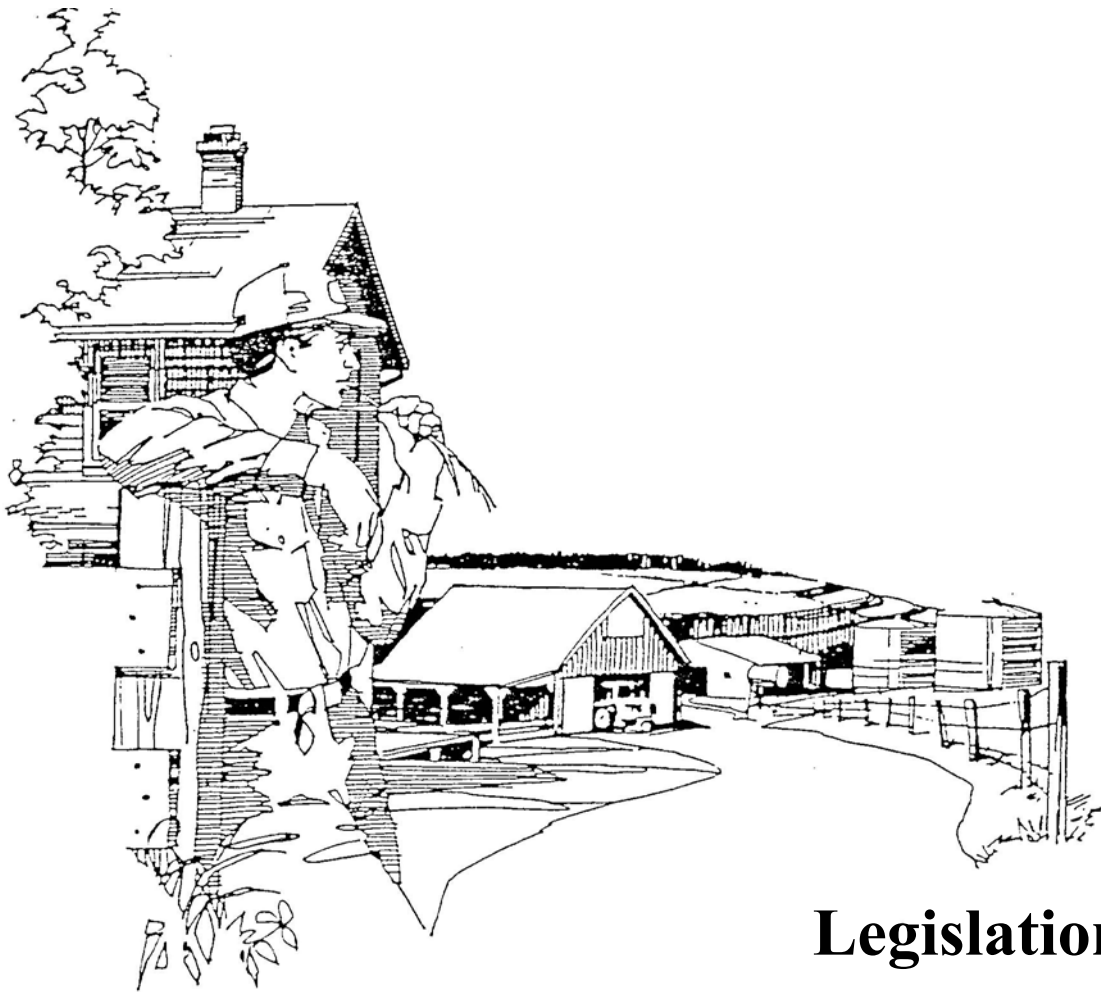


Pesticide Applicator Course for Agricultural Producers

Lesson 3



Legislation

Table of Contents

What You'll Learn!	61
Why So Many Laws?	62
Federal Laws Regulating Pesticides	62
Registration of Pesticides	63
Classification of Pesticides	64
Pesticide Labels	64
The New <i>Pest Control Products Act</i>	64
Pesticide Residue	65
Protection of Fish	66
Protection of Birds	66
Transportation of Pesticides	66
Quiz 3.1	67
Provincial Laws Regulating Pesticides	69
Provincial Licensing	69
Applicator	69
Operator	70
Vendor	71
Pesticide Storage	71
Transportation	72
Protection of Wildlife	72
Waste Management Laws	72
Worker Protection	73
Quiz 3.2	74
Municipal Laws Regulating Pesticides	75
Looking Ahead	75
Answer Key	76

Lesson 3

Legislation

What You'll Learn!

