

PROVINCE OF BRITISH COLUMBIA
REGULATION OF THE MINISTER OF
ENVIRONMENT AND CLIMATE CHANGE STRATEGY
AND MINISTER RESPONSIBLE FOR TRANSLINK

Integrated Pest Management Act
Environmental Management Act

Ministerial Order No. M370

I, George Heyman, Minister of Environment and Climate Change Strategy and Minister Responsible for TransLink, order that, effective January 21, 2023,

- (a) section 77.1 of the Code of Practice for Agricultural Environmental Management, B.C. Reg. 8/2019, is repealed, and
- (b) the Integrated Pest Management Regulation, B.C. Reg. 604/2004, is amended as set out in sections 1 to 8, 16 and 17 of the attached Appendix.

DEPOSITED

December 6, 2022

B.C. REG. 264/2022

December 1, 2022

Date



Minister of Environment and Climate Change Strategy
and Minister Responsible for TransLink

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Environmental Management Act*, S.B.C. 2003, c. 53, s. 22;
Integrated Pest Management Act, S.B.C. 2003, c. 58, s. 38

Other: M422/2004; M39/2019

R10624111

APPENDIX

1 Section 1 of the Integrated Pest Management Regulation, B.C. Reg. 604/2004, is amended by adding the following definitions:

“category of essential service location” means a category set out in column 2 of the table in Schedule 6;

“essential service location” means a location described in column 3 of the table in Schedule 6;

“second-generation anticoagulant rodenticide” or “SGAR” means a pesticide that contains any of the following active ingredients:

- (a) brodifacoum;
- (b) bromadiolone;
- (c) difethialone;

“treatment site”, in relation to the use or proposed use of an SGAR in a treatment area, includes any additional areas in the vicinity of the treatment area where the SGAR is used or is intended to be used for the management of rodents; .

2 Section 5 is amended

(a) in subsection (1) by adding the following paragraph:

(n) the use of an SGAR on public or private land for the management of rodents., **and**

(b) in subsection (2) by adding “other than an SGAR” after “use of a pesticide”.

3 Section 13 is amended

(a) by repealing subsection (1), and

(b) in subsections (2), (3), (4) and (5) by striking out “the licence year and each additional year” and substituting “each year”.

4 Section 14 (2) is repealed and the following substituted:

(2) The following uses are prescribed for the purposes of section 5 (1) of the Act:

- (a) aerial application of a pesticide by a pilot;
- (b) use of an SGAR on public or private land for the management of rodents.

5 The following Division is added to Part 1:

Division 6.1 – Use of Pesticides for Purposes of Agricultural Operations

Use requirements – agricultural operations

- 33.1** (1) In this section, **“agricultural operation”**, **“contaminated runoff”**, **“groundwater”**, **“property boundary”** and **“watercourse”** have the same meaning as in the Code of Practice for Agricultural Environmental Management, B.C. Reg. 8/2019.

- (2) A person who applies a pesticide for the purposes of an agricultural operation must ensure all of the following:
 - (a) that contaminated runoff does not enter a watercourse or groundwater, or cross a property boundary;
 - (b) that pesticide spray drift does not enter a watercourse or groundwater;
 - (c) that all precautions are taken that are reasonably necessary to prevent an unreasonable volume of pesticide spray drift from crossing a property boundary, unless the person in possession of the property into which the drift crosses allows otherwise.
- (3) A person who applies pesticides for the purposes of an agricultural operation must keep a record containing the following information:
 - (a) the date, time and location of application;
 - (b) the temperature, precipitation, wind speed and wind direction at the time of application;
 - (c) the name of each targeted pest;
 - (d) for each pesticide applied,
 - (i) the product trade name and pest control product registration number, and
 - (ii) the application method and rate of application.

6 Section 34 is amended in subsection (2) by adding the following paragraphs:

- (f) if the pesticide is an SGAR,
 - (i) the name and certificate number of a person who holds a valid pesticide applicator certificate endorsed for the use of SGARs, and
 - (ii) the name and licence number of the licensee who intends to use the SGAR;
- (g) if the pesticide is an SGAR and the licensee who intends to use the SGAR holds a pesticide non-service user licence, the category of essential service location that applies to the treatment site at which the SGAR is to be used.

7 Section 35 is amended by adding the following subsections:

- (6) A licensee who uses an SGAR must keep a record containing the following information:
 - (a) for each treatment site, the information described in subsection (1);
 - (b) measures that were taken to comply with the requirements set out in section 68 (1) (a);
 - (c) the results of rodent monitoring carried out by the licensee in relation to
 - (i) the rodent population, and
 - (ii) the damage caused by rodents;
 - (d) the date on which the SGAR is removed from the treatment site.
- (7) Despite subsection (1) (i), a licensee is not required to record the prevailing meteorological conditions if a pesticide is deployed in a weather-resistant container.

8 Section 39 is amended

(a) in subsection (1) by adding “licensee” after “pesticide user service”, and

(b) by adding the following subsection:

- (3.1) If a licensee uses an SGAR that was purchased by the licensee by means of the internet, the licensee must, in the licensee’s annual report for the calendar year in which the SGAR was used, include the name of the person who sold the SGAR to the licensee.

