

## **Information Sheet #1 – Summary of the *Integrated Pest Management Act (IPMA)* and *Integrated Pest Management Regulation (IPMR)***

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### **Introduction:**

Pesticide use in British Columbia is regulated by both federal and provincial legislation as follows:

- Federal legislation (*Pest Control Products Act*): Under this Act, Health Canada must register each pesticide for specified uses. They conduct extensive health and environmental evaluations of pesticides, and register only those pesticides and the conditions that they can be used without any significant impacts on people or the environment.
- Provincial legislation: Provinces have additional legislation to further ensure that pesticides will not cause harm to people or the environment. B.C. legislation (*Integrated Pest Management Act*) also requires pesticides to be used within an integrated pest management program.

### **Key Elements of the IPMA and IPMR:**

The B.C. *Integrated Pest Management Act (IPMA)* came into force on December 31, 2004. It replaces the *Pesticide Control Act*. The main elements of the IPMA are as follows:

1. Companies or individuals must register with the Ministry of Environment (the Ministry) before they can use pesticides on public lands, on private lands used for forestry or utility rights-of way or as a service. The Ministry is responsible for ensuring that standards to protect human and the environment are followed.
  - Small users, treating less than 20 ha per year, and private forest land owners, must register by obtaining a Pesticide Use License.
  - Large operators, treating more than 20 ha per year – such as forest, hydro, railway, and pipeline companies – must register a detailed Pest Management Plan.
  - Users who want to conduct aerial treatments over residences or use higher risk pesticides must register by obtaining a Pesticide Use Permit.
2. All registered users must follow the Regulations regarding environmental protection, such as set backs from lakes, streams and wells.
3. All registered users must follow the Regulations regarding integrated pest management. This includes:
  - Use of pest prevention and alternatives to pesticides where practical.
  - Field observations to ensure treatments are made only if there will be a significant benefit and no harm.
  - Selecting a pesticide with lowest risk.

4. All pesticide use must be supervised by a certified person trained in safety requirements.
5. Users who do not register or who do not comply with the standards, can be fined penalized under the legislation (up to a \$200, 000 fine or jail for an individual).

**Public Consultation requirements in the *IPMA*:**

The IPMA requires that before a user registers a Pest Management Plan they must conduct “public” consultation. The user must:

- Advertise their proposed pesticide use in newspapers; and
- Make reasonable efforts to contact any individuals who may be significantly impacted by the proposed pesticide use.

The advertising and notice to individuals must allow at least 30 days for a response and the responses need to be evaluated before the Pest Management Plan is finalized and registered by the proponent.

**First Nation Consultation Requirements in the *IPMA*:**

The IPMA legislation does not include specific requirements for First Nation consultation. In order to address this requirement, the Ministry of Environment has developed draft First Nation Consultation Guidelines.

The key elements of the draft Guidelines are described in Information Sheet 2.

## Information Sheet #2 – Summary of Draft IPMA First Nation Consultation Guidelines

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### Introduction:

In March 2006, the Ministry of Environment (the Ministry) issued draft First Nation Consultation Guidelines to pesticide users across the Province. Copies of the draft Guidelines were also sent to First Nations.

The draft Guidelines are based largely on procedures that were developed under the former *Pesticide Control Act* when the ministry issued permits for pesticide use. The draft Guidelines are subject to change based on input from First Nations and industry. These changes could include revisions to the draft Guidelines and/or amendments to the IPMA regulations.

### Key Elements of the Draft Guidelines:

The draft Guidelines provide a step-by-step process for information-sharing among pest management companies, First Nations, and government.

The following are some key elements of the draft Guidelines:

1. *Consultation is required when pest management is proposed in an area where a First Nation asserts aboriginal interests or has treaty rights.*
  - The government may provide assistance to pest management companies in identifying which First Nations should be included in the consultation process.
2. *First Nations must be given appropriate, timely notice of a proposed pest management activity, and must be given reasonable opportunity to respond.*
  - When information-sharing is necessary, several attempts to contact a First Nation over a reasonable period of time (allowing 30 days for response after each contact) are recommended.
3. *Information provided to a First Nation must be meaningful and understandable.*
  - A pest management company must provide information about the project to a First Nation and should request information about potential impacts to asserted aboriginal interests or exercise of treaty rights. Project information should include: project objectives, timing, descriptions of pesticides, methods of application, and alternative methods of control to be used, and proposed treatment locations.
4. *The level of consultation is determined by the potential impact of the activity on a First Nation's aboriginal interests or exercise of treaty rights:*
  - Where there is a low likelihood for impact, notification is adequate. Where there is a higher potential for impact, an adequate process of information sharing must be used (See Information Sheet # 3).

5. *Potential impacts related to asserted aboriginal interests or treaty rights must be addressed.*
  - The pest management company must consider and address potential impacts that are brought to their attention and report the outcome of this process to the Ministry.
  - Pest Management Plans can be finalized only after consideration of potential impacts.
  
6. *The Ministry receives consultation reports from Pest Management Companies.*
  - The Ministry reviews consultation reports and evaluates whether First Nation treaty rights and interests have been adequately addressed.
  - The Ministry must receive consultation reports at least 21 days before treatment is to occur for PMP's, and at least 14 days before treatments for licenses.
  - Where the Ministry determines that there has not been adequate opportunity for First Nations to identify concerns, or that concerns have not been adequately addressed, the Ministry will seek to achieve resolution by contacting the First Nation and/or the pest management company.
  
7. *The pest management company must maintain consultation records.*
  - The records must be provided to the Ministry for review when requested.

