

INTEGRATED PEST MANAGEMENT REGULATION

CONSULTATION PAPER

SUMMARY OF PUBLIC COMMENTS

Prepared for: BC Ministry of Environment
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Integrated Pest Management Regulation Consultation

Introduction

The Ministry of Environment (the Ministry) is proposing revisions to the Integrated Pest Management Regulation (IPMR) to: 1) require stricter control on the sale and use of Domestic class pesticides in landscaped areas; and 2) simplify requirements for sale and use of pesticides commonly considered safe.

Background to the consultation process

The consultation paper was posted for public review and comment on the ministry's website (<http://www.env.gov.bc.ca/epd/ipmp/whatsnew.htm>) October 9, 2013 to December 8, 2013. The consultation paper provided background information and a summary of proposed revisions, as well as implications for specific groups, for discussion to build understanding about the subject and provide a structure for comments and feedback.

Purpose and format of the Summary of Public Comment document

This document has been prepared for the Ministry of Environment by Judith Cullington, working with C. Rankin & Associates, who are contracted by the ministry to independently receive, compile and review comments.

All comments and references submitted through this process, through independent submissions and through direct consultations with stakeholders, have been reviewed and carefully considered in the preparation of this summary. The summary does not attempt to capture all of the many comments and suggestions received, rather to provide an overview of the range of comments and to include some of the recommendations from multiple respondents. Some responses to one question dealt with topics addressed in another question; these comments have been moved in the report so that they better reflect the topic being addressed.

The results of consultation processes such as this are not statistically valid. People self-select to respond to the Intentions Paper, and responses will most often come from those with in depth knowledge and strongly held opinions on this issue. A single response may represent an individual, or a large company or organization. For these reasons the summary aims to reflect the range of opinions presented rather than attempting to say whether this is a majority opinion in British Columbia (B.C.).

Responses have been presented under four groups of respondents: private landowners and individuals, vendors and those in the IMP industry, government and First Nations, and environmental/community and other groups. While there is a great deal of diversity within each of these groups, it helps to understand some of the viewpoints presented.

Description of responses received

Over 232 responses to the intentions paper were received (by e-mail, fax and attached file), and have been recorded for this summary of stakeholder comments. In addition 511 letters were received as a result of the 'Say no to cosmetic use of pesticides' campaign initiated by West Coast Environmental Law Association.

Comments received were thoughtful and well-articulated. There were many detailed suggestions that have not been captured in this brief summary, but have been forwarded to Ministry staff for their consideration.

1. General comments

The proposed revisions to the Integrated Pest Management Regulation (IPMR) address concerns expressed in recent consultations on the cosmetic use of pesticides conducted by the Ministry and the Special Committee of the Legislature on Cosmetic Pesticides. The changes are intended to ensure that pesticides used in outdoor landscaped areas are applied by trained people as part of an Integrated Pest Management (IPM) program, or are pesticides generally considered acceptable for use by untrained people (see section 3 of the intentions paper).

Response Form Question 1.1: Do you have any general comments regarding the Ministry's intentions for revising the IPMR?

Private Landowners and Individuals

There were 130 responses from individuals who identified themselves as “private landowner or building manager” or “BC citizen or individual”. This included one response that was a letter signed by 511 people.

A great many citizens wrote in complete opposition to the proposal, preferring a complete ban on all pesticides use. This includes over 500 people who signed a form letter and added many of their own comments, asking to ban cosmetic pesticides and the impact of pesticides on human health (especially for children) and biodiversity (notably bee populations). Other citizens felt the proposals went too far and represented over-involvement of the government, making it too difficult for an average landowner to grow fruits and vegetables or to manage pests such as rats and ants. A few respondents stated that the proposal is a step in the right direction.

“Ban all pesticides.”

“Regulations should be even stronger; chemicals need strict controls because of impacts on biodiversity and human health.”

“Way too much government involvement and regulation.”

“Will make it hard for homeowner who just wants to dust tomato crops, concern for losing all ones fruits and vegetables.”

“There is absolutely nothing wrong with using the current chemicals to control invasive plant species and to control insects that devour fruit trees or ants that invade the home.”

“I think the intent is admirable but the application is not.”

“This is a good step in the right direction.”

Vendors, Working in IPM Industry

There were 85 responses from individuals, organizations and large and small companies who identified themselves as a “vendor of pest management or control products” or “working in the IPM sector”.

This group registered a variety of concerns. Several felt that the changes were unnecessary as the Health Canada regulations already control the use of pesticides. There was consternation that the proposed changes did not follow the recommendations of the Special Committee on Cosmetic Pesticide and were not seen as based in sound, peer-reviewed science. The proposal is seen as creating unnecessary cost for homeowners and likely to encourage cross-border (or online) shopping and use of less safe homemade alternatives. It is seen as singling out domestic pesticides when other substances such as pool chemicals create greater public exposure, while many chemicals are being applied by unlicensed agricultural industry.

There was concern about the timing of the proposed changes, with insufficient lead time to achieve change by the 2014 season as product has already been ordered and training has yet to occur. As well, there is a need to ensure there is good public information provided well in advance of introducing new regulations. Other concerns include the potential for confusion with different rules in different municipalities, different rules among different provinces as this creates additional cost and operational issues, and the change from having one certified applicator supervising four labourers. Respondents noted the challenge of enforcing these new regulations and the need for new Provincial resources to be allocated to training and enforcement.

A few respondents in this group supported the restriction of pesticides in favour of more organic approaches to food production and landscaping.

Some vendors suggested a better approach would be to focus on awareness raising and education; teaching people to use an IPM approach that uses pesticides as one of many tools, and the importance of following label directions.

