

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 :

Humber Nurseries Limited

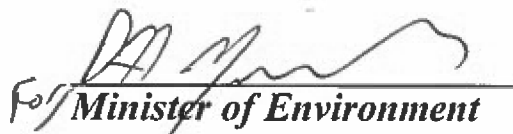
Valid From
July 22, 2016
to

July 22, 2021

Valid Categories

Landscape

Licence No. 16-178


For Minister of Environment
and Conservation

Pesticide Operator Licence - Terms and Conditions

Humber Nurseries Limited

PESTICIDE OPERATOR LICENCE NO: 16-178

EFFECTIVE DATE: July 22, 2016

EXPIRY DATE: July 22, 2021

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 **June 24, 2016**. 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**

Humber Nurseries Limited

PESTICIDE OPERATOR LICENCE NO: 16-178

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>
Fiesta Lawn and Weed Killer	29535	S	

**APPENDIX B
EMPLOYEE LIST**

Humber Nurseries Limited

PESTICIDE OPERATOR LICENCE NO: 16-178

These are the only employees that have been approved as pesticide applicators for this pesticide operator licence. The operator is not permitted to allow any other employee to apply or handle pesticides for the company.

If you intend to make changes to the pesticide applicators in your employment, please submit the form, "Notice of Pesticide Applicator Addition / Removal", to Fax # (709) 729-6969 or in writing to:

Pesticides Control Section
P.O. Box 8700
St. John's NL A1B 4J6

Applicator Name

██████████

PAL #

██████

APPENDIX C VEHICLE LIST

Humber Nurseries Limited

PESTICIDE OPERATOR LICENCE NO: **16-178**

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>
Chevrolet	Sil Ski	2000	CSR 349
Honda	UCD	2003	HJK 205
Kia	Rol	2009	HRM 177

ATTACHMENT A

PESTICIDE OPERATOR LICENCE

LANDSCAPE

A1. RESTRICTION ON LAWN CARE PESTICIDES

As per Section 14 of the *Pesticides Control Regulations, 2012*:

- (1) A person shall not use a pesticide product that contains one or more of the following chemicals:
 - (a) carbaryl;
 - (b) 2,4-D (2,4-dichlorophenoxyacetic acid);
 - (c) mecoprop;
 - (d) dicamba; or
 - (e) MCPA (2-methyl-4-chlorophenoxyacetic acid)in, on, or over a lawn.
- (2) A person shall not sell, supply, or offer for sale a pesticide that contains one or more of the chemicals in paragraphs (1)(a)-(e) for use in, on or over a lawn.
- (3) Subsections (1) and (2) do not apply to a person who uses, possesses, sells or supplies a pesticide for
 - (a) a golf course;
 - (b) forestry activities; or
 - (c) agricultural activities.
- (4) Notwithstanding subsections (1) and (2) the minister may allow a pesticide product containing one or more of the chemicals in paragraphs (1)(a)-(e) to be applied to a sports turf or other highly managed turf areas.

A2. PUBLIC NOTIFICATION

- (1) The operator and/or his agent shall provide notice to all properties that are located within 15 meters of the proposed application site where the proposed application is to occur.
 - (a) The notification shall be:
 - (i) in writing, at least 24 hours prior to the pesticide application; or
 - (ii) verbally, at least 24 hours prior to the pesticide application and in writing immediately prior to the pesticide application.
 - (b) The notification shall include:

- (i) the trade name or product name of the pesticide,
 - (ii) the active ingredient(s) found within the pesticide,
 - (iii) the type of pest to be controlled,
 - (iv) the proposed date of application,
 - (v) the address of the property being treated,
 - (vi) the name and telephone number of the operator doing the application.
- (2) If the pesticide spray activity does not take place within 48 hours of the scheduled treatment, then the operator and/or his agent shall re-notify all properties in the same manner indicated above.
- (3) Subsections (1) and (2) do not apply to an operator and/or his agent who will apply a pesticide product that contains one or more of the following chemicals:
- (a) iron (present as FeHEDTA);
 - (b) acetic acid;
 - (c) *Phoma macrostoma*;
 - (d) pyrethrins; or
 - (e) fatty acids of soaps registered for control of lawn insect pests.

A3. SIGNAGE

- (1). For application of commercial or restricted class pesticides to turf, including but not limited to private, commercial and municipal properties, the following shall apply:
- (a) **LAWN CARE**
 - (i) The operator shall place a sign or signs on all properties that have had an exterior pesticide application.
 - (ii) The sign or signs should be placed in a manner that ensures the highest possible visibility.
 - (iii) The operator shall inform each client that the pesticide spray sign must remain in place for a period of not less than forty-eight (48) hours but not more than ten (10) days after which time the client shall remove the sign.
 - (iv) The sign shall meet the minimum requirements as illustrated in Appendix A.
 - (v) Paragraphs (1)(a)(i)-(iv) do not apply to an operator and/or his agent who applies a pesticide product that contains one or more of the following chemicals:
 - (I) iron (present as FeHEDTA);
 - (II) acetic acid;
 - (III) *Phoma macrostoma*;
 - (IV) pyrethrins; or
 - (V) fatty acids of soaps registered for control of lawn insect pests.