The purpose of Lesson 3 is to explain legislation regulating the use of pesticides in Canada. You will learn what federal and provincial laws say about the registration, sale, transportation, application, and disposal of pesticides.

By the time you complete this lesson you should be able to:

- list the conditions which must be met before a new pesticide product is assigned a Pest Control Products Act Registration Number;
- name the three classes of pesticides defined by federal law;
- define the terms *pre-harvest interval* and *maximum residue limits*;
- explain how laws protect fish and birds from pesticides;
- indicate how you will know if a pesticide is a Dangerous Good;
- name the provincial laws regulating the transportation, storage, mixing, and disposal of pesticides.

You'll need to know all these things to qualify for certification.

Why So Many Laws?

Pesticide legislation protects you, the farmer. It also protects the consumer and the environment.

In Canada, three levels of government regulate pesticide use;

- **federal**
- **provincial and**
- **municipal.**

Federal laws deal with:

- **the registration, classification, and labelling of pesticide products;**
- **pesticide residues;**
- **fish and migratory bird protection;**
- **the transportation of dangerous goods.**

Provincial laws deal with:

- **the sale of pesticides;**
- **the transportation of pesticides;**
- **the preparation, application, and disposal of pesticides;**
- **the protection of workers, bystanders, and the environment.**

Municipal bylaws deal with:

- **the way pesticides are used;**
- **the control of noxious weeds or insects.**

All these laws protect people, animals, and the environment from the careless or destructive use of pesticides. They also protect you from false advertising by product manufacturers or distributors.

Federal Laws Regulating Pesticides

The most important federal law regulating the use of pesticides is the *Pest Control Products Act*. Responsibility for this law rests with the Pest Management Regulatory Agency (PMRA) of Health Canada.

Three parts of the *Pest Control Products Act* are important to pesticide applicators. These parts concern the registration, classification, and labelling of pesticide products. All three are explained in detail below.

Registration of Pesticides

The *Pest Control Products Act* requires that all pesticides used in Canada be registered by the Pest Management Regulatory Agency of Health Canada.

Before a product can be registered, the manufacturer must conduct many tests to show the pesticide is safe and effective for the intended use. The Pest Management Regulatory Agency of Health Canada, together with other federal departments concerned with human health and the environment, review the data. If they are satisfied with the manufacturer's claims, the product is registered and assigned a *Pest Control Products Act* Registration Number (*P.C.P. Act* Reg. No.).

As you'll recall from Lesson 2, the *P.C.P. Act* Registration Number *must* appear on the product label. It is against the law to use a product which does not have a Canadian *P.C.P. Act* Registration Number. For example, you cannot use pesticides purchased in the United States because they do not have a Canadian *P.C.P. Act* Registration Number.

Once a pesticide has been registered there is a provision under the User Requested Minor Use Label Expansion Program to add certain uses if the appropriate data is submitted and approved by the Pest Management Regulatory Agency of Health Canada. Products which are available in US or Europe are eligible for the User Requested Minor Use Registration program

Some pesticides may be registered for use even though they pose a risk to users or the environment. Federal approval for such pesticides may be obtained if they are very important for crop production. These products will generally carry warning notices or restrictions on use, which read like the following example:

"Exposure to this product may produce long-term health effects. To minimize exposure, follow directions outlined on this label."