Specific suggestions:

- ♦ Create clear and consistent terminologies, such as “domestic’ pesticides and “pesticides” (as defined by PMRA or by active ingredients);
- ♦ Develop a timely process for adding new active ingredients or packaging styles to the Schedules; and
- ♦ Use the ‘pharmacy model’ for all pest control products regardless of schedule.

“Only products meeting Health Canada’s rigorous health and safety standards are registered for sale and use in Canada...attention is paid to ensuring that all Canadians, including children, pregnant women and the elderly, are protected.”

“Our experience in other provinces shows... [that it] has led to consumers importing illegal pesticides from outside the province or creating their own home-brews.”

“If invasive species are able to proliferate due to lack of safe and effective tools to manage them, the costs to manage these noxious species are likely to increase dramatically...”

“I am delighted to see that the Ministry is finally looking at restricting the unfettered use of pesticides.”

“It is [our] stand that education, not legislation, coupled with social change will drive this issue to its logical conclusion – a tolerance for minimal pest problems while ensuring the health of plants is not compromised.”

Government and First Nations

There were 17 responses from individuals or organizations identifying themselves as “government” (including local governments and senior government agencies), “public sector organization” or “First Nation”.

Responses from this group were varied. The Union of BC Municipalities noted that UBCM had voted in favour of a ban on the sale and use of all cosmetic pesticides in BC, and a few other respondents in this group wrote in favour of a complete ban. Others felt that the current regulations were appropriate and that focusing on education for homeowners was more effective than new regulations.

Concerns with the proposed approach included impacts on invasive species management, notably close to farm land where lack of control of invasives and pests on nearby private land could create problems for farmers. There was support for the exemption of farm land. Respondents felt that compliance and enforcement would be complex, requiring appropriate resourcing from the Ministry.

Specific suggestions:

- ♦ Provide better definitions of farming and hobby farms;
- ♦ Ensure there is more consultation with local governments prior to implementation; and
- ♦ Provide adequate resources from the Province for enforcement (and not downloading this to local governments).

“Managing the source of a pest problem can be more effective than later having to manage the pesticides used to control them.”

“One of the intentions should be to reduce the confusion for residents about what the ‘rules’ are when there are federal, provincial and municipal laws to abide by.”

Environmental, Community Groups and Other Interests

There were 29 responses from individuals or organizations identifying themselves as “Involved in or working for an environmental or community interest group” or “Other interest”.

There was strong support from some groups for a complete ban on pesticides, including glyphosates, because of impacts on human health and biodiversity (including bee populations). Groups involved with the management of invasive species, on the other hand, raised concerns about making it more difficult and expensive for landowners to manage invasive species (and thus more likely that they will fail to do so). Fears were expressed that reducing accessibility to ‘safe’ pesticides will increase use of less safe homemade products and without the benefit of professional help. Others noted a need for more emphasis on IPM.

Specific comments and suggestions included the need for clarification on the fee for service on rights of way, and how oil and gas lines going through agricultural land will be treated.

“We welcome the proposed changes that will increase more customer contact at retail stores.”

“No matter who applies them, pesticides that are spread in neighbourhoods drift through windows and are tracked into homes.”

“We fear, by restricting allowable treatments with glyphosate to just noxious weeds, that we see an increase on other, non-designated priority invasive plant species in the coming years.”

2. Proposed revisions to the IPMR

The Ministry is proposing a number of revisions to the IPMR with implications for homeowners, building managers, tenants, vendors of pest control products, licensed applicators, IPM service companies and municipalities (see sections 3 and 4 of the intentions paper).

Response Form Question 2.1: Do you have any comments or suggestions regarding the Ministry’s intention to require a pesticide user licence for application of pesticides in private landscaped areas other than where regulatory exceptions apply?

Private Landowners and Individuals

Many responses re-iterated the desire for an immediate ban on all cosmetic pesticides; others saw no reason to change the current regulatory approach, stating homeowners have a right to eradicate noxious weeds on their property.

Several respondents noted that the training requirement is onerous for someone with a small garden, yet hiring a professional will be prohibitively expensive. There is concern that this will prevent landowners from taking prompt action on invasive species, which will then spread to neighbouring properties including farm lands. On the positive side, some felt that licensing will help to reduce improper applications.

It was suggested that homeowners should be able to purchase product using the pharmacy model; but there may be situations when application by an accredited applicator is required. Some landowners noted that acreage that is not a farm or forest is in a “gray area” with respect to the Intentions Paper.

“I think it would cost the homeowner extra expense for trying to grow his own garden.”

“I definitely agree that a pesticide user licence should be required, this could protect neighbourhoods from improper application and also make sure that toxic chemicals are kept safely.”

Vendors, Working in IPM Industry

Many responses from this group felt that the proposals were unnecessary and went too far. Concern was expressed for the cost to homeowners for hiring professionals to do work they have done themselves for many years, and that this would increase the use of products purchased cross-border or online, or worse the use of homemade products. Some stated that this approach feels discriminatory when domestic pesticides are generally less harmful than pool chemicals which are sold in much greater volumes. Less homeowner use of pesticides could reduce action on pests and invasive species, with resulting impacts on their neighbours. Some questioned how homeowners would deal with urgent issues such as wasp infestations. Fear was expressed that limiting the range of products available to homeowners will increase the likelihood of developing pesticide resistance.

Other concerns raised related to the training requirement. For rural areas especially, it was seen as challenging to train and maintain sufficient service providers. Training for forest crews will be an especial challenge with the short application season. It was noted that even in the current system there is a bottleneck that occurs at the government agent office when trying to find a room to write the exam.

Some respondents are seeking additional clarity, for example whether the licence for non-exempted products for use on private property would have to be shown at point of sale or what other information would be required, or why an applicator's licence would be required for Schedule 5, when many of the exempted Schedule 2 products are more poisonous.

