



Government of Newfoundland and Labrador
Department of Environment and Conservation

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 :

Asplundh Tree Service ULC

Valid From
August 01, 2014
to
August 01, 2019

Valid Categories
Industrial Vegetation

Licence No. 14-124


Minister of Environment
and Conservation

Pesticide Operator Licence - Terms and Conditions

Asplundh Tree Service ULC

PESTICIDE OPERATOR LICENCE NO: 14-124

EFFECTIVE DATE: August 01, 2014

EXPIRY DATE: August 01, 2019

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 **July 08, 2014**. 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 licenced 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**

Asplundh Tree Service ULC

PESTICIDE OPERATOR LICENCE NO: 14-124

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>
Garlon XRT	28945	L	
VANTAGE XRT HERBICIDE	29994	WS	
Gateway Adjuvant	31470	EC	
Aspect Herbicide	31641	S	

APPENDIX C VEHICLE LIST

Asplundh Tree Service ULC

PESTICIDE OPERATOR LICENCE NO: **14-124**

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</u>
Bombardier	Muskeg	1980	N A
Bombardier	Muskeg	1980	N A
BWS Trailer	22T	1987	NS-T290659
Mack Tandem	600	1987	NS-PR29496
Sterling	Cube Truck	1999	NS-33500D
Ford	F-350	2002	NS-32925D
Chevrolet	Cube Van	2005	NS-33005D
Chevrolet	Silverado	2007	EPU 634
Honda	Foreman	2009	FV-063
Honda	Foreman	2009	FM-188
Honda	Foreman 500	2009	FM-187
Polaris	Ranger 800 XP	2012	VDE 743

ATTACHMENT B

PESTICIDE OPERATOR LICENCE

INDUSTRIAL VEGETATION

B1. Notification to Pesticides Control Section

(1) The Pesticides Control Section shall be notified at least **one week** prior to the start of any program. This notification may be made by either fax to (709) 729-6969, or email: pesticidescontrol@gov.nl.ca.

(a) This notification shall include:

- (i) Proposed areas to be treated during the next seven calendar day period.
- (ii) Name of pesticide(s) to be used including *Pest Control Products Act* Registration Number (PCP Act Reg. #).
- (iii) Method of application.
- (iv) Contact information for site supervisor(s)

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

(2) Once a program has begun weekly updates shall be provided to the Pesticides Control section. These updates shall include:

- a) Areas treated in the previous 7 days
 - i. Name of pesticide(s) used including *Pest Control Products Act* Registration Number (PCP Act Reg. #)
 - ii. Amount(s) of pesticide(s) used on site.
- b) Areas proposed for treatment in next 7 calendar day period

B2. Provision of maps

- (1) For pesticide operations involving treatments of transmission line, railway or road rights-of-way and silviculture areas, the operator shall provide to the Pesticides Control Section, maps of the proposed treatment area in an ArcGIS compatible format.
- (2) Proposed treatment and buffer areas should be accurately represented on these maps to the best of the operator's ability. This would include but is not limited to accounting for private property, wells, watershed areas and other potentially relevant landmarks.
- (3) The maps must be pre-approved by the Water Resources, Wildlife, Crown Lands and Parks and Natural Areas divisions before submission to the Pesticide Control Section.

- (4) The maps must be provided to the Pesticides Control Section for review not less than 30 days prior to the commencement of the proposed pesticide application.

B3. GPS mapping and data provision

- (1) An operator that undertakes a program of roadside vegetation management using pesticides shall be required to log all “boom on/boom off” locations where the pesticide had been applied with a GPS data collection unit.
- (2) The operator shall make arrangements to determine the most appropriate format for the provision of the data collection with the Pesticides Control Section prior to the commencement of the roadside vegetation management program.
- (3) The operator shall provide all GPS data to the Pesticides Control Section within 14 days of completion of the program.

B4. Accessibility

- (1) The operator shall ensure that all pesticide spray areas are accessible to Pesticides Control Section inspectors.
- (2) If the pesticide spray areas are in a remote area, it is the responsibility of the operator to ensure that the inspector can have reasonable access to the site at all appropriate times during a spray program.

B5. Maximum height of vegetation to be treated

In areas visible to the public, only vegetation that is 1 meter or less in height shall be treated with an herbicide.