Many pesticides in use today were registered before the current rigorous health and environmental tests were required. Older pesticides are under review, and new health and environmental data are being collected. *All pesticides should be handled in a way to minimize exposure.*

Classification of Pesticides

The *Pest Control Products Act* assigns pesticides to one of four classifications:

- 1. Manufacturing Class products are not used by applicators. This classification is used at the manufacturing level during pesticide packaging or formulation.**
- 2. Restricted Class products are pesticides with specific restrictions on the label regarding environmental concerns or toxicity. In Newfoundland and Labrador you must have the appropriate pesticide applicator license in order to use these products.**
- 3. Commercial Class products are pesticides for use in commercial operations. They may be classified on the label according to the nature of these operations such as Agricultural, or Industrial, instead of using the term Commercial. In Newfoundland and Labrador you must have the appropriate pesticide applicator license in order to use these products.**
- 1. Domestic Class products are used in and around homes and can be used with a minimum of personal protection. These products are sold in smaller containers than the others and the active ingredient(s) are available in a less concentrated formulation than commercial and restricted class products.**

The classification of a pesticide must be indicated on the product label. The reasons for classifying pesticides are found in Lesson 2.

Pesticide Labels

Once a pesticide is accepted for registration, the manufacturer must follow specific guidelines for packaging and labelling the product.

Details on the labelling of pesticides are found in Lesson 2.

The New *Pest Control Products Act*

In December 2002 this Act was revised and at time of printing this manual new regulations are being written. The main purpose of the new *Pest Control Products Act* is to prevent unacceptable risks to the public and the environment from pesticide use.

Pest control products must be shown to be effective before they are registered for use. Any material or device for which a person or company claims to control, repel or manage a pest must be registered under the *PCP Act*. Advertisements for products which claim that they can control, repel or manage pests but which do not carry a *PCP Act* Registration number, are illegal. In addition, there is no guarantee that the material or device is even effective.

Under the new *PCP Act*, pest control products must:

- **be registered;**
- **meet the conditions of registration including appropriate packaging;**
- **be used according to label directions;**
- **not falsely advertise the purpose and**
- **be used safely so as not to cause harm to people or the environment.**

**Information on pesticides can be obtained from
The Pest Management Regulatory Agency, Health Canada
at 1-800-267-6315**

Other Federal Legislation

Pesticide Residue

The federal *Food and Drugs Act* states that all food sold in Canada must be free of harmful substances. This includes excess pesticide residues in food. There are also restrictions on the pesticide residues allowed in feed or on grazing land used by livestock. The maximum amount of a pesticide allowed in a harvested or grazed crop is known as the Maximum Residue Limit (MRL). Food exceeding this limit can be confiscated. Those responsible can be fined or imprisoned.

Pesticide labels specify how many days you must wait between pesticide application and harvesting of food crops. This period is known as the pre-harvest interval or days before harvest. An example of a pre-harvest interval specified on a product label might read as follows: "Do not apply within 28 days of harvest for celery, nor within 21 days of harvest for peas."

Residue should remain below the permissible levels if pesticides are applied according to application rates and the pre-harvest interval on the label. If you use higher rates of application, or harvest before the minimum harvest interval, excessive residue levels may be present in the harvested crop. Harvested crops that carry pesticide residues in excess of the maximum residue limit are subject to seizure by health authorities.

Protection of Fish

The federal *Fisheries Act* protects waters inhabited by fish from pesticides. It is illegal to introduce pesticides into these waters either directly or indirectly through airborne drift or surface runoff.

Do not contaminate ditches which flow into rivers and lakes. Do not disturb or destroy fish spawning grounds, nurseries, food supply areas, or migration areas. Streamside vegetation which protects the natural fish environment must also be protected.

The *Fisheries Act* applies to bogs, brooks, rivers, ponds, and lakes on your own property as well as on public land. Special care must be taken when using pesticides with label warnings such as: "This product is toxic to fish."

More information on the protection of fish can be found in Lesson 7.

Protection of Birds

The federal *Migratory Birds Convention Act* protects waterfowl and migratory birds from pesticides. It is against the law to apply pesticides in a way which harms these birds or their habitat. If you have problems with migratory birds you should contact the Enforcement Division of the Canadian Wildlife Service for other means of control.