### **Information Sheet #3: Description of Pest Management Activities**

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The following table describes the main types of pest management applications that are used by various industry sectors under the *Integrated Pest Management Act (IPMA)*.

Three broad categories of pest management methods are outlined in the table:

- Selective single plant treatments: herbicides are applied to single plants so that the plants between them are not impacted. Treatment methods include cut stump treatments (conducted by cutting plant stems and applying herbicide to the top of the stump) and basal treatments (conducted by spraying a fine jet of herbicide on the bark of a hard stemmed plant).
- Directed foliar treatments: conducted by hand operated sprayers used to place a fine spray on the leaves of individual woody plants or clumps of herbaceous plants; plants in between are not impacted.
- Broadcast foliar treatments: are conducted by hand operated or aircraft mounted pesticide sprayers that apply a spray uniformly over a treatment area at the specified rate per hectare.

Other types of treatment methods outlined in the table are unique to individual sectors (i.e. treatment for utility rights-of-way, mosquitoes, industrial areas).

Appendix I describes some of the regulatory requirements that users of pesticides must adhere to under the IPMA.

Industry Sector	Type of Pest Management
Forestry: - Removal of vegetation for replanting. - Removal of plants that reduce growth of trees. - Insecticides to protect crops & mature trees (used infrequently).	1. Selective single plant treatments: generally a small percentage of a forestry block is treated.
	2. Directed foliar treatment: treatment coverage can vary from a small to large percentage of a forestry block.
	3. Broadcast foliar treatments: all or large areas of a forestry block would be treated.
Railway maintenance: - Required to prevent fires and worker injury, to allow inspection of ties and equipment, and to prevent derailments.	1. Selective and directed foliar treatment: sprays to individual or small clumps of trees, shrubs, and invasive weeds alongside tracks.
	2. Broadcast foliar treatments: spray may be applied to the track ballast, around switches and signal facilities and in maintenance yards to remove most plant cover.
	3. Wood preservatives: applied to ties and timbers by brush or drip methods during maintenance.
Hydro and pipeline rights-of-way: - Required for safety and operational purposes. - Includes treatments under power lines, along access roads, electrical towers and heli-pads).	1. Selective and directed foliar treatment on Crown Land: treatment of individual or scattered small patches of plants and invasive weeds.
	2. Broadcast foliar treatments on Crown Land – not commonly done and only for small sections of a right-of-way.
	3. Rights-of-way on private land with no public access: treatments conducted with permission.
Industrial Sites: - Eliminate fire hazards. - Protect worker safety. - Prevent damage to structures.	1. Broadcast foliar and residual ground applications to fenced or gated areas closed to the public: used mainly in electrical and petroleum installations that must be kept free of most vegetation.
	2. Broadcast foliar treatment or selective treatments on Crown or private facilities open to the

Industry Sector	Type of Pest Management
	public: includes areas around dams, dikes, penstocks, access roads and recreational areas.
Noxious and invasive weed management: - Reduce the impact on agriculture and forestry from plants such as knapweed, Canada thistle and gorse.	Selective foliar applications – spray must be directed within 1.5 metres of the weed. If noxious weeds are dense they may require the equivalent of a broadcast spray over a small area.
Mosquito management by communities and regional district.	<ol style="list-style-type: none"> <li>1. Treatment of Larvae (wigglers): a bacterial pesticide that impacts only mosquitoes is used in ponds and sloughs and storm water catch basins.</li> <li>2. Treatment of adults: a fine droplet spray is released near homes and parks when populations reach high nuisance levels or there is potential for spread of disease (e.g., West Nile virus).</li> </ol>
Wood Pole Preservation: - To extend the life of wood poles used to carry electrical and other transmission lines.	Pesticides to control decay fungi and insects are applied to standing poles by injection or wrapping a coating around the base.

## **Appendix 1: Examples of Regulatory Requirements under the IPMA**

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- A container used to prepare, mix or apply a pesticide must not be washed or submerged in a body of water.
- A 30 m no-treatment zone must be maintained around a water supply intake or well used for domestic or agricultural purposes.
- A 10 m pesticide-free zone must be maintained around lakes, rivers, wet or dry streams and classified wet-lands when pesticides are used in forestry, on rights-of-way and for industrial vegetation management and noxious weed management, except for use of the herbicide glyphosate (which has little potential to move through soil).
- An inspection of the treatment area must be carried out to ensure that regulatory requirements and standards can be met use.
- A pesticide user must ensure that there is no release of pesticide into the pesticide-free zone.
- A pesticide user must be informed of the boundaries of the proposed treatment area; the requirements for personal protection; and pesticide use procedures required to protect human health and the environment.
- A pesticide user must ensure that the following precautions are taken when using pesticides: precautions to prevent unprotected human exposure to pesticide; precautions to ensure that domestic water sources, agricultural water sources and soil used for agricultural crop production are protected; and avoiding the use of pesticide over vertebrate wildlife or domestic animals.
- A pesticide user must ensure that their use of a herbicide does not remove vegetation that is necessary to prevent erosion of a stream bank; prevent debris that would cause an unreasonable adverse effect from entering a stream; or maintain slope stability in areas where landslides have occurred.
- A registered pesticide user must not: engage in broadcast spraying or foliar spraying outdoors if the wind speed exceeds 8 km an hour; use a residual pesticide on water-saturated soil during heavy rainfall or if heavy rainfall is imminent; spray a pesticide on foliage covered by ice or frost or if water is flowing on the foliage; or spray a pesticide between 30 minutes after sunset and 30 minutes before sunrise.