(b) GOLF COURSE:

- (i) The operator shall place signs in the Club-house facility and/or Pro-shop facility. Signs shall be placed in a manner that ensures the highest possible visibility.
- (ii) Signs shall be in place a minimum of 24 hours before the application of pesticides and a minimum of 48 hours after the application of a pesticide.
- (iii) The sign shall meet the minimum requirements as illustrated in Appendix B.

A4. BUFFER ZONES

- (1) Formulations containing the active ingredient metalaxyl shall not be applied within 50 meters of any water body.
- (2) Formulations containing the active ingredient quintozone shall not be applied within 50 meters of any water body.
- (3) Instrata RTM Fungicide shall not be applied within 20 meters of any water body.

A5. MIXING AND LOADING

- (1) Operations involving the filling of spray tanks with water and the addition of pesticides to spray tanks may be undertaken subject to the following conditions:
 - (a) All pesticide mixing and loading activities shall 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 shall 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 shall be on site at all times.
 - (e) All mixing and loading sites shall be identified with GPS coordinates, and this information shall be provided to the Pesticides Control Section.

A6. APPLYING PESTICIDES AROUND PLAYGROUNDS / SPORTS FIELDS

- (1) Properties located within 15 meters of any playground or sports field cannot be treated with pesticides, except granular formulations, while the playground or sports field is occupied.
- (2) Subsection (1) does not apply to an operator and/or his agent who applies a pesticide product that contains one or more of the following chemicals:
 - (a) iron (present as FeHEDTA);
 - (b) acetic acid
 - (c) *Phoma macrostoma*;
 - (d) pyrethrins; or
 - (e) fatty acids of soaps registered for control of lawn insect pests.

A7. PESTICIDE APPLICATION TO BUILDINGS AND STRUCTURES

The operator and/or his agent shall not apply a pesticide to a building or structure for the control of structural pests.

Appendix A

Lawn care Signage

WARNING  PESTICIDE USE For Information Contact Date Sprayed
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Front

Pesticide Name PCP Act Registration Number To Control
--

Back

Pesticide Name	Registration Number
	#
	#
	#
	#
To Control	

Or

Back

For illustrative purposes only. Sign, pictogram and letters are not drawn to scale.

1. The sign shall be at least twenty-eight (28) centimeters high and twenty-two (22) centimeters wide and contain all the information contained in the above illustration. This information shall be displayed in the same format and proportions as the above illustration.
2. The words Warning Pesticide Use shall be printed in red letters and be at least 2.5 cm in height. The associated symbol shall contain a black silhouette of an adult while the circle and cross bar shall be red in colour. All other letters shall be at least 1 cm in height.
2. The sign and information contained on it must be weather resistant for at least forty-eight (48) hours
3. Contact Information shall contain the following:
 - (a) Company Name,
 - (b) Company POL #,
 - (c) Company telephone Number,
 - (d) The Department of Environment & Conservation name and contact number (1800 563 6181).

Appendix B

Golf Course Signage

WARNING PESTICIDE USE

PESTICIDE	PCP#	TO CONTROL
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

DATE AND LOCATION OF PESTICIDE APPLICATION:

HOLE#	TEE	GREEN	FAIRWAY
1	01/06/2007	_____	_____
2	_____	05/06/2007	_____
3	_____	_____	15/06/2007
4	_____	_____	_____
5	_____	_____	_____

FOR INFORMATION CONTACT

COMPANY NAME
CONTACT NAME
CONTACT #

DEPARTMENT OF ENVIRONMENT AND CONSERVATION
PESTICIDES CONTROL SECTION
1-800-563-6181

1. The sign shall be at least one hundred and twenty (120) centimeters high and sixty (60) centimeters wide.
 2. **Each sign shall bear** at a minimum the information indicated in the sample sign.
 3. The words "WARNING PESTICIDES IN USE" must be displayed in red capital letters and be at least 14 centimeters high.
 4. The sign must contain a contact name and number for the company applying the pesticide. The Department of Environment and Conservation contact number (1-800-563-6181) must be placed next to the first number and identified accordingly.
 5. The sign may be constructed such that the warning statement and contact information are contained on a permanent backing with the pesticide information, location of spray activities and application date information contained on removable sheets or displayed using erasable markers.
- A8. The Department of Environment and Conservation reserves the right to amend the attachments of the terms and conditions of this licence at any time.

February 8, 2013