Be sure not to contaminate wetlands where migratory birds might land. Be careful when applying pesticides to fields. For example, when using insecticide granules, cover them with soil so that birds don't eat them. Insecticide sprays such as diazinon can also be hazardous.

Transportation of Pesticides

The federal *Transportation of Dangerous Goods Act* regulates the handling and transportation of "poisonous substances," "flammable liquids," or "products hazardous to the environment." These may include pesticides.

Certain dangerous goods cannot be transported unless you use the required shipping documents, special product labels, and vehicle placards. You may also require training in special safety procedures.

Ask your pesticide dealer if the product you have bought legally needs special transport procedures on the road.

Quiz 3.1

Below are a number of statements, each containing one or more blanks. Complete each statement by filling in the blanks with the letter of the most appropriate answer from the Answer Box on the next page. Remember: some statements contain more than one blank, meaning more than one answer is required to complete the statement.

1. The *Pest Control Products Act* requires that all pesticides used in Canada be _____ by the Pest Management Regulatory Agency of Health Canada.
2. When federal government departments are satisfied that a pesticide is safe and effective, it is assigned a _____.
3. The *Pest Control Products Act* classifies pesticides as _____, _____, or _____.
4. The federal *Food and Drugs Act* states that all food sold in Canada must be free of excess _____.
5. The minimum number of days legally required between the application of a pesticide and the harvest of the crop is known as the _____.
6. Harvested crops may be seized if they contain pesticide in excess of the _____.
7. It is illegal to let pesticides into waters inhabited by fish, either directly, or indirectly through _____ or _____.
8. The *Fisheries Act* applies to bogs, brooks, rivers, ponds and lakes on public land as well as _____.
9. When using _____, be sure to cover them with soil to protect migratory birds.
10. The *Transportation of Dangerous Goods Act* may require _____, _____, and _____ for transport of dangerous goods.

Answer Box

- | | |
|--------------------------|--|
| a) registered | l) net volume |
| b) airborne drift | m) on your own property |
| c) American | n) special product labels |
| d) Canadian | o) <i>Pest Control Products Act</i>
Registration Number |
| e) Commercial | p) pesticide residues |
| f) vehicle placards | q) pre-harvest interval |
| g) surface runoff | r) registration |
| h) Domestic | s) Restricted |
| i) shipping documents | t) Manufacturing |
| j) insecticide granules | |
| k) Maximum Residue Limit | |

Now check your answers against the Answer Key at the end of the lesson. If most of your answers are right, continue with the next section of Lesson 3. If not, go back and review before continuing.

Provincial Laws Regulating Pesticides

Provincial Licensing

The provincial *Environmental Protection Act* (See Appendix A) covers the sale, transportation, storage, mixing, application, and disposal of commercial and restricted class pesticides in Newfoundland and Labrador. Under this Act, the Newfoundland and Labrador Department of Environment responds to complaints of pesticide misuse and inspects pesticide storage facilities. There are three licences issued under this legislation dealing with the use, purchase, storage, and handling of commercial and restricted class products.

Pesticide Applicator's Licence - Anyone who wishes to apply commercial or restricted class products must obtain a pesticide applicator licence. This licence requires that an applicant pass a test every five years. The licence will designate specific categories of application depending on exam written. This dictates the type of products you may use and depends on the industry you work in (see box on next page).

There is a provision for unlicensed assistants to apply pesticides if they are under direct personal supervision by a licensed applicator in the agriculture and greenhouse category only.

If “ready-to-use” or “pour-on” products are to be used for ecto-parasite control on livestock or poultry, an exemption for the requirement for a pesticide applicator licence exists. These products require no mixing and are considered to be of low toxicity.

