

Pesticide Operator Licence

Pursuant to *The Environmental Protection Act SNL 2002 cE-14.2*
and *The Pesticides Control Regulations, 2012*
and subject to the attached stipulations, this licence
is issued to :


Dept. of Natural Resources

Valid From
July 26, 2013
to

July 26, 2018
Valid Categories

Forestry

Licence No. 13-107



for *Minister of Environment
and Conservation*

Pesticide Operator Licence - Terms and Conditions

Department of Natural Resources

PESTICIDE OPERATOR LICENCE NO: **13-107**

EFFECTIVE DATE: July 26, 2013

EXPIRY DATE: July 26, 2018

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 all applicators have their pesticide applicator licences in their possession while applying pesticides unless otherwise indicated by the Pesticides Control Section.
- (5) Upon completion of the pesticide program for the year the operator shall submit to the Pesticides Control Section:
 - (a) details regarding the type and quantity of each pesticide used, and
 - (b) 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.

- (6) 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) 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.
- (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.1-800-563-6181) 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 or Material Safety Data Sheets (MSDS)
(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 Conservation, Pesticides Control Section, and indicated accordingly.

- (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 material 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 50%, 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 50%, 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 50%, and
 - (c) it is not raining nor is rain anticipated over the next 2 hour period.

- (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 licensed 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 Conservation reserves the right to amend the terms and conditions of this licence at any time.

APPENDIX A PESTICIDE LIST

Dept. of Natural Resources

PESTICIDE OPERATOR LICENCE NO: **13-107**

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>
Vision Max	27736	WS	
Forza	26401	SC	

APPENDIX C VEHICLE LIST

Dept. of Natural Resources

PESTICIDE OPERATOR LICENCE NO: **13-107**

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

<u>Vehicle Make</u>	<u>Model</u>	<u>Year</u>	<u>Licence Plate #</u>
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ATTACHMENT D

PESTICIDE OPERATOR LICENCE

FORESTRY - HERBICIDE PROGRAM

D1. NOTIFICATION TO PESTICIDES CONTROL SECTION

- (1) For all ground pesticide operations involving a total of 300 ha or more information regarding:

- (a) Dyking;
- (b) Security;
- (c) Storage; and
- (d) Communication plans

shall be provided and approved by the Pesticides Control Section in advance of any spray program for all locations where any pesticide is to be mixed or loaded.

- (2) For all aerial pesticide operations information regarding:

- (a) Dyking;
- (b) Security;
- (c) Storage; and
- (d) Communication plans

shall be provided and approved by the Pesticides Control Section in advance of any spray program for all locations where any pesticide is to be mixed or loaded.

- (3) The operator will also be responsible for the:

- (a) Development of contingency plans; and
- (b) Associated call out notifications

to the satisfaction of the Pesticides Control Section in advance of any spray program.

- (4) For **aerial control programs**, the Pesticides Control Section shall be:
- (a) Contacted prior to the commencement of onsite applications; and
 - (b) Advised, on a daily basis during the program of the following:
 - (i) spray plan;
 - (ii) block readiness; and
 - (iii) treatments carried out, etc.

To contact the Pesticides Control Section, please call:

Eastern Office – (709) 729-2565 – FAX: (709) 729-6969;

Central Office – (709) 256-1175 – FAX: (709) 256-1095; or

Western Office – (709) 637-2528 – FAX: (709) 637-2541.

Email: pesticidescontrol@gov.nl.ca

- (c) For **forestry vegetation control programs**, proposed areas to be treated during the next seven calendar days shall be identified and submitted to the Pesticides Control Section, at least **one week** prior to the said seven day period. This notification may be made either by fax: 709-729-6969, or email: pesticidescontrol@gov.nl.ca.

Exceptions to the seven day advance notification may be granted on a case by case basis. Contact the Pesticides Control Section for details.

- (5)
- (a) Aerial spraying of pesticides is generally not permitted within Protected Water Supply Areas. The storage, mixing, loading and application of any pesticide within Protected Water Supply Areas requires a separate approval from the Water Resources Management Division of the Department of Environment and Conservation. The approval request shall provide detailed information on the type and duration of activity, location of activity (to be delineated on a 1:50 000 NFS topographical map), name of the pesticide along with its composition and toxicity data, application rate, application method, as well as any other information required.
 - (b) The operator assumes liability to provide an alternate source of water to any affected community or communities affected as a result of their source of water supply being contaminated due to a spray program.

