

## 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 provide enforcement of 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 an exam every five years. The licence will designate specific categories depending on the use area. An exam must be written for each category. The exam for the landscape category is a closed book exam.

There is no longer a provision for unlicensed assistants to apply pesticides under direct personal supervision by a licensed applicator in the landscape category. All individuals applying pesticides in the landscape must obtain a pesticide applicator licence to apply pesticides.

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

## 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.

## 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, and
- proof of insurance (\$1,000,000 Commercial General Liability and \$500,000 Third Party Liability).
- An approved pesticide storage facility

## TERMS AND CONDITIONS OF THE PESTICIDE OPERATOR LICENSE

The Pesticide Operator License is issued for specific use areas. If the Operator License is designated for landscape activities it includes areas such as lawn care, golf courses and/or ornamental plants. Pesticides must not be used outside of these specific use areas. When a Pesticide Operator License has been issued, terms and conditions are attached to the license. These are stipulations in addition to those in the regulations that must be followed. You must be familiar with these stipulations before you write your pesticide applicator exam. These stipulations may change on an annual basis so if you do not have a current copy contact the Department of Environment and Conservation to obtain one.

Pesticide applications are restricted to the pesticides listed in the Terms and Conditions of the Pesticide Operator License and must be applied by those pesticide applicators listed on the license only. Additions or changes may be requested in writing to the Pesticide Control Section of the Department of Environment and Conservation.

Some of the topics that are further regulated by this document include:

- public notification
- signage requirements
- operating conditions
- restrictions on number of pesticide applications
- buffer zones for specific pesticides

### Allowable Weather Conditions for Landscape Operators

The terms and conditions outline the allowable operating conditions. All pesticide applications in the landscape must be applied when:

- Wind speeds are between 2-15 kmh
- Air temperatures are below 25°C
- Relative humidity is above 50%
- It is not raining nor is it expected to rain within the next 2 hours

- If the application is for foliar application of insecticides to trees taller than 3 meters, the allowable wind speed is 2-10 kmh all other weather conditions still apply.

## Public Notification for Lawn Care Operators

Lawn care operators should attempt to verbally notify all property owners within a 50 meter radius prior to the spray program. When this cannot be done the operator should give written notification indicating the pesticide product name, active ingredient and the type of pest to be controlled. Written notification must be given to adjacent property owners 24 hours prior to the application.

After a lawn has been treated with a pesticide, operators are required to place a sign in a highly visible area of the lawn. The sign must remain in place for at least 48 hours and not more than 10 days. The sign should contain the following information:

- The words “WARNING” and “PESTICIDE USE”
- Company phone number
- Department of Environment and Conservation phone number
- The date sprayed
- Pesticide used
- PCP # of the pesticide applied
- The pest being treated

The brochure “*Lawn Care Services and the Environment*” must be given to each client in advance of the pesticide application. These brochures are available from the Queens Printer at 729-3649.

## Public Notification for Golf Courses

Golf course superintendents or the company applying the pesticide are required to place warning signs 24 hours prior to pesticide application and leave in place 48 hours after application. These signs should be placed in club-house facilities and/or pro-shop facilities in a high visibility location Signage should include:

- The words “WARNING PESTICIDE IN USE”
- Company contact name
- Company phone #
- Dept. of Environment & Conservation phone: # 729-3395
- Name of pesticide and PCP #
- Pest controlled

- Date and location of pesticide application e.g. Hole 1 Tee 06/06/2005, Hole 2 Fairway 06/07/2005, Hole 3 Green 06/06/2005 and so on.

Specific examples of signs are indicated in the Terms and Conditions attached to the Pesticide Operator License. These Terms and Conditions also indicate any specific buffer zones and any restrictions to specific pesticides. You are required to be familiar with all Terms and Conditions for the provincial certification examination. These can be obtained from the Department of Environment and Conservation, Pesticides Control Section.

## Pesticide Storage

One of the requirements for a Pesticide Operator License is to have an approved storage facility. 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.

## Pesticide Vendor License

Any business selling a commercial or restricted class pesticide must obtain a pesticide vendor 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.

## Transportation

The following are legal requirements in the *Pesticide 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 beneficial insects 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.gov.nl.ca/hoa/statutes/e14-2.htm>

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