has been treated with a federally registered herbicide</p> <p>_____</p> <p>Name of Formulation</p> <p>_____</p> <p>PCP Act Registration Number</p> <p>On</p> <p>_____</p> <p>Date of Application</p> <p>For more information contact:</p> <p>_____</p> <p>Company Name and Phone Number</p> <p>Or</p> <p>Department of Environment and Climate Change 1-709-729-2556</p>

B10. Buffer zones – environmental consideration

(1) Dyke/dam structures:

- (a) Directed foliar applications are not permitted within 50 meters of the water body.
- (b) From the 50 meter mark up to the water body's edge, cut/stump or basal bark techniques using previously approved formulations with no-drip equipment, are the only permitted chemical control methods.

(2) Penstock Right-of-Way:

In the event that vegetation control is required around penstock rights-of-way the application shall be conducted as follows: only cut/stump or basal bark treatments of herbicides with the active ingredient triclopyr or glyphosate are permitted to be used, to the edge of a water body.

(3) Broadcast/foliar treatments for transmission/distribution line/railway/road rights-of-way:

- (a) Where the slope of the terrain is less than or equal to twenty (20) degrees, only herbicides containing glyphosate as the only active ingredient may be applied within 30 meters of any water body.
- (b) Where the slope of the terrain is greater than twenty (20) degrees, only herbicides containing glyphosate as the only active ingredient may be applied within 50 meters from any water body.
- (c) **Glyphosate:** Foliar herbicide applications shall not be permitted within a 15 meter buffer zone of a water body or within 50 meters of a well.
- (d) A well shall be protected using at least a 100 meter buffer zone when using any pesticide other than Glyphosate.

(4) Cut/stump or Basal bark treatments for transmission/distribution line/railway/road rights-of-way:

- (a) From the 30 meter or 50 meter mark, depending on the slope of the land (see stipulation B9.(3) to up to the water body's edge, cut/stump or basal bark techniques using previously approved formulations with no-drip equipment, shall be the only permitted chemical control methods.
- (b) A well shall be protected using at least a 100 meter buffer zone.

(5) Broadcast/foliar treatments for substations:

- (a) The herbicide formulation Calmix (PCP # 9342) shall not be applied within 15 meters of any water body.
- (b) All other soil sterilants shall not be applied within 30 meters of a water body.

- (c) Herbicide formulations containing glyphosate as the only active ingredient in the formulation are permitted to be applied to within 1 meter of the well inside a substation, unless a larger buffer is specified on the label.
- (d) For vegetation control in substation yards within 15 meters of a water body, herbicide formulations containing glyphosate as the only active ingredient are permitted to be used subject to the following conditions:
 - (i) A buffer zone of 2 meters must be maintained and the product may be applied only on the substation property up to the fence line.
 - (ii) Wind speeds cannot exceed 5 km/h at the time of application.
 - (iii) No other pesticide active ingredient may be used in this instance.

(6) Buffer zones – private property and human habitation

- (a) Foliar applications of the following pesticide formulations shall not be permitted within 50 meters of private property or human habitation (a residence, cabin or other form of human habitation):
 - (i) Garlon 4 (PCP # 21053);
 - (ii) Garlon Ultra (PCP#28434);
 - (iii) Garlon RTU (PCP#29334);
 - (iv) Garlon XRT (PCP# 28945);
 - (v) Tordon 101 (PCP# 9007); or
 - (vi) formulations containing the active ingredient glyphosate.
- (b) In the event that vegetation control is required within the buffer zone for human habitation or private property, the following buffer zones shall apply:
 - (i) For vegetation control within 50 meters of private property (property containing only grasses and conifers):
 - (a) Pesticide formulations Garlon 4 (PCP# 21053), Garlon Ultra (PCP#28434), Garlon RTU (PCP#29334), Garlon XRT (PCP# 28945), Tordon 101 (PCP# 9007), or herbicides containing glyphosate as the only active ingredient may be applied;
 - (b) Only cut/stump or basal bark techniques are permitted to be used; and
 - (c) Chemical control shall not be permitted within 2 meters of the private land boundary.

- (ii) For vegetation control within 50 meters of private property (property containing fruit or vegetable crops or any sensitive, broadleaved vegetation):
 - (a) Pesticide formulations Garlon 4 (PCP# 21053), Garlon Ultra (PCP#28434), Garlon RTU (PCP#29334), Garlon XRT (PCP# 28945), Tordon 101 (PCP# 9007), or herbicides containing glyphosate as the only active ingredient may be applied;
 - (b) Only cut/stump or basal bark techniques may be used; and
 - (c) Chemical control shall not be permitted within 10 meters of the private land boundary.
- (c) In the event that vegetation control is required at a “**substation**” with a private property boundary within 50 meters of the substation boundary:
 - (i) Only herbicide formulations containing glyphosate as the only active ingredient are permitted to be used.
 - (ii) Pesticide use is not permitted within 2 meters of the private property boundary.
 - (iii) Wind speeds cannot exceed 5 km/h at the time of application.

B11. Exceptions to weather restrictions

For basal bark, cut/stump and R-Jet application techniques only, pesticide applications will be permitted at wind speeds up to 25km/h. Because of the variation in wind speeds on or near various structures, wind speeds are to be measured as close to the treatment area as possible.

Granular application of Calmix pellets (PCP # 9342) are exempt from temperature and humidity restrictions.

B12. Mixing and loading operations

For all operations involving the filling of spray tanks with water, and the addition of pesticides to said tanks, the operation may be undertaken subject to the following conditions:

- (a) All pesticide mixing and loading activities must be supervised at all times.
- (b) Mixing and loading in the vicinity of water bodies shall be undertaken with equipment set up on flat, stable ground to mitigate the possibility of spills or leaks during fill events.
- (c) Where water must be pumped directly into the spray tank, an antibackflow device must be fitted onto the pump to prevent any material from the tank being diverted from the tank into or near the water body that is being used to fill the tank at all times.
- (d) Spill response materials sufficient to respond to an incident during mixing and loading operations must be on site.
- (e) All mixing and loading sites shall be identified with GPS coordinates, and this information shall be provided to the Pesticides Control Section:
 - (i) Mixing and loading sites for backpack sprayers, where there is secondary containment from the mixing operations being undertaken within a bermed or contained unit, are exempt from this requirement.

B13. Temporary storage of pesticides

When it is necessary to store pesticides on a temporary site and/or in remote locations the following shall apply:

- (a) A pesticide storage shall not be located within 100 meters of a water body.
- (b) A supply of water shall be available in or adjacent to the storage area.
- (c) Approved safety equipment shall be provided as specified on the labels/MSDS of pesticides being stored and shall be properly maintained, functional and available at all times for personnel handling and working with pesticides.
- (d) Pesticides shall be stored in such a manner that containment is provided.

- (e) A “ Danger-Stored Pesticide ” sign shall be posted at all entrances which is printed in block letters 5 centimetres or more in height.
- (f) Clean up procedures, material and equipment shall be available at all times to clean up spills or leakage.
- (g) Pesticide products shall be locked in a secure leak-proof container at all times.

B14. Amendment

The Department of Environment and Climate Change reserves the right to amend the attachments of the terms and conditions of this licence at any time.

March 31, 2023