9 Section 46 (3) is amended by adding the following paragraph:

- (c) in respect of the sale of SGARs,
- (i) confirm that each person who intends to purchase an SGAR
 - (A) holds a valid pesticide user service licence or pesticide user non-service licence, and
 - (B) either holds a valid pesticide applicator certificate endorsed for the use of SGARs, or can provide the name and certificate number of a person who holds such a certificate,
 - (ii) if the person who intends to purchase the SGAR holds a pesticide non-service user licence, ask the person
 - (A) to identify the category of essential service location that applies to the treatment site at which the SGAR is to be used, and
 - (B) to present documentation that demonstrates the authority of the person to use SGARs to manage rodents at the essential service location at which the SGAR is to be used,
 - (iii) refuse to sell the SGAR if the requirements set out in subparagraphs (i) and (ii) are not met, and
 - (iv) at the time of the sale, advise the purchaser of the SGAR that
 - (A) the use of SGARs creates risks to wildlife,
 - (B) when using SGARs there are requirements in relation to integrated pest management and the keeping of records, and
 - (C) there are standards in relation to the disposal of SGARs and of dead rodents, and municipal bylaws may also apply to such disposal.

10 Section 48 is amended by adding the following paragraph:

- (g) a licensee must, in respect of the sale of an SGAR,
- (i) confirm that a person who intends to purchase the SGAR
 - (A) holds a valid pesticide user service licence or a pesticide user non-service licence, and
 - (B) either holds a valid pesticide applicator certificate endorsed for the use of SGARs, or can provide the name and certificate number of a person who holds such a certificate,
 - (ii) if the person who intends to purchase the SGAR holds a pesticide non-service user licence, ask the person

- (A) to identify the category of essential service that applies to the treatment site at which the SGAR is to be used, and
- (B) to present documentation that demonstrates the authority of the person to use SGARs to manage rodents at the essential service location at which the SGAR is to be used,
- (iii) refuse to sell the SGAR if the requirements set out in subparagraphs (i) and (ii) are not met, and
- (iv) at the time of the sale, advise the purchaser of the SGAR that
 - (A) the use of SGARs creates risks to wildlife,
 - (B) when using SGARs there are requirements in relation to integrated pest management and the keeping of records, and
 - (C) there are requirements in relation to the disposal of SGARs and of dead rodents, and municipal bylaws may apply to such disposal.

11 Section 59.1 is amended by adding the following paragraph:

- (j) use an SGAR.

12 Sections 60 (2) (j) and 61 (2) (j) are amended by striking out “treatment site” and substituting “treatment area”.

13 Section 67 is amended

- (a) in subsection (3) by adding “SGARs and” after “display”, and**
- (b) by adding the following subsection:**

- (4) If a holder of a pesticide vendor licence offers SGARs for sale, the licensee must, in the place where each SGAR is displayed, post signage that complies with the standards established by the administrator.

14 Section 68 (1) (a) is amended by adding “, occupant” before “or manager”.

15 Section 81 is amended

- (a) in subsections (1), (3) and (4) by striking out “(h) or (i)” and substituting “(h), (i) or (n)”,**
- (b) in subsection (2) by striking out “inside of or outside” and substituting “outside of” , and**
- (c) by adding the following subsections:**

- (5) A licensee must not do any of the following:
 - (a) use an SGAR at a treatment site that is not an essential service location;
 - (b) use an SGAR at a treatment site unless the licensee has determined that rodents are present at the treatment site or that there is evidence of recent rodent activity at the treatment site;

- (c) use an SGAR at a treatment site unless practical alternatives to the use of an SGAR have been implemented and have not been effective in relation to the management of rodents;
 - (d) use an SGAR at a treatment site unless the licensee ensures that the owner, occupant or manager has implemented the measures described in section 68 (1) (a), if the licensee is not personally implementing those measures;
 - (e) use an SGAR at a treatment site for more than 35 consecutive days;
 - (f) use an SGAR at a treatment site for more than 120 days in a year;
 - (g) use an SGAR in one of the following areas, unless subsection (6) applies:
 - (i) a critical wildlife area or wildlife sanctuary designated under section 5 of the *Wildlife Act*;
 - (ii) an ecological reserve designated under the *Ecological Reserve Act*;
 - (iii) a bird sanctuary designated under the regulations pursuant to the *Migratory Birds Convention Act, 1994* (Canada).
- (6) Despite subsection (5) (g), a licensee may use an SGAR in an area set out in that subsection if
- (a) the area is a place where the government of British Columbia or an agent of the government of British Columbia, the government of Canada or an agent of the government of Canada, or a First Nation engages in a program that has the purpose of conserving or protecting a species or an ecosystem from the impacts of non-native rodents, and
 - (b) the licensee complies with all other applicable requirements under the Act.
- (7) A licensee who intends to use or who uses an SGAR must, in relation to each proposed treatment site, do the following:
- (a) before each use, ask the owner, occupant or manager of the treatment site to disclose whether an SGAR has been used in that treatment site within the preceding year and, if one has been used, the dates on which it was used;
 - (b) refrain from using the SGAR at the treatment site if it appears to the licensee that the number of days set out in subsection (5) (e) or (f) has been exceeded or would be exceeded if the licensee were to use the SGAR;
 - (c) prepare a rodent management plan in the form and containing the information specified by the administrator;
 - (d) follow the rodent management plan referred to in paragraph (c) when using the SGAR;
 - (e) remove any spilled SGAR as soon as practicable;
 - (f) make reasonable efforts to remove all dead rodents from the treatment site, except for any dead rodents that in the opinion of the licensee were not poisoned by an SGAR;
 - (g) subject to paragraph (h), remove each SGAR from the treatment area by no later than 35 days after the date that the SGAR is first used;
 - (h) if the licensee is not permitted to enter the treatment site for the purposes of complying with paragraphs (f) or (g),