Specific suggestions related to training included:

- ♦ Reduce the license fee;
- ♦ Provide online training and exams for assistant applicators;
- ♦ Use the assistant applicator training as a first step to obtaining a full certificate;
- ♦ Incorporate a practical component in the applicator certification training;
- ♦ Create licensing and training for agricultural users as a more effective approach to reduce risk; and
- ♦ Create a process for training and accrediting IPM specialists to provide consultation to homeowners.

Other suggestions were:

- ♦ Allow trained applicators to make decisions about pesticide selection, application methods and application rates under supervision of certified applicator;
- ♦ Retain the current ratio of 1:4 certified to non-certified;
- ♦ Extend the supervision distance to the whole property (with communication to the supervisor via cell phone);
- ♦ Continue to allow farmers and ranchers to purchase pesticides without an applicators licence; and
- ♦ Define "commercial operations" not requiring a license.

“I think this is an unrealistic expectation of the homeowner.”

“A valuable tool in the treatment of invasive plants will be eliminated.”

“I STRONGLY OPPOSE the inclusion of food gardens (which I assume includes fruit trees and berries)...very easy for uncontrolled plant pests to migrate to nearby commercial plantings.”

“This is a useful interim measure that should be phased out as we withdraw from our addiction to pesticide use.”

Government and First Nations

Some respondents from this group felt that the proposed approach could be difficult to administer and enforce. They noted that homeowners will not be able to legally control pests in areas that do not have access to licensed companies; and that it will impact compliance with Weed Control Act. Local governments expressed concern that enforcement may be downloaded to local governments and will also increase costs for local governments as all landscaping staff will need to be certified. Several commented that the focus should be on education rather than regulation.

It was suggested that certification is more suitable than licensing if homeowners choose to do this themselves.

Specific suggestions:

- ♦ Provide clearer definitions of ‘landscaped or enclosed and surrounding outdoor areas’ and ‘commercial or hobby farms’; and
- ♦ Make a mandatory but less vigorous certification program available for homeowners wishing to buy residential pesticides.

“This would appear to be difficult to administer and enforce.”

“If there is an expectation that local government provide enforcement we will need additional resources.”

Environmental, Community Groups and Other Interests

Reaction from this group was mixed, some feeling it does not go far enough (banning pesticides) to going too far (making it too hard for landowners to control invasive species). There is concern for areas of the province where there will be no licensed service providers. Many echoed the challenge of enforcement and the need for Ministry resources to make this happen. Education is preferred by many.

Suggestions included clearer definitions of ‘hobby farms’ and ‘private landscaped areas’.

“Education of the homeowner will lead to compliance”

“This is an unnecessary burden on small lots and acreages”

“This requirement will severely restrict landowners from effectively controlling noxious species on their property”

Response Form Question 2.2: Do you have any comments or suggestions regarding the Ministry's proposed list of pesticides considered safe for use by untrained people that may be: displayed for easy access by customers; sold without a vendor licence; and applied in private landscaped areas without a user licence?

Private Landowners and Individuals

Many respondents expressed concern that no pesticides are safe, regardless of who uses them, and we need to know the long term (30 year) effect of these products. It was noted that some items are so common it will be hard to control.

Other respondents felt glyphosate based pesticides are very safe to use and should continue to be readily available to the public.

Specific suggestions:

- ♦ Include pesticide alternatives on the list, including pesticides from essential oils; and
- ♦ Leave the list open so that new, safe products can be added, and add more products so that there are choices for dealing with pests.

"Ban completely all nicotine based poisons that are killing bees and other beneficial insects"

"Usually too weak and/or expensive per acre to be used on properties that are larger than a typical city postage stamp"

Vendors, Working in IPM Industry

Several respondents noted that all pesticides approved by Health Canada are deemed to be safe for their intended purpose, and are safer than pool chemicals (which are exempted). They felt that all products registered for domestic use should be available to homeowners. Concern was expressed for the additional cost, especially for landowners with larger properties, as domestic products are more expensive than commercial ones. There was also concern for increased risk to public safety and the environment as people use homemade products instead or purchase from the U.S. Fears were expressed that obsolete products will be disposed into landfills.

Some felt that it was confusing to have two lists; it was not clear why products were assigned to one list or the other. As well, if an active ingredient is safe enough for Schedule 2/5 it was not clear why it mattered if use is domestic or commercial. Limiting the market will limit companies' ability to develop additional low risk products.

Views were expressed that some products are so safe they are ineffective. Others said that some products once deemed to be 'safe' are now understood to be destructive.

Specific suggestions:

- ♦ Allow for new safe products to be added to the list in a timely manner;
- ♦ Moth balls are not safe and should not be on Schedule 2; and
- ♦ Retain the ability for homeowners to use the tamperproof rat bait boxes.

“It feels like you are saying we are not smart enough to read a label to use the common pesticides we rely on...This list is very limiting.”

“The proposed revisions are excellent and modernize the current issues based on practices across Canada.”

Government and First Nations

Concerns from respondents included the need for additional scientific information to support the Schedule 2/5 lists and the ability to update Schedule 5 in a timely manner. Some felt it would be simpler just to have one list. It was suggested that since some of these chemicals can have impacts on soil and water if used in quantity; they should still require a vendor’s licence. A simple enforcement method was preferred, e.g., all domestic class pesticides should require a residential use pesticide licence, while commercial uses require a federal certified pesticide applicator licence.

Specific suggestions:

- ♦ Harmonize lists with those from other provinces;
- ♦ Carbaryl based products should be allowed for use in vegetable gardens;
- ♦ Add restrictions on using products within one metre of the water’s edge; and
- ♦ Criteria for behind the counter products should be based on the active ingredients.

