

Pesticide Operator Licence - Terms and Conditions

Company Name
Names Company Traded Under
PESTICIDE OPERATOR LICENCE NO: 00-000
EFFECTIVE DATE: 00/00/0000
EXPIRY DATE: 00/00/0000

1. DEFINITIONS

- Buffer:** means a defined space within which treatment is excluded and which extends a set distance outward in all directions from the boundary of an area designated for protection
- Human habitation:** means every structure in which a person or persons resides on either a part-time or full time basis.
- Lawn:** means a plot of grass that is maintained at a regular and approximately uniform height through periodic and regular mowing.
- Penstock:** means a pipeline leading from the intake to the turbines.
- Private property:** means land owned or leased by an individual, group of individuals or other legal entity such as a company or corporation, for which clear title has been granted, and for which a record exists either through the Registry of Deeds or Crown Lands.
- Right-of-Way (ROW):** means an easement, granted by the land owner that permits the construction and operation of a utility corridor for the purpose of transmitting electricity. The utility corridor may be of varying lengths and widths.
- Water body:** means any surface (high water mark) or subterranean source of fresh or salt water within the province, whether such course usually contains water or not, and includes coastal water within the jurisdiction of the province and includes water

above the bed of the sea that is within the jurisdiction of the province, any river, stream, brook, creek, wetland, water course, lake, pond, spring, lagoon, ravine, gully, canal and any other flowing or standing water and the land usually or at the time covered by any such body of water.

"water" means all water located in or derived from a body of water;
Water Resources Act

Well: means an artificial opening in the ground from which water is obtained or that is made for the purpose of exploring for or obtaining water.

2. LEGISLATION

- (1) For the purpose of this licence, all definitions and regulations as indicated in the *Environmental Protection Act SNL 2002 cE-14.2* and the *Pesticides Control Regulations, 2012* shall apply.
- (2) All applications shall be conducted in strict compliance with the label registered under the authority of the *Pest Control Products Act* (Canada).

3. PESTICIDE OPERATOR RESPONSIBILITY

- (1) The operator shall be limited to using only those pesticides (See Appendix A), applicators (See Appendix B) and vehicles (See Appendix C) as indicated on its pesticide operator licence application dated **00/00/0000**. Any changes in the program outlined in the application must receive the written approval of the manager, Pesticides Control Section, prior to their implementation.
- (2) The operator shall review these terms and conditions with each applicator prior to the start of each season, and a copy of the terms and conditions shall be provided to each applicator.
- (3) A copy of the operator's licence and these terms and conditions shall be available at each site during the application of a pesticide.
- (4) The operator shall ensure that any personnel directly taking part in pest control operations (ie: setting of buffers, monitoring weather conditions, or providing direction related to these Terms and Conditions) shall have an active pesticide applicator licence.
- (5) The operator shall ensure that all applicators have their pesticide applicator licences in their possession while applying pesticides unless otherwise indicated by the Pesticides Control Section.

(6) (a) Upon completion of the pesticide program for the year the operator shall submit to the Pesticides Control Section:

- i. details regarding the type and quantity of each pesticide used, and
- ii. the name of the vendor(s) from whom the pesticide was purchased.

This information shall be submitted no later than **December 31** of each year. Licences for the following season will not be processed until this information is received.

(b) For operators who do not apply pesticides but contract other licenced pesticide operators to conduct work on their behalf, sub-section (a) does not apply.

(7) The operator shall ensure that all application equipment is maintained in good working order to prevent damage to the environment and/ or injury to individuals working with or near the equipment.

4. VEHICLES

(1) (a) All vehicles used during the application of pesticides for landscape, structural or industrial vegetation management programs shall have the registered/ incorporated company name, or any other name under which this company trades, **as per this pesticide operator licence**, prominently displayed on the vehicle. The name shall be displayed on both the driver and passenger sides of vehicle.

(b) For operators who do not apply pesticides but contract other licenced pesticide operators to conduct work on their behalf, sub-section (a) does not apply.

(2) Concentrated pesticides transported in a vehicle during spray operations shall be contained in a lock box, a secure area or compartment which must be locked while unattended.

