

# Policy update regarding amendments to the Integrated Pest Management Regulation – June, 2015

## 1. Introduction

The Ministry of Environment (the Ministry) is proposing revisions to the Integrated Pest Management Regulation relating to the sale and cosmetic use of pesticides. This follows extensive consultation on the topic. The purpose of this document is to describe the final proposed revisions, which have been developed in response to comments received during consultation.

The objectives of the proposed revisions are to ensure that:

- Pesticides will be used by people with knowledge and training;
- Pesticides will be used as part of an Integrated Pest Management (IPM) process; and
- Public interaction with pesticide vendors at the point of sale will increase.

This document includes:

- Background information regarding legislation and consultation on the cosmetic use of pesticides (section 2);
- A description of the proposed revisions (section 3);
- Intended implementation timeframe for the proposed revisions (section 4); and
- Appendices with proposed Schedule 5 Pesticides (Domestic class only) and proposed revised Schedule 2 – Excluded Pesticides.

For more information about the Ministry's Integrated Pest Management Program, please see the [Pesticides & Pest Management](http://www.gov.bc.ca/PestManagement) website at [www.gov.bc.ca/PestManagement](http://www.gov.bc.ca/PestManagement). For related legislation and a summary of consultation, please see [Regulations & Consultations](#).

## 2. Background

### A. Legislation

The *Integrated Pest Management Act* (IPMA) and Regulation (IPMR) regulate the sale and use of pesticides in B.C. This legislation requires that people applying pesticides as a service or applying pesticides to multi-residence properties, rights-of-way or public land hold an authorization<sup>1</sup>. Authorization holders are required to practice IPM in order to ensure that pesticides are used appropriately and only when necessary. Authorization holders must also employ certified (trained) individuals to apply pesticides or supervise staff who are not certified.

To learn more about the *IPM Act* and Regulation, please refer to the [legislation summary](#).

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<sup>1</sup> The two main types of authorizations under the IPMR are confirmations and licences. Confirmations are issued to people applying pesticides to large areas of public land or rights-of-way. Licences are issued to people applying pesticides as a service or to small areas of public land or rights-of-way.

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## B. Summary of Consultations on the Cosmetic Use of Pesticides

The Ministry began public consultation on the cosmetic use of pesticides<sup>2</sup> in 2009. In October 2011, a Special Committee of the Legislature was struck to consider the issue. The Special Committee solicited input from experts, non-governmental organizations and members of the public. The Special Committee produced a report outlining their assessment of the risks of the cosmetic use of pesticides and provided recommendations to government. This report can be found at:

<http://www.leg.bc.ca/cmt/39thparl/session-4/cp/reports/PDF/Rpt-CP-39-4-Report-2012-MAY-17.pdf>.

Taking these recommendations into consideration, the Ministry outlined a proposed approach in a 2013 Intentions Paper. In 2014, the Ministry posted online a summary of comments received in response to the Intentions Paper and conducted further consultation on specific issues. This document considers input received to date. Details about the consultation process can be found on the Ministry's [Regulations & Consultations](#) website.

## 3. Proposed Revisions

### A. Using Pesticides in Private Landscaped Areas

Currently, the use of pesticides in public landscaped areas and multi-residence properties requires a licence and must be conducted by trained people as part of an IPM program. These requirements will remain in place.

The Ministry intends that the use of most pesticides in private landscaped areas will require either a certificate (for residents), or a licence (for commercial properties and service providers). This includes use on lawns, flower beds, and ornamental trees and shrubs – on such properties as single family homes, golf courses, botanical gardens and cemeteries.

A licence or certificate will not be required by property owners to use pesticides on private land for:

- Food gardens and hobby farms;
- Pesticide use inside structures or in outside areas to control structural pests (e.g., rats, carpenter ants, wasps);
- Forests on private land that are not managed for timber production; or
- Areas used for commercial agriculture (e.g., range pasture, field crops).

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<sup>2</sup> Cosmetic use of pesticides can be considered as the use of pesticides for non-essential or aesthetic purposes. For example, a pesticide might be used in an outdoor situation to improve the appearance of lawns, gardens, landscapes or other green spaces and/or to control unwanted or undesirable organisms.

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There will be certain situations where residents and commercial operators (e.g., golf course managers and gardeners at botanical gardens or cemeteries) may use Domestic class formulations of the pesticide glyphosate on their own property without a certificate or licence. These include the treatment of:

- Weeds growing through cracks in hard surfaces such as driveways, sidewalks, paths, etc.;
- Plants that are poisonous to humans by touch (e.g., poison ivy or poison oak); and
- Classified noxious weeds or invasive plants.

## *For Residents*

Residents will have choices when managing pests in their private landscapes. They will be able to:

- Hire a licensed company to provide the service;
- Apply a Domestic class pesticide if they first obtain a Residential Applicator Certificate (RAC) by completing a free online course and passing an exam; or
- Use a pesticide listed in either Schedule 2 or 5 (see sections E and F for more detail).