The following is a list of the 10 categories for Pesticide Applicator licences:

Agricultural - for the use of pesticides by ground application for production of agricultural products including fruits and vegetables, Christmas tree plantations, sod farming and to control livestock and poultry pests

Aquatic - for the use of herbicides by ground application for the control of weeds in waterways;

Forestry - for the use of pesticides by ground application in forest management including outdoor nurseries and plantations;

Greenhouse - for the use of pesticides in greenhouses and mushroom houses including forest tree seedlings, and areas immediately surrounding greenhouses;

Industrial Vegetation - for the use of herbicides by ground application for controlling weeds on industrial areas including roadsides, powerlines, pipelines, right-of-way, railways, well sites, equipment yards, dams, dykes and non-crop land;

Landscape - for the use of pesticides by ground application for the maintenance of ornamental trees, shrubs, flowers and turf on outdoor residential, commercial and public land, including golf courses and cemeteries;

Mosquito and Biting Fly - for the use of insecticides by ground application for the control of mosquito or biting, fly larvae or adults;

Fumigation - for the use of fumigants;

Structural - for the use of pesticides other than herbicides or fumigants inside a structure;

Aerial - for the use of pesticides applied by aircraft.

Pesticide Operator Licence - Any business providing a pest control service using commercial or restricted class products must obtain a pesticide operator's licence. You would normally need this licence to purchase, store or transport any commercial or restricted class products. This licence is renewed on a yearly basis.

There is, however, an exemption if products purchased are agricultural and are used on private, leased or rented land for agricultural use. In this case you would need a pesticide applicator's licence, with either agriculture or greenhouse category, to purchase these products.

Some of the things you will need to obtain a pesticide operator licence are;

- **provide a list of the pesticides and their PCP Act Registration #'s that you will be intending to use for that year,**
- **provide a list of licensed applicators who will be applying the pesticides, and**
- **provide proof of insurance (\$1,000,000 Commercial General Liability and \$500,000 Third Party Liability).**

Pesticide Vendor's License - Any business selling a commercial or restricted class pesticide must obtain a pesticide vendor's licence. Vendors must have a certified vendor on staff at all times. In addition to provincial regulations, vendors follow a national code of practice referred to as the National Warehousing Standards developed and regulated by industry. It is illegal for pesticides to be broken down into smaller packages for resale.

Pesticide Storage

Commercial or restricted class pesticides stored for resale or use must be stored so that the storage area has:

- **a source of water near the storage area;**
- **appropriate safety equipment as required near the storage area;**
- **a floor with no floor drain or catch basin connected to a private or municipal sewage system or public watercourse;**
- **a floor that can be easily decontaminated in the event of a spill;**
- **adequate ventilation;**
- **a "Danger--Stored Pesticide" sign posted on all entrances;**
- **clean-up procedures, material and equipment available to clean up spills and**
- **locked entrances with limited access to keys.**

Transportation

The following are legal requirements in the *Pesticides Control Regulations* (See Appendix B) for transportation of commercial and restricted class pesticides:

- transport separate from food and drink destined for human consumption or animal consumption
- transport separate from live plants
- keep in a manner that will prevent contamination, damage or injury.

In practice these requirements mean that pesticides should be kept out of the vehicle's passenger compartment. For example, transport pesticides in a locked car trunk or box of a truck. Also, no one should be allowed to ride in the back of a vehicle carrying pesticides.

Protection of Wildlife

Under the *Wild Life Act* you cannot use any poisonous or poisonous ingredients that may endanger wildlife unless written permission is given by Department of Forest Resources & Agrifoods. People with serious wildlife problems, should consult the Forestry and Wildlife District or Regional Office, Department of Forest Resources and Agrifoods for recommendations.

Waste Management Laws

Pesticide disposal is regulated under the *Environmental Protection Act*, which is administered by the Newfoundland and Labrador Department of Environment. Regulations regarding disposal of commercial and restricted class pesticide containers or unwanted pesticide products are under this *Act*.

Empty pesticide containers, which have been triple rinsed can be brought to an approved landfill site. Rinsate should be added to the spray tank during filling and containers should be made unsuitable for further use. Approval of the site owner/operator and the appropriate office of the Government Service Centre (Department of Government Services and Lands) must be obtained prior to disposal.