Environmental, Community Groups and Other Interests

Several respondents objected to the term ‘safe’ in relation to pesticides, including glyphosate. Others raised concern that the ‘domestic’ pesticides are not the best tools for treatment of invasive plants and will increase infestations, while overuse will lead to herbicide resistance. Some thought pesticide sales should still require a vendor’s license and trained personnel should assist buyers in determining best products and application rates. Some found the training component lacked detail.

“A one day course with lunch does not make them any more qualified than the average private land owner”

“It flies in the face of IPM to have such a limited number of products for use with no option for rotation or minimizing impact on beneficial insects”

Response Form Question 2.3: Do you have any comments or suggestions regarding the Ministry’s proposed Schedule 2 (pesticides that are excluded from IPMR requirements for a licence?)

Private Landowners and Individuals

Respondents reiterated that all pesticides should be banned. Some were unclear as to how Schedules 2 and 5 differed, a few felt the lists were too restrictive and that organic pesticides should not need a licence. Others asked that the Ministry allow for additions to the list (e.g., safe biological controls).

“None should be excluded. They should be banned.”

“All currently permitted chemicals should be allowed to continue without restriction.”

Vendors, Working in IPM Industry

Some found it helpful to have two lists; others would prefer a single list. There were concerns about confusion, both because of varying municipal bylaws and inconsistencies (e.g., use of rodenticides in and out of doors, not including wood preservatives and pool chemicals). Others felt that it was not clear why aerosols and non-aerosols are treated differently.

Several responses raised concerns that products deemed effective and safe by Health Canada have been removed from the list, and will lead to increasing use of black market and homemade products. Education is a preferred approach.

Industry expressed the need for a timely process to get new products added to the list, noting that these restrictions will limit the investment in new products for this market.

Specific suggestions:

- ♦ Put group descriptions in the regulations but written in broad terms to allow for additional products; specific information such as active ingredients should be a separate list;
- ♦ Follow Ontario’s lead in creating a timely regulation review processes to update the pesticide class list.

“We applaud the BC Ministry of Environment for revising the Schedule 2 IPM list and creating Schedule 5, as the IPM list has become used by many municipalities as an ‘allowed’ pesticide list when drafting bylaws.”

“Businesses need predictability and transparency in order to determine if a product should be developed for the Canadian market.”

Government and First Nations

This group also suggested that the two separate lists could result in confusion, and felt there is a need to explain what the regulatory requirements and intentions for each Schedule are. Concern was expressed for implications for lease/rental lands used for agriculture, would this require licensed applicators in these settings?

Respondents asked for further consultation with local governments on intent and content of the schedules.

Specific suggestions:

- ♦ Need more information on ‘public health anti-microbial products’;
- ♦ All products used in beekeeping for the purpose of controlling disease should be excluded; and
- ♦ Schedule 2 should have a general exclusion for the management of parasites and disease vectors on companion animals, poultry and livestock.

“We are highly concerned with the alterations in these schedules and the possible complications for individuals in an agricultural setting who have lease/rental agreements... Apiarists very often establish beehives on lands under lease/rental agreements.”

“Rat poisons should be banned, as they can kill non-target species like owls and pets.”

“All substances carry a risk...It is the dose that creates the poison, not the product.”

Environmental, Community Groups and Other Interests

Comments included the need to add a selective herbicide to deal with noxious weeds, to provide flexibility to modify Schedules, and to provide information on toxicity and non-target impacts to avoid overuse of these ‘safe’ products.

“Pesticides are harmful, period.”

“The list of pesticides that are excluded from IPMR should be based on the work of health Canada and PMRA.”

Response Form Question 2.4: Do you have any comments or suggestions regarding the proposed revisions addressing vendor storage, licensing and dispensing requirements?

Private Landowners and Individuals

Respondents suggested that information sheets should be available in English and French, consistent with federal bilingual policy, and noted that there may be legal implications if the translation into other languages is not accurate or does not take cultural differences and dialects into account.

Some liked the idea of keeping pesticides behind locked doors; others noted that this makes it hard to read labels to determine if a product meets their needs and to compare prices.

Specific suggestions:

- ◆ Requirement for certified dispenser to ensure that pesticide is appropriate for intended use should apply to agricultural pesticides as well; and

Make it mandatory for manufacturers, vendors and shippers to develop and maintain a GIS-based advice and reporting applications to cover every step of the distribution chain.

“Vendors should display a public information card telling people the dangers, safe use, repeat application times and residual impacts of all pesticides they sell.”

“Excellent intention – keep it!”

Vendors, Working in IPM Industry

This group had numerous comments on this topic, most of them concerns with the proposed approach. Many noted that this will have a significant impact on vendors: they will need to change the way their store is designed and add new locked storage fixtures; it will place responsibility on vendors to select the right product (when they are not able to see the pests for

themselves); and it will be very hard in stores that serve multiple municipalities with different bylaws. In some stores counter areas get busy and are often accessible to public. Onerous rules will drive people away from local businesses and into online or cross-border shopping. A few described the pharmacy model as a step in the right direction, but felt the onus for educating consumers should be a government responsibility.

Training was seen as a major undertaking that would be challenging and costly for stores that rely on seasonal staff; it was suggested that this will reduce the availability of products in some areas.

Concerns regarding the handout included the need to also have an informative website, and providing information in French. Some felt information sheets are a waste as they are often thrown away unread.

Specific suggestions:

- ♦ Ministry should work with industry on development of a website, handouts and other point of purchase options;
- ♦ It should be mandatory to hold a pesticide applicator certificate to buy a commercial class pesticide;
- ♦ Government could require nurseries and garden centres to inform customers about pest/disease problems associated with their trees or shrubs; and
- ♦ Incorporate the recommendations from the Special Committee.