(a) Pesticides shall not be transported in the passenger compartment of any vehicle.

(3) A quantity of approved absorbent materials shall be on hand at all times in case of a spill. The vehicle shall also carry clean-up equipment including but not limited to, shovels, brooms, and bags/buckets.

5. SPILL REPORTING

(1) All spills involving greater than 70 litres of mixed pesticide or the equivalent of unmixed formulation shall be reported immediately.

(2) All spills involving mixed or unmixed pesticide into a water body or within 100 meters of a water body, well or area frequented by people shall be reported immediately.

- (3) Spills involving less than 70 litres of mixed pesticide or equivalent amount of unmixed formulation in areas not frequented by people, and remote from water bodies or wells shall be duly recorded by the operations supervisor. Records of all such incidents (spills) shall be kept on file by the operator. These records should include details such as date of spill, location, product and quantity, employee on site, and clean up procedure. These records should be submitted to the Pesticide Control Section with the annual summary.
- (4) Reporting of spill incidents shall be made to the Pesticides Control Section, St. John's (ph.1-709-729-2556) and to Environment Canada, St. John's (ph.709-772-2083).

6. CONTINGENCY PLAN

A copy of the operator's contingency plan shall be carried in all vehicles transporting liquid pesticide formulations and at the entrance of the operator's approved pesticide storage area.

The contingency plan shall include:

Section 1 - Emergency Telephone Numbers

Section 2 - Spill Reporting Instructions

Section 3 - Emergency First Aid Procedures from Pesticide Labels
(as listed in Appendix A of this document)

Section 4 - Pesticide Spill Procedure

Section 5 - Spill Response Kit

Section 6 – Protocol to Respond to Fires

Section 7 - Protocol to Respond to Theft

Section 8 - First Aid Procedures for Pesticide Poisoning

Section 9 – Pesticide Labels and Safety Data Sheets (SDS)
(as listed in Appendix A of this document)

7. STORAGE

- (1) All pesticide storage sites shall meet the requirements of Section 21 of the *Pesticides Control Regulations, 2012* which are as follows:
 - (a) A source of water in an area in or adjacent to the storage area;
 - (b) Approved safety equipment as required which is properly maintained, functional and available at all times for personnel handling and working with pesticides;
 - (c) Flooring which shall not contain a floor drain or catch basin which is directly or indirectly connected to a private or municipal sewage system or public water course;
 - (d) Flooring which shall be capable of being readily cleaned and decontaminated of pesticides stored within;
 - (e) Adequate ventilation by either natural or mechanical means so as to prevent the accumulation of toxic or flammable vapours;
 - (f) A "Danger Stored Pesticide" sign posted on all entrances which is printed in block letters 5 centimetres or more in height;

- (g) Clean-up procedures consistent with the instructions of the minister or a person designated by the minister; and
 - (h) Other provisions which may be stipulated on the licence by the minister or person designated by the minister.
- (2) In addition to the above storage requirements, each pesticide storage site shall have prominently displayed on all entrances contact telephone numbers for:
- (a) the operator and
 - (b) the Department of Environment and Climate Change, Pesticides Control Section, and indicated accordingly (1-709-729-2556).
- (3) All entrances to storage sites shall be locked when the owner or an employee of the owner is not present.
- (4) Pesticides shall be stored in their original container or a substitute container approved by the manufacturer. Substitute containers shall be labelled appropriately.

8. PROTECTIVE EQUIPMENT

The operator shall provide and ensure that all personnel involved in the mixing, loading, and application of pesticides wear appropriate protective equipment in accordance with the pesticide manufacturer's product label and/or Safety Data Sheet.

9. DISPOSAL

- (1) Empty pesticide containers which have been triple rinsed, cleaned and rendered unusable may be disposed of at an approved waste disposal site.
- (2) Contaminated material shall be disposed of in accordance with the manufacturer's directions and in consultation with the Pesticides Control Section.

