

Provincial Pesticide Legislation

Provincial Licensing

The provincial *Environmental Protection Act* 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 and Conservation licenses people and businesses involved with the handling, application, sale, transportation and storage of pesticides. They also respond to complaints of pesticide misuse and enforce the *Environmental Protection Act* and the *Pesticide Control Regulations*. There are three licences issued under this legislation dealing with the use, purchase, storage, and handling of commercial and restricted class products.

Pesticide Applicator 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 the exam written. This dictates the type of products that may be used and depends on the use area (see Table B-1 below). The exam is made up of general pesticide safety information that all applicators need to know and covered in this manual. As well the exam will cover a category specific module based on a separate manual available from the Queens Printer, 709-729-3649. For further information on this additional material contact the Pesticides Control Section of Department of Environment and Conservation, 709-729-2565 or 1-800-563-6181.

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. All other categories must obtain a pesticide applicator licence to apply pesticides.

The pesticide applicator licence only allows the application of commercial and restricted pesticides. You cannot purchase commercial and restricted class pesticides with this licence. You must purchase a Pesticide Operator License to purchase commercial and restricted class pesticides.

There is an exemption for pesticide applicators of agricultural or greenhouse product. If the pesticide is to be used on private or leased land then purchase can be made under the pesticide applicator licence. All other types of pesticides must be purchased with a pesticide operator licence.

PESTICIDE APPLICATOR CATEGORIES

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.

Table B-1: Pesticide Applicator Categories

Pesticide Operator Licence

Any business providing a pest control service using commercial or restricted class products must obtain a pesticide operator 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.

Some of the things that will be needed to obtain a pesticide operator licence are;

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

Pesticide Vendor 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
- a locked entrances with limited access to keys.

Transportation

The following are legal requirements in the *Pesticides Control Regulations* 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 Environment and Conservation. People with serious wildlife problems, other than migratory birds, should consult the Wildlife Branch, Department of Environment and Conservation for recommendations.

Importation of Beneficial Organisms for Biological Control of Pests

Anyone wishing to import beneficial insects and other invertebrates into the Province of Newfoundland and Labrador, should be aware that under Section 83 of the *Wildlife Regulations, Consolidated Newfoundland and Labrador Regulation 1156/96* (excluding species outlined in Schedule B) that they are required to have a Permit for Import prior to bringing beneficials into the province. A permit can be obtained by writing the Director of the Wildlife Division with the details of the species and the purpose of the import. The Director or staff of the Wildlife Division can be reached by writing the Wildlife Division, Department of Environment and Conservation, P.O. Box 2007, Corner Brook, NL A2H 7S1 or phoning 709-637-2025.

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 and Conservation, 709-729-3395.

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 Human Resources, Labour and Employment. 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/>