B6. Notification to the public

- (1) For pesticide operations involving treatments of transmission/distribution lines, railway or road rights-of-way, earthen dyke and dam structures and silviculture areas, 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 the region(s) where the treatment area(s) have been proposed.

The newspaper notice will:

- (a) appear in any issue at least one week prior to commencing the program;
- (b) state the area that is proposed for treatment over the next 21 calendar days, at the end of which time another notice is to be placed until the program is completed;
- (c) state the proposed date(s) for treatment of the areas that are proposed for treatment over the next 21 days, at the end of which time another notice is to be placed until the program is completed;

- (d) list the name(s) of the pesticide(s) to be applied, and the *Pest Control Products Act* Registration Number for each pesticide;
 - (e) contain contact information (website address, toll-free information number or other) for individuals who wish to obtain additional information, and
 - (f) contain the telephone numbers of the pesticide operator's Operations Supervisor and the Pesticides Control Section, 1-800-563-6181, and be indicated accordingly.
 - (g) Contain an invitation for residents of treatment areas to contact the operator to advise of a well in the area
- (2) A copy of the published newspaper notice(s) and/or receipt(s) shall be electronically submitted, mailed or faxed to the Pesticides Control Section prior to commencement of the program.

B7. Notification to municipal governments

- (1) For industrial vegetation programs, excluding industrial treatment of secured substations or storage yards, the operator shall notify municipal governments whose boundaries meet or encompass the treatment and storage areas prior to commencement of the program.
- (2) The operator shall provide proof of said notification to Pesticides Control Section in advance of the commencement of the treatment.

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

B8. Signage requirements

- (1) For industrial vegetation programs, excluding industrial treatment of secured substations or storage yards, the public shall be advised of local treatments by the posting of signs in the area. The signs shall be as follows;
- (2) For roadside vegetation management programs, the particulars of said posting are thus:
 - (a) Size of sign: minimum 11" x 17"; with information legible from the road
 - (b) Colour: White or yellow, so that the sign is visible when located in or near foliage;
 - (c) Type of material: Weather and water resistant;
 - (d) Height above ground: placed on a post no less than 1m above the ground and higher than surrounding vegetation
 - (e) Location of signage:
 - (i) on the upside of the ditch farthest from the road, close to the location of the treated area;
 - (ii) at the beginning and end of each treatment area on the side of the road where the treatment has been made,
 - (iii) where any road or trail passes through the treatment area, and

- (iv) at a set distance of one sign per 500 meters on the side of the road where the treatment has been made.
- (3) For transmission/distribution line vegetation management programs, the particulars of said posting are thus:
- (a) Size of sign: minimum 8 ½" x 11";
 - (b) Colour: White or yellow, so that the sign is visible when located in or near foliage;
 - (c) Type of material: Weather and water resistant; Height above ground: 1 – 2 meters above the ground;
 - (d) Location of signage: At all access points to transmission/distribution lines;
 - (e) Frequency of posting: 1 sign per every 5 structures along a linear treatment area.
- (4) For dyke/dam structure vegetation management programs, the particulars (location, colour, size of signs, etc.) of said posting are thus:
- (a) Size of sign: minimum 8 ½" x 11";
 - (b) Colour: White or yellow, so that the sign is visible when located in or near foliage;
 - (c) Type of material: Weather and water resistant;
 - (d) Height above ground: 0.5 – 1 meter above the ground;
 - (e) Location of signage: At the beginning of any and all access roads to the structure;
 - (f) Visibility of signage: All signs are to be visible to vehicular and pedestrian traffic that may access the structure being treated.

B9. Buffer zones – environmental consideration

(1) Dyke/dam structures:

- (a) Directed foliar applications are not permitted within 50 meters of the water body.
- (b) From the 50 meter mark up to the water body's edge, cut/stump or basal bark techniques using previously approved formulations with no-drip equipment, are the only permitted chemical control methods.

(2) Penstock Right-of-Way:

In the event that vegetation control is required around penstock rights-of-way the application shall be conducted as follows: only cut/stump or basal bark treatments of herbicides with the active ingredient triclopyr or glyphosate are permitted to be used, to the edge of a water body.