“It is not the retailer’s job to verify that a certified applicator has the skills to buy and use a pesticide, nor to select a product for consumers, nor to interpret the labeling, nor to check if they understand the municipal bylaws.”

“Forcing the consumer to talk to a licensed and trained individual is good.”

“If I have been buying ant killer for 10 years it is insulting that I couldn’t purchase it again this year for my overwhelming ant problem.”

Government and First Nations

This group noted that there will be challenges for vendors, who cannot ensure that pesticide purchased is suitable for intended use as they cannot know if the purchaser is telling the truth. Further it will be challenging in stores serving multiple municipalities.

Some commented that this approach will significantly reduce the number of vendors who carry these products, or reduce range of products they carry, making it hard for people to buy products in some areas.

Enforcement was a concern raised by many, for example how will you know glyphosate is being used for its intended purpose? It was suggested that the Ministry needs to budget for enforcement.

Specific suggestions:

- ♦ Use a less complicated approach such as removing glyphosate from Schedule 5 and restricting its sales or requiring all purchasers to have a current license; and

- ♦ Develop a residential user's license that the purchaser can show to the vendor.

Environmental, Community Groups and Other Interests

Comments varied from those who support this approach to those who are concerned that it will reduce availability of products to control noxious weeds. It was noted that it will be hard for vendors dealing with multiple municipalities, and that a budget for enforcement will be essential.

It was suggested that the Ministry identify additional options for rural locations to make these tools available.

"These are all good."

"The cost to the retail outlets will be passed on to the purchaser and increased cost will affect a landowner's desire and ability to 'to the right thing.'"

Response Form Question 2.5: Do you have any comments or suggestions regarding the Ministry's proposed uses for which the herbicide glyphosate may be applied in private landscaped areas without a licence?

Private Landowners and Individuals

Some re-iterated the desire for a complete ban on pesticides, including glyphosate. Others supported the continued availability of glyphosates (especially for invasive species), suggesting that if glyphosate is not available people will use more harmful chemicals. Some saw the restrictions as non-enforceable, for example when purchasers say glyphosate is for driveway cracks but then use it in other ways.

It was suggested that it should be available for listed purposes only with a valid signature.

"I definitely need and use commercial strength and volumes of Roundup."

Vendors, Working in IPM Industry

There was some support for making glyphosate available using the pharmacy model to control invasive species, but some noted that this is hard to enforce or monitor. Some respondents felt that training people to use this properly is critical.

It was suggested that this be extended to glyphosate-ammonium products as well since they are used in the same situations.

"A sensible compromise to allow some use, but removes some uses that are more likely to lead to overuse; what is the rationale for limiting use?"

"How is spraying driveway any different than any other part of your yard?"

Government and First Nations

Some supported the use of glyphosate as an effective tool for invasive species management and that residents must also be taught how to use and store it safely. Others felt that it is not a good tool for invasives as it is non-selective and many target plants are developing resistance. Enforcement was raised as a concern.

Specific suggestions:

- ♦ On private land it should only be applied by a certified applicator using IPM; and
- ♦ Allow its use in equestrian areas to reduce spread of weeds to surrounding farm lands.

“An untrained person could apply the pesticide on a rainy day...This is making it too convenient and hazardous.”

“Disagree. Individuals need access to the latest science & correct tools. May lead to over use or drive people to unproven methods or home recipes.”

Environmental, Community Groups and Other Interests

Like other groups, there were dissenting views about glyphosate being an essential tool for invasives management or having limited efficacy with increasing resistance. Education was seen as essential to avoid harm to surrounding vegetation.

“Give priority to the E-Flora Invasive Alien Plant Program and devise the best herbicide for each plant and encourage homeowners to add it to their IPM without need for a license.”

“Remove it entirely from unlicensed use.”

Response Form Question 2.6: Do you have any comments or suggestions regarding the Ministry's proposed training requirement for certified assistant applicators?

Private Landowners and Individuals

There were several comments regarding training, such as making it online and affordable to encourage compliance, allowing for in-house training, and clearly defining training requirements. Some felt that an onerous training program done by an official agency will inhibit recruitment of applicators and increase costs, and as long as the supervisor is certified there is no need to certifying assistants. A 'homeowner licence' so that people can look after their own property was suggested.

“My parents were farmers as well as myself so why would I need a certified applicator and pay for someone to do a job responsibly that I have been doing for years?”

“I'm not sure why it is required. Were the existing certified applicators not doing a good job of supervision?”

“The cumulative effects on biodiversity and human health should be the first consideration, more urgent than landscaping companies hiring fewer people but using more chemicals.”

“Should be no opt-out, this is for the good of all; this needs to be a province-wide requirement.”

Vendors, Working in IPM Industry

Comments ranged from “current regulations are sufficient” to “great idea, too many untrained applicators.” There were concerns regarding the cost and extra red tape for companies and applicators. Fear was expressed that companies may be reluctant to invest in training when there is high staff turnover or use of casual staff (especially in remote communities), and that the requirements could create a shortage of qualified staff and work backlog.

Several vendors noted that the proposed timelines are insufficient for training to occur. Some supported the assistant applicator training as a good stepping stone for getting full certification; others felt that there should not be an assistant applicator category, people who do not understand the training requirements in entirety should not be applying pesticides.