10. WEATHER CONDITIONS

- (1) All exterior spraying activities, except foliar applications of insecticides to trees taller than three (3) meters, are permitted only when:
 - (a) wind speeds are between 2 and 15 km/h,
 - (b) air temperatures are below 25°C,
 - (c) the relative humidity is above 40%, and
 - (d) it is not raining nor is rain anticipated over the next 2 hour period.

- (2) Foliar applications of insecticides to trees taller than three (3) meters, are permitted only when:
- (a) wind speeds are between 2 and 10 km/h,
 - (b) air temperatures are below 25°C,
 - (c) the relative humidity is above 40%, and
 - (d) it is not raining nor is rain anticipated over the next 2 hour period.
- (3) All exterior granular pesticide applications are permitted only when:
- (a) air temperatures are below 25°C,
 - (b) the relative humidity is above 40%, and
 - (c) it is not raining nor is rain anticipated over the next 2 hour period.
- (3) If weather conditions are stipulated on the label and are more restricted than those listed above, the label conditions must be followed.
- (4) Exceptions to weather conditions may be granted on a case by case basis. Contact the Pesticides Control Section for details.

11. PUBLIC NOTIFICATION

The operator shall ensure that public notification programs are carried out as per the applicable attachment to these terms and conditions.

12. BUFFER ZONES

The operator shall adhere to all buffer zones indicated in the applicable attachment.

13. ADDITIONAL STIPULATIONS

The operator shall adhere to all additional conditions stipulated in the applicable attachment.

14. REVOCATION

If an operator, its agent, employee or a licensed pesticide applicator under its control, fails to comply with the *Environmental Protection Act SNL 2002 cE-14.2*, the *Pesticides Control Regulations, 2012* or the stipulations attached to its operator licence, the Minister of Environment and Conservation may suspend, revoke, or cancel the subject licence and/or prosecute under the *Environmental Protection Act SNL 2002 cE-14.2*.

15. OFFENCE

An operator, his or her agent, employee or a licenced pesticide applicator under his or her control who does not comply with a term or condition of his or her licence or who contravenes the *Environmental Protection Act SNL 2002 cE-14.2* or the *Pesticides Control Regulations, 2012* is guilty of an offence.

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

April 23, 2021

APPENDIX A PESTICIDE LIST

Company Name
Names Company Traded Under
PESTICIDE OPERATOR LICENCE NO: **00-000**

These are the only pesticides that have been approved for storage and use except as noted below for this pesticide operator licence. The operator is not permitted to purchase, apply, store or otherwise handle pesticides not on this list.

If you require additional pesticides, please submit the form, “**Request for Additional Pesticide(s)**”, to **Fax # (709) 729-6969** or in writing to:

Pesticides Control Section
P.O. Box 8700
St. John's, NL
A1B 4J6

<u>Pesticide Name</u>	<u>PCP Act Reg. #</u>	<u>Formulation</u>	<u>Restriction</u>
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APPENDIX B EMPLOYEE LIST

Company Name
Names Company Traded Under
PESTICIDE OPERATOR LICENCE NO: 00-000

These are the only employees that have been approved as pesticide applicators for this pesticide operator licence. The operator is not permitted to allow any other employee to apply or handle pesticides for the company.

If you intend to make changes to the pesticide applicators in your employment, please submit the form, “**Notice of Pesticide Applicator Addition / Removal**”, to **Fax # (709) 729-6969** or in writing to:

Pesticides Control Section
P.O. Box 8700
St. John's, NL
A1B 4J6

Applicator Name

PAL #

APPENDIX C VEHICLE LIST

Company Name
Names Company Traded Under
PESTICIDE OPERATOR LICENCE NO: **00-000**

These are the only vehicles that have been approved for use under this pesticide operator licence. The operator is not permitted to operate, for the purpose of applying pesticides, any other vehicle that is not on this list.

If you intend to make changes to the vehicle list, please submit the form, “**Notice of Vehicle Addition / Removal**”, to **Fax # (709) 729-6969** or in writing to:

Pesticides Control Section
P.O. Box 8700
St. John's, NL
A1B 4J6

Vehicle Make Model Year Licence Plate #