(3) Broadcast/foiar treatments for transmission/distribution line/railway/road rights-of-way:

- (a) Where the slope of the terrain is less than or equal to twenty (20) degrees, only herbicides containing glyphosate as the only active ingredient may be applied within 30 meters of any water body.
- (b) Where the slope of the terrain is greater than twenty (20) degrees, only herbicides containing glyphosate as the only active ingredient may be applied within 50 meters from any water body.
- (c) Glyphosate: Foliar herbicide applications shall not be permitted within a 15 meter buffer zone of a water body or within 50 meters of a well.
- (d) A well shall be protected using at least a 100 meter buffer zone when using any pesticide other than Glyphosate.

(4) Cut/stump or Basal bark treatments for transmission/distribution line/railway/road rights-of-way:

- (a) From the 30 meter or 50 meter mark, depending on the slope of the land (see stipulation B9.(3) to up to the water body's edge, cut/stump or basal bark techniques using previously approved formulations with no-drip equipment, shall be the only permitted chemical control methods.
- (b) A well shall be protected using at least a 100 meter buffer zone.

(5) Broadcast/foiar treatments for substations:

- (a) The herbicide formulation Calmix (PCP # 9342) shall not be applied within 15 meters of any water body.
- (b) All other soil sterilants shall not be applied within 30 meters of a water body.
- (c) Herbicide formulations containing glyphosate as the only active ingredient in the formulation are permitted to be applied to within 1 meter of the well inside a substation, unless a larger buffer is specified on the label.
- (d) For vegetation control in substation yards within 15 meters of a water body, herbicide formulations containing glyphosate as the only active ingredient are permitted to be used subject to the following conditions:
 - (i) A buffer zone of 2 meters must be maintained and the product may be applied only on the substation property up to the fence line.
 - (ii) Wind speeds cannot exceed 5 km/h at the time of application.
 - (iii) No other pesticide active ingredient may be used in this instance.

(6) **Buffer zones – private property and human habitation**

(a) Foliar applications of the following pesticide formulations shall not be applied within 50 meters of private property or human habitation (a residence, cabin or other form of human habitation):

- (i) Garlon 4 (PCP # 21053);
- (ii) Garlon Ultra (PCP#28434);
- (iii) Garlon RTU (PCP#29334);
- (iv) Tordon 101 (PCP# 9007); or
- (v) formulations containing the active ingredient glyphosate.

(b) In the event that vegetation control is required within the buffer zone for human habitation or private property, the following buffer zones shall apply:

(i) For vegetation control within 50 meters of private property (property containing only grasses and conifers):

(a) Pesticide formulations Garlon 4 (PCP# 21053), Garlon Ultra (PCP#28434), Garlon RTU (PCP#29334), Tordon 101 (PCP# 9007), or herbicides containing glyphosate as the only active ingredient may be applied;

(b) Only cut/stump or basal bark techniques are permitted to be used; and

(c) Chemical control shall not be permitted within 2 meters of the private land boundary.

(ii) For vegetation control within 50 meters of private property (property containing fruit or vegetable crops or any sensitive, broadleaved vegetation):

(a) Pesticide formulations Garlon 4 (PCP# 21053), Garlon Ultra (PCP#28434), Garlon RTU (PCP#29334) Tordon 101 (PCP# 9007), or herbicides containing glyphosate as the only active ingredient may be applied;

(b) Only cut/stump or basal bark techniques may be used; and

(c) Chemical control shall not be permitted within 10 meters of the private land boundary.

(c) In the event that vegetation control is required at a “**substation**” with a private property boundary within 50 meters of the substation boundary:

- (ii) Only herbicide formulations containing glyphosate as the only active ingredient are permitted to be used.
- (iii) Pesticide use is not permitted within 2 meters of the private property boundary.
- (iv) Wind speeds cannot exceed 5 km/h at the time of application.

B10. Exceptions to weather restrictions

For basal bark, cut/stump and R-Jet application techniques only, pesticide applications will be permitted at wind speeds up to 25km/h. Because of the variation in wind speeds on or near various structures, wind speeds are to be measured as close to the treatment area as possible.

B11. Mixing and loading operations

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 antbackflow 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 at all times.
- (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.
 - (i) Mixing and loading sites for backpack sprayers, where there is secondary containment from the mixing operations being undertaken within a bermed or contained unit, are exempt from this requirement.

B12. 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) Pesticide products shall be locked in a secure leak-proof container at all times.

B13. 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. 8, 2013