Specific suggestions:

- ♦ Industry should have the opportunity to comment on, and be involved in the development of, proposed training requirements;
- ♦ Training sessions should be no more than one day, Ministry should develop a training process to train Service Providers, who could then train within their companies;
- ♦ Provide simple online training at low cost for individuals (\$70 is too much);
- ♦ Make it clear the regulation would not apply to structural uses;
- ♦ Make the certified assistant applicator a mandatory requirement in agriculture as well;
- ♦ Develop an applicators’ certificate especially for golf courses;
- ♦ Include a training section specifically for turfgrass professionals;
- ♦ Develop an accreditation program for IPM specialists, with the IPM applicators licence as a component, but with additional training on plant health and public safety; and
- ♦ Might be better if this was an apprentice program.

“Where large vegetation management programs are being completed in forestry and industrial settings these requirements could be crippling.”

Government and First Nations

Some respondents felt that the proposal lacked clarity, for example it was unclear if non-service licence holders would require training. There were concerns that the certified assistant category will increase costs for companies, and a suggestion that there be no ‘assistant’ category and all applicators should be fully trained. One respondent anticipated that local governments may face intense lobbying to opt-out, and that Ministry should provide guidance to address concerns. There were requests to ensure there are adequate resources for training.

Specific suggestions:

- ♦ Consider verbal exams and a hands on component for training;
- ♦ Training should embrace IPM principles with pesticide use as a last resort; and
- ♦ Develop a certified assistant category for agriculture as well.

Environmental, Community Groups and Other Interests

This group also asked for more clarity and details on training and supervision, and suggested that all staff applying pesticides must be certified/licensed; any person applying pesticides should be fully trained or fully supervised by trained applicator.

Specific suggestions:

- ♦ Assistant applicator course should be a simplified version of the standard applicator one, an apprentice system;
- ♦ Include training on how to grow organically, avoid pesticide use;
- ♦ Provide a half day option for landowners managing invasives;
- ♦ Ensure training meets the needs of illiterate workers; and
- ♦ Recommend using Horticulture Education (Hort Ed) to deliver this training

“A secondary less intense training option is a good alternative in the invasive plant industry.”

“Agree and support a half day training course for homeowners.”

Response Form Question 2.7: Do you have any comments or suggestions regarding the proposal to allow municipalities and First Nations with regulation-making powers to opt-out of the licence requirement to use pesticides in private landscaped areas?

Private Landowners and Individuals

Most of the respondents were not in favour of an opt-out option.

“I do not think that anyone should be exempted from these new regulations”

Vendors, Working in IPM Industry

The opt-out provision was welcomed by some (for example to avoid impacts on farming industry), but others felt all municipalities and First Nations should be under senior government control. There was a suggestion that municipalities should be able to set more stringent requirements but not less onerous.

One expressed fear that if the municipality or First Nations government imposed more severe restrictions, this could restrict the legitimate use of pesticides for industrial users.

The proposal for opt-out by municipalities raised concern that there would be a complex ‘patchwork quilt’ of regulations. Some felt that the opting out provision sends a mixed message, and implies that local governments have the scientific knowledge to make the decision.

“There will be some wild council meetings ahead with the vocal, noisy and passionate minority stamping their feet and pounding their fists.”

“We do not agree with creating another patchwork pesticide use system in BC.”

Government and First Nations

Respondents in this group also favoured not permitting an opt-out, although some were supportive.

Environmental, Community Groups and Other Interests

Some respondents supported the need for local decision making as each region faces different issues. Others felt the opt-out provisions made the regulations unnecessary (municipalities can simply set their own rules).

“Makes these types of regulation pointless does it not?”

“It is very important that each jurisdiction should be allowed to opt-out and write their own bylaws with input from their residents.”

3. Implementation timeframe

The Ministry intends to implement the proposed revisions to the IMPR in two stages between 2014 and 2015 (see section 5 of the intentions paper).

Response Form Question 3.1: Do you have any comments or suggestions regarding the implementation timeframe?

Private Landowners and Individuals

Comments were mixed, ranging from implement this (or a full ban) immediately, to delaying to allow time to get the word out and make people aware of the changes. One suggested phasing this in geographically, only implementing in Lower Mainland and southern Vancouver Island for the next five years.

“The sooner the better – probably before next year’s growing season.”

“My wish would be for it to take effect immediately.”

Vendors, Working in IPM Industry

Vendors and industry were generally unhappy with the proposed timeline, especially in relation to starting in spring 2014. They noted that stores have already ordered stock for this year and that the public are unaware of proposed changes. Several vendors noted that the proposed timelines are insufficient for training to occur, suggesting that the implementation be moved back to 2015. There was concern that unused (unsaleable) product would end up in the landfill. It was suggested that industry needs a lead time of at least 18 months to transition to these types of changes, and that there should be a phase in period for training.

“Most people are unaware of the proposed change and will be caught off guard.”

“It would be impossible to provide adequate training and resources for this program by Spring of 2014.”