- (i) advise the owner, occupant or manager of the treatment site to remove the SGARs and dead rodents from the treatment site, and
 - (ii) provide advice on disposal practices that minimize hazards to human health and the environment and that comply with applicable municipal bylaws;
 - (i) dispose of SGARs and rodents that are removed from the treatment site and from other areas in proximity to the treatment site in a manner that minimizes hazards to human health and the environment and that complies with applicable municipal bylaws.
- (8) For greater certainty, nothing in this section is intended to limit a person's obligations under the Act in relation to pest management plans.

16 *Schedule 2 is amended by striking out “surfactants” and substituting “adjuvants”.*

17 *The following Schedule is added:*

SCHEDULE 6

ESSENTIAL SERVICE LOCATIONS

Column 1 Item	Column 2 Categories of essential service locations	Column 3 Essential service locations
1	Health services	Hospitals
2	Health services	Facilities, other than hospitals, where emergency health care services are provided
3	Health services	Primary health care facilities, including but not limited to assisted living facilities and facilities where day surgeries are performed
4	Health services	Subsidized housing facilities that make available on-site supports for adults who are at risk of or are experiencing homelessness
5	Health services	Safe use injection sites
6	Emergency response services, emergency management services and national defence	Department of National Defence facilities
7	Emergency response services, emergency management services and national defence	Canadian Armed Forces, Canadian Coast Guard and Coast Guard Auxiliary facilities
8	Emergency response services, emergency management services and national defence	Local, regional, provincial and federal emergency response and emergency management facilities
9	Emergency response services, emergency management services and national defence	Facilities associated with emergency responders, including police, fire, ambulance and 9-1-1 dispatch
10	Electricity, water, oil and gas and similar services	Infrastructure and facilities associated with the generation, transmission or distribution of electricity, but not including charging stations
11	Electricity, water, oil and gas and similar services	Infrastructure and facilities associated with drinking water, including but not limited to water filtration facilities and water distribution facilities
12	Electricity, water, oil and gas and similar services	Wastewater processing facilities
13	Electricity, water, oil and gas and similar services	Infrastructure and facilities associated with petroleum, natural gas and propane gas production, processing, transmission, distribution and storage, but not including gasoline stations
14	Agriculture and food	Places where land is used for agriculture
15	Agriculture and food	Aquaculture operations
16	Agriculture and food	Facilities for food production, processing, storage and transportation

Column 1 Item	Column 2 Categories of essential service locations	Column 3 Essential service locations
17	Agriculture and food	Grocery stores, convenience stores, food banks and other places engaged in the provision or retail sale of food, but not including vending machines or stores that primarily sell beverages, pet food, cannabis, liquor or snacks
18	Transportation	Infrastructure and facilities associated with commercial or industrial shipping, including commercial ports, passenger terminals and commercial terminals and shipyards
19	Transportation	Airplane hangars
20	Transportation	Infrastructure and facilities associated with the transportation of passengers and goods by rail
21	Sanitation, waste and recycling services	Waste (garbage and organics) processing facilities
22	Sanitation, waste and recycling services	Recycling processing facilities, including but not limited to recycling transfer stations and recycling collection locations
23	Sanitation, waste and recycling services	Waste disposal facilities, including landfills and waste-to-energy facilities, but not including residential and commercial waste collection areas
24	Communications	Infrastructure and facilities associated with radio, cable television and telecommunications systems and services, including but not limited to cellular towers, broadcasting structures, undersea cable landing stations and internet exchange points, but not including offices and call centres
25	Coroner, mortuary and similar services	Facilities for coroners and facilities where forensic services are performed
26	Coroner, mortuary and similar services	Facilities where mortuary services are performed, including funeral homes, crematoria and cemeteries
27	Coroner, mortuary and similar services	Facilities associated with the storage, transportation and certification of human remains
28	Environmental protection	Places where the government of British Columbia or an agent of the government of British Columbia, the government of Canada or an agent of the government of Canada, or a First Nation engages in a program that has the purpose of conserving or protecting a species or an ecosystem from the impacts of non-native rodents