D2. AERIAL HERBICIDE PROGRAM

All commitments regarding safety precautions, buffer zones, public notifications, spill responses, monitoring (pre- and post-spray activities as deemed necessary by the Pesticides Control Section), and meteorological conditions at the time of a particular spray event will be adhered to as outlined in the approved "Operators Manual for Aerial Herbicide Spraying".

D3. PUBLIC/MUNICIPALITY NOTIFICATION PROGRAMS

(1) **For pesticide operations involving pesticides applied aerially or by ground,** the public shall be advised of the purpose and scope of the project and of the issuance of this licence by means of a notice published in at least one (1) newspaper with circulation in municipalities that are located near or within the treatment areas.

- (a) The newspaper ad shall:
 - (i) Appear in any issue at least one week prior to commencement of the program;
 - (ii) State all areas that are proposed for treatment over the next 21 days;
 - (iii) State the proposed date(s) for treatment of the areas that are proposed for treatment over the next 21 days;
 - (iv) List the name(s) of the pesticide(s) to be applied, and the *Pest Control Products Act* Registration Number for this/these pesticide(s); and
 - (v) Contain contact information (website address, toll free information number or other) for individuals who wish to obtain additional information; and the telephone numbers of the Operations Supervisor and the Pesticides Control Section, 1-800-563-6181, and indicated accordingly.
- (b) A copy of the newspaper ad and/or receipt shall be mailed or faxed to the Pesticides Control Section.

(2) A toll-free information line shall be set up one week prior to commencement of the spray program, for the duration of the spray program, and will remain operational until September 30 of each year. The toll-free number will be advertised prior to the beginning of the spray program.

(3) Daily notification through press releases shall be made by the licensed pesticide operator, for the duration of the spray program. Regular updates will be made regarding the status of the program. All updates will identify the toll-free information number.

- (4) (a) Signs, with accompanying map, stating the intention to treat and the proposed treatment dates are to be posted at critical points along the treatment areas at least (1) week prior to the start of the program. The sign shall be as follows:

NOTICE

This area will be treated with a
federally registered pesticide

Name of Formulation

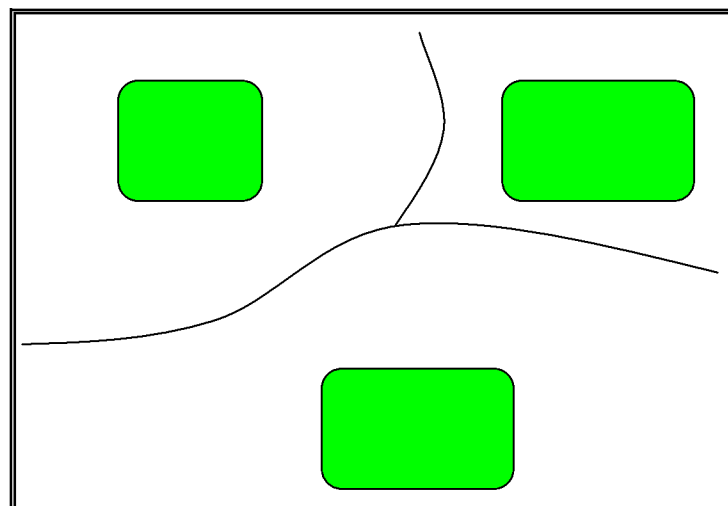
PCP Act Registration Number

Between

Proposed Date of Application

For more information contact:

Company Name and Phone Number
Or
Department of Environment and Conservation
1-800-563-6181



- (b) **For forestry vegetation management programs**, the particulars of said posting are thus:
- (i) Size of sign: minimum 24" x 24";
 - (ii) Colour: White sign with colored lettering, so that the sign is visible when located in or on foliage;
 - (iii) Type of material: Weather and water resistant;
 - (iv) Height above ground: Minimum of 1 meter and attached to a tree or placed on a post; and
 - (v) Location of signage: At the beginning and end of the proposed treatment area along any main access point (ie: any road or trail).
- (5) (a) For **aerial control programs**, municipal governments whose boundaries are located near or within the treatment and storage areas shall be notified prior to commencement of the programs.
- (b) For all programs involving the aerial application of pesticides, the operator shall be required to submit the details of municipality information programs to the Department of Environment and Conservation. The details of said municipality information programs must be approved in advance by the Department of Environment and Conservation
- (6) For aerial and ground-based control programs, the public shall be advised of local treatments by the posting of signs in the area with maps attached indicating the specific spray block. The sign shall be as follows:

This area has been treated with a
federally registered pesticide

Name of Formulation

PCP Act Registration Number

On

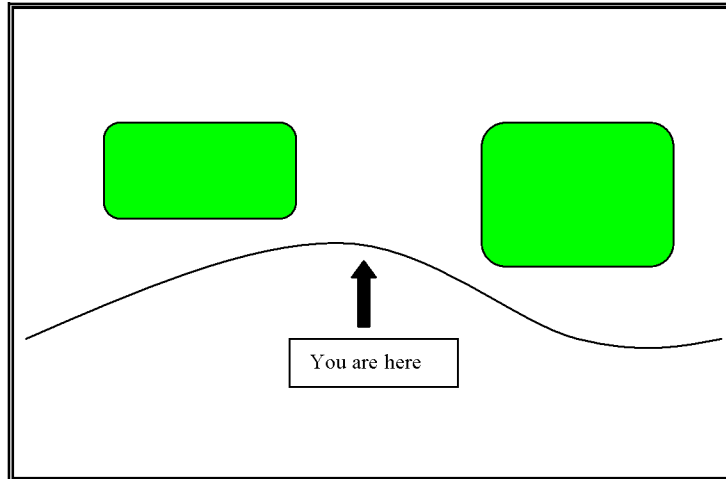
Date of Application

For more information contact:

Company Name and Phone Number

Or

Department of Environment and Conservation
1-800-563-6181



The particulars of said posting are:

- (a) Size of sign: minimum 24" x 24";
- (b) Colour: White sign with colored lettering, so that the sign is visible when located in or on foliage;
- (c) Type of material: Weather and water resistant;
- (d) Height above ground: Minimum of 1 meter and attached to a tree or placed on a post;
- (e) Location of signage: at each treated area;
- (f) Frequency of posting:
 - (i) at the beginning and end of each treatment area; and
 - (ii) where any road or trail passes through the treatment area.

- (7) The operator and/or his agent shall make every reasonable attempt to verbally notify adjacent owners, prior to the spray program, who, given the nature of the control operation, might be expected to benefit from said notification. In the event that this cannot be done, the operator shall post signs (as specified in D3 (6)) along access road(s) leading to all dwellings located within the proposed spray area(s).

D4. BUFFER ZONES

- (1) For any pesticide application involving, either directly or indirectly, an aircraft of any sort, the operator shall maintain an **800 meters buffer zone around all occupied osprey and bald eagle nests** and a minimum aircraft height of 250 meters during the period May 1 to August 15.
- (2) **Glyphosate herbicides**
When aerially applying herbicides containing the active ingredient glyphosate, all commitments regarding buffer zones shall be adhered to as outlined in the approved "Operator's Manual for Aerial Herbicide Spraying".

D5. MIXING, LOADING AND RINSING

For all operations involving the filling of spray tanks with water, and the addition of pesticides to said tanks, the operation may be undertaken subject to the following conditions:

- (a) All pesticide mixing and loading activities must be supervised at all times.
- (b) Mixing and loading in the vicinity of water bodies shall be undertaken with equipment set up on flat, stable ground to mitigate the possibility of spills or leaks during fill events.
- (c) Where water must be pumped directly into the spray tank, an antibackflow device must be fitted onto the pump to prevent any material from the tank being diverted from the tank into or near the water body that is being used to fill the tank.
- (d) Spill response materials sufficient to respond to an incident during mixing and loading operations must be on site.
- (e) All mixing and loading sites shall be identified with GPS coordinates, and this information shall be provided to the Pesticides Control Section; and
- (f) Buffers shall be maintained according to label.

D6. TEMPORARY STORAGE OF PESTICIDES

When it is necessary to store pesticides on a temporary site and/or in remote locations the following shall apply:

- (a) A pesticide storage shall not be located within 100 meters of a water body;
- (b) A supply of water shall be available in or adjacent to the storage area;
- (c) Approved safety equipment shall be provided as specified on the labels/MSDS of pesticides being stored and shall be properly maintained, functional and available at all times for personnel handling and working with pesticides;
- (d) Pesticides shall be stored in such a manner that containment is provided;
- (e) A “Danger-Stored Pesticide” sign shall be posted at all entrances which is printed in block letters 5 centimetres or more in height;
- (f) Clean up procedures, material and equipment shall be available at all times to clean up spills or leakage;
- (g) Spill response materials sufficient to respond to an incident during mixing and loading operations shall be on site;
- (h) Pesticide products shall be locked in a secure leak-proof container at all times; and
- (i) Security shall be maintained on site for the duration of the program.

D7. The Department of Environment and Conservation reserves the right to amend the attachments of the terms and conditions of this licence at any time.

Feb. 18, 2013