Government and First Nations

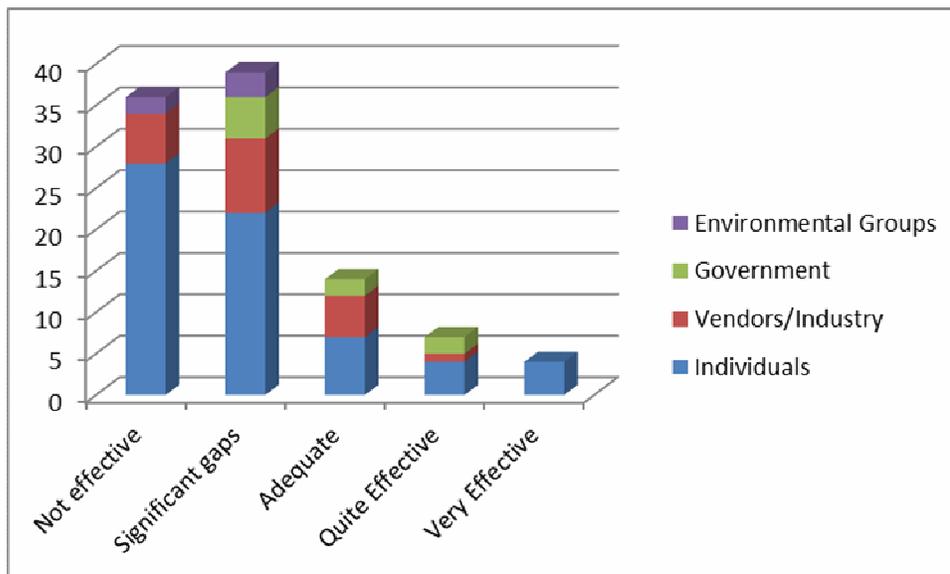
Some noted that spring is a very busy time for retailers and there was need to provide for a transition period for retailers to adjust. Others suggested that implementation should occur all at once (rather than over two years) to reduce confusion. In any case, there should be ample public notice for homeowners as well as to businesses, for example by outlining the new regulations in all local BC papers.

Environmental, Community Groups and Other Interests

Comments from this group were mixed: some felt that there should be an immediate ban; others asked not to rush the legislation for fear that if implemented too quickly may be gaps and concerns not addressed. Some suggested a trial period for the regulation, and using ‘Report- A-Weed’ to monitor the effect of invasive plant spread.

4. Effectiveness of the proposed revisions

In your view, how effective are the proposed revisions in ensuring that pesticides used in outdoor landscaped areas are applied by trained people as part of an IPM program, or are pesticides generally considered safe for use by untrained people?



What are the reasons for your choice? What suggestions do you have for the ministry to improve the effectiveness of the regulation?

Private Landowners and Individuals

Comments ranged from the desire for an outright ban, to a plea to retain options for landowners to control noxious weeds. Fear was expressed that the restrictions will limit the number of vendors and reduce availability of pesticides.

It was noted that regardless of regulation, some people will learn how to get hold of products through a black market and that on farm land pesticides will still be applied by untrained people. For some, education was a preferred approach. Respondents suggested that the Ministry will need an adequate budget for monitoring and enforcement or this approach will not be effective.

“Many vendors will stop selling pesticides due to risks and costs to the vendor and inability to find trained and qualified sales people.”

“All the proposals do is to increase the cost of keeping down noxious weeds and ensure that people will be even less able to control them.”

“While the intent of the proposed changes is good I believe far more could be achieved through education.”

Vendors, Working in IPM Industry

Some vendors and industry respondents felt that the proposed regulation, including the training component, was unnecessary because Health Canada already provides effective control and that ‘domestic’ pesticides are already deemed safe for use by untrained people. Others noted that any changes should follow the work of Special Committee on Cosmetic Pesticides and should not undermine the federal governing body. Concerns were expressed about the use of homemade/black market products and increased volumes of pesticides being applied because they are weaker products. Some felt that the lists of pesticides and trained people will be hard to maintain as there will be high turnover with low paying jobs.

Specific suggestions:

- ♦ Regulate who dispenses the products (a box store seasonal employee is not as informative as year-round garden centre employee);
- ♦ Make it very simple and clear to understand (cut the red tape); otherwise law abiding citizens will be out of compliance;
- ♦ Ministry should designate products for consumer use, all others applied by professionals;
- ♦ Make it mandatory to hold a pesticide applicator certificate to buy commercial class pesticides;
- ♦ Include the ability to have verbal exams for people with reading challenges;
- ♦ Ministry needs to provide funding to monitor household use; and
- ♦ Set up a hotline for people to call with questions.

“Please leave us with adequate tools.”

“I believe we harm human health as well as that of other species by continuing to throw poison at everything we think may be damaging our dahlias.”

Government and First Nations

Some felt the proposed changes are unclear, with more clarity needed to reduce confusion and uncertainty. Some would like to see a focus on improved training and public education. A need was expressed for rigorous monitoring and enforcement for this to work.

Specific suggestions:

- ♦ Close the gap that allows people to purchase pesticides and use them in contravention of local bylaws;
- ♦ Provide sufficient resources for implementation, monitoring and enforcement;
- ♦ Use applicator certification rather than licensing; and
- ♦ Consult with local governments; there are complex and overarching challenges for implementation.

“Notifying tenants section for private land does not address concerns of neighbours; require a pesticide use notice sign as for public land.”

Environmental, Community Groups and Other Interests

Some respondents would prefer using education rather than legislation, others would prefer uses only of ‘environmentally safe products’ as a better choice. Concern was expressed that some of the changes will increase the level of non-compliance.

Specific suggestions:

- ♦ Exempt regionally listed invasive species from the ban, or update the Weed Control Act to include them;
- ♦ Include other herbicides as well as glyphosate;
- ♦ Include safe mixing, handling and calibration in training courses; and
- ♦ Provide definitions for landscaped areas, farm, hobby farm.

“Herbicides should be the last line of defence against invasives.”

“Domestic pesticides are safe for any untrained person to apply if the label is followed.”

Response Form Question 4.2: Do you have any other comments or suggestions for the ministry regarding the IPMR?

Respondents used this question to reiterate comments that had been made earlier in the response forms.

Private Landowners and Individuals

Points of view expressed by multiple respondents were:

- ♦ Ban all pesticides;
- ♦ Follow the precautionary principle;
- ♦ IPM implies the integration of several methods, this proposal reduces options for landowners;
- ♦ Use education rather than regulation;
- ♦ Allow landowners to manage their own property and to eradicate noxious weeds;
- ♦ Use guidelines that can be updated more efficiently and quickly;
- ♦ Regulations make use unaffordable and create a black market; and
- ♦ Do not allow local governments to overrule provincial regulation.