## *For Commercial Properties*

Commercial property owners will also have choices when managing pests in their private landscapes. They will be able to:

- Hire a licensed company to provide the service;
- Obtain a pesticide user licence so that their staff may apply pesticides; or
- Use a pesticide listed in either Schedule 2 or 5 (see sections E and F for more detail).

Commercial property owners that choose to obtain a licence will have to meet certain requirements, including:

- Employing certified applicators;
- Adhering to relevant environmental protection measures;
- Implementing an IPM program when managing pests; and
- Notifying users of their property when pesticide application occurs.

For more detailed information on the current requirements for licensees, please see the [Landscape Sector Review paper](#).

## **B. Selling Pesticides**

Currently, a vendor licence is required to sell most pesticides<sup>3</sup>. This requirement will remain in place. Selling products listed in the proposed Schedule 5 will also require a licence. The existing requirement

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<sup>3</sup> A vendor licence is not required to sell pesticides listed in Schedule 2.

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that vendors ensure certified pesticide dispensers<sup>4</sup> interact with purchasers will also remain in place. However, there will be some changes to the requirements for how pesticides are displayed and to the interaction between dispensers and customers.

## *Display of Pesticides – Restricted Access*

The Ministry is proposing that vendors display most pesticides in a manner that restricts customer access to these products. This includes products listed in Schedule 5. For example, pesticides could be displayed behind a locked counter or cabinet. This provision is intended to ensure that a certified dispenser employed by the vendor communicates with the customer prior to purchase of a pesticide.

This requirement will not apply to the excluded pesticides listed in Schedule 2.

## *Customer Interaction*

Currently, vendors are required to ensure that a certified pesticide dispenser interacts with the customer before they purchase a pesticide. Certified pesticide dispensers must:

- Advise the purchaser that they may lawfully use the pesticide only in accordance with the instructions on the label; and
- Offer to provide advice in pest management and the safe use of pesticides.

This requirement will not change. The Ministry is proposing to require that certified pesticide dispensers also:

- Confirm that the intended use is appropriate according to the label directions;
- Inform the customer that a provincial licence or certificate may be required to use the product; and
- Inform the customer that municipal bylaws may restrict the use of the pesticide.

Certified pesticide dispensers will have to engage in this interaction for all products not listed in Schedule 2.

## **C. Notifying People about Pesticide Use**

People may have an interest in being informed about pesticide use in landscaped areas. Notification allows interested individuals to seek more information and, if desired, reduce their exposure. Currently, notification about pesticide use on public land must be provided. The Ministry is proposing similar requirements for landscaped areas on private land.

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<sup>4</sup> A certified pesticide dispenser is a person that receives training, writes a government-approved exam and obtains a certificate that authorizes them to sell pesticides as an employee of a licensed vendor.

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## *Notification on Private Residential Land*

Licensees who apply pesticides as a service will have to notify their clients when pesticides have been used on landscaped areas. For example, licensees could leave a “door-knocker” (information sheet) or provide information on an invoice left in a mailbox. Landlords with a RAC who apply pesticides to landscaped areas will have to provide written notice to tenants of the property with details about the pesticide applied.

## *Notification on Private Commercial Land*

Businesses on private land will also be required to provide notice when applying pesticides to landscaped areas the public is expected to access. This would include areas such as pathways, lawns, picnic areas and fairways. Types of businesses on private land that will be affected include golf courses, ornamental gardens, cemeteries and commercial facilities.

The notification will have to be posted on signs and be clearly visible to those approaching the area. It will include: the date and time of application; the pesticide that was applied; the area to which the pesticide was applied; contact information for those who applied the pesticide; and any safety precautions the public should know. These requirements will be the same as current notification requirements for pesticide use on public land.

## **D. Training of Assistant Applicators**

The IPMR currently allows for a certified pesticide applicator to supervise up to four untrained assistants. The Ministry is proposing a requirement that, in addition to being supervised, these assistant applicators must be trained. Authorization holders will be required to ensure all assistant applicators receive training and demonstrate their knowledge in pesticide safety and environmental protection. This requirement will apply not only to the landscaping industry but to all areas where pesticide application is regulated under the IPMR (e.g., forestry, oil and gas, mosquito control).

Authorization holders will be able to choose how they meet this requirement. The Ministry will produce an online course and exam. Alternatively, authorization holders will be able to conduct their own training and assessment.

## **E. Introducing a New Schedule (Schedule 5)**

The Ministry wants to ensure that members of the public have options to control pests without needing to hire a service company or obtain training. Schedule 5 will include a list of pesticides that residents and property managers will be able to use in private landscaped areas without a licence or certificate.

Pesticides listed in the new Schedule 5 will be Domestic class products that are considered safe for use by untrained people. The products on Schedule 5 were selected by considering such factors as whether the pesticides are:

- Living organisms or metabolites of living organisms;

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- Composed of substances commonly found in environments humans inhabit;
- Components of food; or
- Products with a physical (and non-toxic) mode of action.

The proposed Schedule 5 is provided as Appendix 1 of this update.

