

Agriculture Pesticide Applicator Licence Terms and Conditions

Applicator Name

PAL # XXXX

Issue Date:XX/XX/XXXX

Expiry Date:XX/XX/XXXX

Definitions

- Agriculture licence: for the use of pesticides by ground application
- (i) for the production of agricultural products, including berries, grains, forage crops, grapes, seed crops, ornamentals, tree seedlings, tree fruits, vegetables in fields, orchards or shelter belts, pastures and rangelands,
 - (ii) for the control of noxious weeds, birds and rodents,
 - (iii) for aquatic weed control in dugouts with no outflow,
 - (iv) on Christmas tree plantations,
 - (v) to control livestock and poultry pests,
 - (vi) for on-farm seed treatment,
 - (vii) for soil fumigation, except methyl bromide,
 - (viii) for pest control around farm buildings associated with crop and livestock production, and
 - (ix) excluding pesticide use in greenhouses or commercial seed treatments;
- Buffer Zone: a strip of land between the area to be protected and the pesticide treatment area for preventing entry of pesticides or pesticide residues by drift into the area to be protected;
- Certified applicator: means a person who has obtained a certificate for applying pesticides, which is recognized by the minister;

Direct Supervision: means to be physically present on-site and have close contact whereby the supervisor is able to respond quickly to the needs of the supervisee;

Human habitation: means every structure in which a person or persons resides on either a part-time or full time basis;

Pesticides Control Section: staff of the Department of Environment and Conservation whose responsibility is to ensure compliance with the provincial pesticide legislation, as set out under the *Environmental Protection Act SNL 2002 cE-14.2* and *Pesticides Control Regulations, 2012*;

Unlicensed assistant: a pesticide applicator using or applying a pesticide under a pesticide applicator licence, agriculture and greenhouse category, may allow a person who does not have a licence to apply a pesticide and shall, with respect to that unlicensed person employed by, contracted to or working with that applicator

- (a) ensure that that person, when carrying out activities under the Act or regulations, is under his or her direct supervision and control; and
- (b) be responsible for the actions and conduct of that person with respect to anything required to be carried out in accordance with the Act or regulations;

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, water course, lake, pond, spring, lagoon, ravine, gully, usually or at the time covered by any such body of water;

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.

LEGISLATION

1. For the purpose of this licence, all definitions in the *Environmental Protection Act SNL 2002 cE-14.2* and the *Pesticides Control Regulations, 2012* and regulations under those Acts 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).

PESTICIDE APPLICATOR RESPONSIBILITY

3. The applicator shall review these terms and conditions with any unlicensed assistant, farm owner or those who may enter the treated area for work or other purposes.
4. All applicators shall have their pesticide applicator licence in their possession while applying pesticides unless otherwise indicated by the Pesticides Control Section.
5. A copy of these terms and conditions shall be available at each site during the application of a pesticide.
6. Applicators shall keep records of annual pesticide purchases and usages as part of maintaining the farm's Pesticide Use Records.

UNLICENSED ASSISTANTS

7. An applicator may employ unlicensed assistants to provide help in carrying out the activities for which that person has been licensed under the regulations.
 - (a) The applicator is responsible for the activities of an unlicensed assistant in connection with the use, storing or application of a pesticide.
 - (b) An unlicensed assistant shall comply with the safety measures required under the Act and regulations made with respect to pesticides.
 - (c) The applicator shall ensure that that person, when carrying out activities under the Act or regulations, is under his or her direct supervision and control.

TRANSPORTATION

8. Only persons holding a valid pesticide applicator licence may transport concentrated non-domestic pesticides.
 - (a) Pesticides must be in the original manufacturer's sealed container; packaged in a manner to prevent spillage; and transported in a lock box, secure area or compartment which must be locked while unattended.
 - (b) Pesticides shall not be transported in the passenger compartment of any vehicle.
 - (c) Pesticides must be transported and stored separate from foodstuffs, feeds, or other material intended for consumption by humans or animals.
 - (d) Special precautions or warnings that appear on the label of a pesticide package must be strictly adhered to.