Specific suggestions:

- ♦ Require applicators to take training every five years;
- ♦ Provide incentives for people affected with noxious weed infestations;
- ♦ Provide clear guidelines on type of notification when pesticides used in private landscaped areas; and
- ♦ Have penalties for non-compliance.

"I think that a lot of these changes are proposed by people who live in concrete jungles."

"I say LEARN TO LOVE YOUR WEEDS."

"I don't see much in this proposed IPMR that encourages holistic, organic, and more labour intensive, yet safer to human health and biodiversity measures."

"Am glad you are making the effort."

"Consider humans and the environment first instead of the monetary value attached to pesticides and their use by corporations and companies."

Vendors, Working in IPM Industry

Points of view expressed by multiple respondents were:

- ♦ The current regulatory approach works well, the proposed revisions are unnecessary;
- ♦ BC should follow the recommendations of the Special Committee on Cosmetic Pesticides;
- ♦ Education and awareness is the best approach;
- ♦ Pesticides are used to address real pest problems and should not be characterized as cosmetic or unnecessary;
- ♦ Integrated pest management is the best approach; where pesticides are used only thoroughly assessed and Health Canada approved products should be used;

- ♦ All workers applying herbicides should be trained for the work they are conducting, this will ensure safety measures for them and the environment;
- ♦ Increase public awareness of IPM, where pesticides are one of many tools to maintain healthy Federally registered products are specifically designed for use by untrained individuals;
- ♦ Provide an ability to add new and safer pest controls to the list in a timely manner;
- ♦ Provide training and reference materials for retail staff; use online training for public awareness (similar to the Boater Safety Course);
- ♦ Licensing for non-exempted products will dramatically reduce sales; how are retailers to safely dispose of surplus product, will it end up in landfill?
- ♦ The Ministry should provide staff resources to inform the public;
- ♦ Develop in-store messaging and point of sale materials; and
- ♦ Provide greater emphasis on monitoring (pre and post).

Specific suggestions:

- ♦ Phasing out of chemicals over a five year period would be simpler;
- ♦ This regulation will be cumbersome and onerous, especially in forest sector;
- ♦ Preferential treatment of some segments of the industry creates an unfair business environment;
- ♦ Complex frameworks will stifle commerce and innovation without achieving risk mitigation;
- ♦ The professional landscape industry should follow the BC Landscape Standard guidelines;
- ♦ Ensure product labels reference IPM techniques;
- ♦ “Cosmetic” pesticides applied to protect food crops (especially near agricultural lands) should be allowed to be used without a licence; lack of homeowner action will increase impacts to commercial growers;
- ♦ There should be schedules that identify and exclude specific noxious plant pests and diseases in addition to Weed Control Act plants; and
- ♦ Revise wording to allow for products in single non-refillable cartridges.

“We are considered exceptionally ‘Green’ in our community, yet we sell pesticides, as we believe that approved and effective products with label directions are the way to go, provide these to the public rather than the anarchy of the alternatives.”

“There are very few effective domestic insecticides available, now you will make it even harder for homeowners to try and control pests on their properties.”

“Pesticides undergo over 200 separate tests addressing a range of health and environment issues.”

“As part of this process, we hope the BC government will anticipate the importance of maintaining a regulatory environment that will foster innovations that provide significant economic, health and environmental benefits to Canadians.”

“The only changes to the IPMR that we support would be to restrict use of commercial grade pesticides to only trained applicators.”

Government and First Nations

Points of view expressed by multiple respondents were:

- ♦ Local governments should be further consulted; local government bylaws should take precedence over the provincial regulation;
- ♦ Parts of the province have no certified applicators and the cost of becoming certified is excessive;
- ♦ Focus on education;
- ♦ Allowances should be made for landowners with noxious weeds (so as not to discourage action), the proposal will make it harder and more costly for landowners to manage invasives;
- ♦ Municipalities and First Nations should not be allowed to opt-out; inconsistencies between provincial and municipal will be confusing – provide enabling legislation to allow for consistency;
- ♦ Municipalities and First Nations should be allowed to opt-out;
- ♦ The proposals are unclear, confusing and do not address public concern for health and safety;
- ♦ Proposed approach will lead to stockpiling and black market;
- ♦ The notification process should be clarified (what type, when); and
- ♦ Other languages should be included for information materials – e.g., French, Spanish, Japanese.

Specific suggestions:

- ♦ Small scale application on private land should require some training but not a full certification (e.g., use online training);
- ♦ Private landscaped areas by certified homeowners should not require licensing; and
- ♦ The revisions should address signage and improved certification for pesticide applications on range lands.

Environmental, Community Groups and Other Interests

Points of view expressed by multiple respondents were:

- ♦ The use and sale of pesticides should be illegal;
- ♦ Municipalities and First Nations should not be able to opt-out;
- ♦ The proposal should address the needs of landowners with noxious weeds close to farmland;
- ♦ The proposals should follow the Special Committee recommendations;

- ♦ The proposed IPMR should include education, but the 2004 IPMR is otherwise adequate;
- ♦ Ministry will need an increase in staff and resources to handle inquiries, licensing and complaints;
- ♦ There should be education for retailers and dispensers; and
- ♦ The proposal should address the disposal of unwanted products.

Specific suggestions:

- ♦ The Ministry should support established organizations such as regional invasive species groups to educate about invasives and IPM; and
- ♦ There should be some training for application on small scale private land but proposal is too cost prohibitive.

“Ontario’s ban on cosmetic pesticides led to a drop in pesticides detected in urban streams.”

“Just ban them. We will find ways to cope.”

“Pesticides pose a clear risk to vulnerable groups in the community. They have no possible health benefit.”