## F. Updating Schedule 2 (Excluded Pesticides)

Schedule 2 is an existing list of pesticides that are excluded from the requirements imposed on an authorization holder. Pesticides are added to Schedule 2 because the Ministry believes their use would not benefit from additional regulation. This may be because the pesticide is:

- Regulated in other ways;
- Considered a pesticide under the IPMR, but is not intended to be regulated (e.g., pool chemicals, deodorizers, laundry additives);
- Used by a very small number of people in a highly specialized sector with stringent training (e.g., bactericides in petroleum products); or
- Used in such a manner that additional training is not required (e.g., insect repellents).

Schedule 2 will undergo minor changes to accommodate the formation of the new Schedule 5 and to address product changes. An updated Schedule 2 is provided as Appendix 2 of this update.

## 4. Implementation Timeframe for the Proposed Revisions and Next Steps

Ministry staff are currently working to bring about the proposed revisions to the IPMR in early summer. The Ministry understands that vendors, service companies, industry and the public may require time to prepare for the new requirements. It is anticipated that the new requirements will not come into force until approximately one year following the date that the regulation is amended.

The Ministry is not soliciting further comment on the proposed revisions. The Ministry would like to thank all those who contributed input throughout the consultation steps. The proposed revisions have been greatly enhanced by the valuable comments provided.

To assist those affected by the proposed changes, the Ministry intends to publish a series of fact sheets and guidance documents. It is anticipated that these will be available when the regulation is amended.

*For more information, please contact the Ministry of Environment – Integrated Pest Management Program, at:*

Email: [IPMProgram@gov.bc.ca](mailto:IPMProgram@gov.bc.ca)  
Mail: c/o PO Box 28159 Westshore RPO  
Victoria BC V9B 6K8

Please note that comments you provide and information that identifies you as the source of those comments may be publicly available if a Freedom of Information request is made under the *Freedom of Information and Protection of Privacy Act*.

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## Appendix 1 – Proposed Schedule 5 Pesticides (Domestic class only)

- *Bacillus sphaericus*
- *Bacillus subtilis*
- *Bacillus thuringiensis israelensis* (Bti)
- *Bacillus thuringiensis kurstaki* (Btk)
- citric acid
- copper (oxychloride and tribasic)
- iron HEDTA
- ferric sodium EDTA
- garlic
- lactic acid
- *Phoma macrostoma*
- pyriproxyfen
- *Sclerotinia minor*
- sodium chloride
- spinosad

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## Appendix 2 – Revised Schedule 2 – Excluded Pesticides (proposed)

<i>Active ingredient or product grouping</i>	<i>Class</i>
acetic acid	Domestic
animal repellents except thiram	Domestic & Commercial
anti-fouling paints	Domestic & Commercial
antisapstain wood preservatives used on private, industrial land owned by the company or person responsible for the application	Commercial
asphalt solids (pruning paints)	Domestic & Commercial
bactericides used in petroleum products	Domestic & Commercial
boron compounds	Domestic
boron compounds with up to 5% copper for insect control and wood preservation	Domestic & Commercial
capsaicin	Domestic, Commercial & Restricted
cleansers	Domestic & Commercial
corn cellulose	Domestic & Commercial
corn gluten	Domestic & Commercial
deodorizers	Domestic & Commercial
d-phenothryn	Domestic
d-trans-allethrin (also referred to as d-cis, trans allethrin)	Domestic
fatty acids	Domestic & Commercial
ferric phosphate	Domestic & Commercial



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<i>Active ingredient or product grouping</i>	<i>Class</i>
ferrous sulphate	Domestic & Commercial
formic acid	Domestic & Commercial
hard surface disinfectants	Domestic & Commercial
insecticides sold & used in tamper-resistant bait stations.	Domestic
insect semiochemicals (including pheromones, kairomones, attractants and repellents)	Domestic & Commercial
insect repellents	Domestic
kaolin	Domestic & Commercial
laundry additives	Domestic & Commercial
material preservatives	Domestic & Commercial
methoprene	Domestic
mineral oils for insect and mite control	Domestic
naphthalene for fabric protection	Domestic
n-octyl bicycloheptene dicarboximide	Domestic
octenol	Domestic & Commercial
oxalic acid	Domestic & Commercial
paradichlorobenzene for fabric protection	Domestic
pesticides in aerosol containers	Domestic
pesticides registered under the federal Act for application to pets	Domestic & Commercial
piperonyl butoxide	Domestic

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<i>Active ingredient or product grouping</i>	<i>Class</i>
plant growth regulators	Domestic
polybutene bird repellents	Domestic & Commercial
pyrethrins	Domestic
resmethrin	Domestic
silica aerogel (silica gel, amorphous silica and amorphous silica gel)	Domestic & Commercial
silicon dioxide (diatomaceous earth)	Domestic & Commercial
slimicides	Commercial
soaps	Domestic & Commercial
sulphur, including lime sulphur, sulphide sulphur and calcium polysulphide	Domestic
surfactants	Domestic & Commercial
swimming pool algicides and bactericides	Domestic & Commercial
tetramethrin	Domestic
thymol	Domestic & Commercial
wood preservatives	Domestic
zinc metal strips	Domestic