STORAGE

9. All pesticide storage sites must meet the requirements of Section 21 of the *Pesticides Control Regulations, 2012* which provides that a storage area shall have:
 - (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 and/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 a person designated by the minister.
10. Emergency response materials must be located near the pesticide storage. Materials should include, but are not limited to:
 - A fire extinguisher approved for chemical fires
 - Yard broom, open headed shovel and bucket

- Heavy duty plastic bags
- Open-head drums with lids or sealable drums
- Absorptive material (e.g. kitty litter, absorb-all)
- Household Detergent
- Bleach and/or hydrated lime (for decontaminating surfaces - check the MSDS)
- A watertight plastic container (with lid) which will hold the following items*:
 - goggles
 - several pairs of chemical resistant gloves
 - chemical resistant boots
 - chemical resistant coveralls (Tyvek Protective Gear)
 - respirator with organic vapour cartridges

*** each of these items should be individually placed in a zip lock bag to prevent contamination of the personal protection equipment**

11. In addition to the above storage requirements, each pesticide storage site shall have prominently displayed on all entrances contact telephone numbers for:
 - (a) the applicator and
 - (b) the Department of Environment and Conservation, Pesticides Control Section, and indicated accordingly (1-800-563-6181 or 729-3395).
12. All entrances to the storage must be locked when the applicator is not present.
13. Pesticides shall be stored in their original container or a substitute container approved by the manufacturer. Substitute containers shall be labelled appropriately.

NOTIFICATION

14. During the application of a pesticide, applicators shall take reasonable measures to discourage access to areas being treated. Signs may be posted in treated areas or an area close to the farm entrance may be designated as a notification area advising persons requiring access to the fields to check which areas have been treated.
15. Label requirements regarding re entry shall be strictly adhered to.

PROTECTIVE EQUIPMENT

16. The applicator shall ensure that all personnel (themselves and any unlicensed assistant) involved in the mixing, loading, and application of pesticides, wear appropriate protective equipment in accordance with the pesticide manufacturer's product label and/or material safety data sheet.

MIXING/LOADING/RINSING

17. All pesticide mixing and rinsing sites shall be located a minimum of 30 meters from the nearest water body. Loading of equipment with **water only** prior to the addition of pesticides can be done up to 5 meters from a water body. Addition of pesticides to the water in the equipment shall be performed at least 30 meters from the nearest water body.
18. Where water must be pumped directly into the formulation tank from a water body, an anti-backflow device must be fitted onto the pump and the siting should be such that the formulating unit is at least 30 meters from the water body. The pesticide shall not be opened for addition to the formulation tank until the equipment has been filled with water and is out of the respective buffer zone.
19. While mixing, loading or using pesticides a quantity of approved absorbent materials must be on hand in case of a spill.

WEATHER CONDITIONS

20. All exterior spraying activities are permitted only when wind speeds are between 2 and 15 km/h, air temperatures are below 25°C, the relative humidity is above 50% and it is not raining nor is rain anticipated over the next 2 hour period, unless otherwise indicated on the label for efficacy.

Exceptions to weather conditions may be granted on a case by case basis. Contact the Pesticides Control Section for details.

21. All exterior granular pesticide applications are permitted only when air temperatures are below 25°C, the relative humidity is above 50% and it is not raining nor is rain anticipated over the next 2 hour period, unless otherwise indicated on the label for efficacy.

BUFFER ZONES

22. The applicator shall take appropriate measures to ensure pesticides will not contaminate water bodies or wells.
23. Pesticide applications are not permitted within 10 meters of a neighbouring property.
24. Pesticide applications are not permitted within 30 meters of a neighbouring well.
25. All directions for establishing buffer zones indicated on the pesticide label must be followed.
26. Voluntary compliance is requested for a buffer zone of 10 meters from the boundary of all public spaces. These include:
 - (a) property of the government of the Province of Newfoundland and Labrador;
 - (b) property of the government of Canada;
 - (c) hospital or nursing home;
 - (d) personal care homes;
 - (e) schools;
 - (f) child care operations; and
 - (g) green spaces, including parks, sport fields, ball fields, soccer pitches and public swimming pools.

SPILLS

27. All spills involving greater than 70 litres of mixed pesticide or the equivalent of unmixed formulation shall be reported immediately.
 - (a) All spills involving mixed or unmixed pesticide into a water body or within 70 meters of a water body, well or area frequented by people shall be reported immediately.
 - (b) Spills involving less than 70 litres of mixed pesticide or equivalent amount of unmixed formulation in areas not frequented by people, or remote from water bodies or wells shall be cleaned up and duly recorded by the applicator.
 - (c) Records of all such incidents (spills) shall be kept on file by the applicator. Reports of spill incidents shall be made to the Pesticides Control Section, St. John's (ph.1-800-563-6181) and to Environment Canada, St. John's (ph.709-772-2083) within 48 hours of a spill.

DISPOSAL

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

REVOCATION

29. Failure by a licensed pesticide applicator or an unlicensed assistant under the control of a licensed pesticide applicator to adhere to the *Environmental Protection Act SNL 2002 cE-14.2*, the *Pesticides Control Regulations, 2012* or the terms and conditions of this licence may result in suspension, revocation or cancellation of this licence and prosecution under the *Environmental Protection Act*.
30. The Department of Environment and Conservation reserves the right to amend the terms and conditions of this licence at any time.

Mar. 13, 2013