To dispose of unwanted commercial or restricted class pesticide product you should contact the Pesticide Control Section of the Department of Environment, 709-729-3395. Always check the pesticide label for additional disposal information.

Worker Protection

The *Environmental Protection Act* references the *Occupational Health and Safety Act* and Regulations. Any worker who feels he or she is undertaking an activity that threatens their safety should contact the Department of Labour. Employers are responsible to make sure that:

- **protective clothing and equipment is provided and used;**
- **proper safety procedures are followed;**
- **label directions are followed accurately, and**
- **proper supervision is given to unlicensed assistants.**

Every person in the province who uses or works with pesticides should be aware of the *Environmental Protection Act* and *Pesticide Control Regulations*, and be familiar with the contents. Copies of the legislation are available through the Office of the Queen's Printer or at the following website:

<http://www.goc.nf.ca/hoa/statutes/e14-2.htm>

<http://www.gov.nf.ca/hoa/sr/>

Quiz 3.2

1. **The name of the Provincial legislation governing the sale, use, handling, storage and transportation of pesticides is the _____.**
2. **The _____ licence allows farmers to purchase pesticides.**
3. **Farmers are exempt from the requirement for a _____ licence**
4. **Farmers applying products for ecto-parasite control are _____ from a _____ licence.**
5. **There is a provision for an Unlicensed Assistant in the _____ and _____ categories only.**
6. **The applicator category that allows sod farming is under the _____ category.**
7. **Protective clothing and equipment should be kept _____ the pesticide storage.**
8. **A _____ licence is required to sell commercial and restricted class products.**

When you've finished this exercise, complete the next section.

Municipal Laws Regulating Pesticides

Municipalities have become more vocal and active about how pesticides are being used within their communities. Many municipalities are currently investigating the idea of banning pesticides. At the time of printing this manual, no towns or cities in Newfoundland and Labrador have legislation that prohibits the use of pesticides. However, several municipalities have moved to reduce or eliminate the use of pesticides on municipal owned lands and properties.

Looking Ahead

In Lesson 3 you have learned what laws regulate the use of pesticides by farmers and pesticide applicators. Lesson 4 will cover pesticide toxicity.

Answer Keys

Quiz 3.1

1. The *Pest Control Products Act* requires that all pesticides used in Canada be a) registered by Health Canada.
2. When federal government departments are satisfied that a pesticide is safe and effective, it is assigned a e) Pest Control Products Act Registration Number.
3. The *Pest Control Products Act* classifies pesticides as s) Restricted, e) Commercial, or h) Domestic.
4. The federal *Food and Drugs Act* states that all food sold in Canada must be free of excess p) pesticide residues.
5. The minimum number of days legally required between the application of a pesticide and the harvest of the crop is known as the q) pre-harvest interval.
6. Harvested crops may be seized if they contain pesticide in excess of the k) Maximum Residue Limit.
7. It is illegal to let pesticides into waters inhabited by fish, either directly, or indirectly through b) airborne drift or g) surface runoff.
8. The *Fisheries Act* applies to bogs, brooks, rivers, ponds and lakes on public land as well as m) on your own property.
9. When using j) insecticide granules be sure to cover them with soil to protect migratory birds.
10. The *Transportation of Dangerous Goods Act* may require i) shipping documents, n) special product labels, and f) vehicle placards for transport of dangerous goods.

Quiz 3.2

1. The name of the Provincial legislation governing the sale, use, handling storage and transportation of pesticides is *The Environmental Protection Act*.
2. The Pesticide Applicator's licence allows farmers to purchase pesticides.
3. Farmers are exempt from the requirement for a Pesticide Operator's Licence.
4. Farmers applying products for ecto-parasite control are exempt from a Pesticide Applicator's Licence.
5. There is a provision for an Unlicensed Assistant in the Agriculture and Greenhouse categories only.
6. The applicator category that allows sod farming is under the Agriculture category.
7. Protective clothing and equipment should be kept near the pesticide storage.
8. A Pesticide Vendor's Licence is required to sell commercial and restricted class products.