



Ministry of
Environment and
Climate Change Strategy

2016

ASSESSMENT FOR COMPLIANCE WITH THE AMENDED INTEGRATED PEST MANAGEMENT REGULATION - PESTICIDE VENDORS



OVERVIEW

The *Integrated Pest Management Act* (the Act) establishes conditions for the sale and use of pesticides in British Columbia (BC.). Under the Act, a person must not “use, handle, release, transport, store, dispose of or sell a pesticide in a manner that causes or is likely to cause an unreasonable adverse effect”. This general prohibition, in concert with requirements for the practice of integrated pest management, underpins the Ministry of Environment and Climate Change Strategy’s approach to regulating pesticides in the province. The Act also provides ministry staff with the authority to inspect for compliance and to enforce provisions of the Act and associated Integrated Pest Management (IPM) Regulation.

New amendments to the IPM Regulation came into force on July 1, 2016.

A number of changes associated with the new amendments affected pesticide vendor licence holders, including new requirements to ensure restricted access for domestic class pesticides and to increase vendor dispenser interactions with customers.

In an effort to provide vendors with information and knowledge on how to ensure compliance with the amended regulation, the ministry developed and published guidance materials on the new requirements, and also participated in a series of conversations with vendors facilitated by the Retail Council of Canada (RCC) prior to July 1 when the amendments came into force. Throughout the remainder of the 2016 gardening season, the ministry continued to focus efforts on compliance promotion and education.

Assessments for compliance with the amended regulation occurred as part of the ministry’s efforts to ensure that vendors were informed and educated on the new requirements. Vendors were visited by ministry inspectors, also referred to as Integrated Pest Management Officers, and were provided with information and guidance when non-compliances were found. Each assessment was followed up with a letter from the ministry to the vendor describing the assessment results and noting that while non-compliances found during the assessment would not form part of their compliance history, that a commitment to rectify the issues was required.

IPM Officers completed 142 assessments of licenced vendors between July 5 and November 16, 2016. These vendor locations fell under 91 individual licences. These assessments represented 34% of licenced locations and 32% of vendor licences in 2016. Over the entire assessment period, 30% of vendors were in full compliance and 70% were found to be out of compliance with at least one aspect of the amended regulation.

ACKNOWLEDGEMENTS

The Ministry of Environment and Climate Change Strategy gratefully acknowledges the work of Chelsea Eby, IPM Officer in developing the original draft of this report.

TABLE OF CONTENTS

Overview	2
Acknowledgements.....	2
Introduction	4
Background	4
Types of vendors	4
Assessment Method	5
Results.....	5
Number of assessments	5
Assessments by vendor type	6
Compliance outcomes	6
Overall compliance rate	6
Compliance rate over time	8
Compliance rate by vendor type.....	9
Discussion.....	10
Recommended Next Steps.....	12

PUBLISHED MAY 2018

INTRODUCTION

BACKGROUND

The Ministry of Environment amended the Integrated Pest Management (IPM) Regulation in December 2015. Amendments came into force on July 1, 2016 in order to give those affected time to come into compliance. These amendments included changes to further regulate the sale and use of pesticides, with the intent of increased interaction between pesticide vendors and customers at the point of sale so that pesticide users will have better knowledge about IPM and the responsible use of pesticides.

To facilitate a smooth transition for vendors with the new amendments, the ministry provided guidance documents and facilitated conversations, including webinars, outlining the requirements. Regularly scheduled calls were held with the Retail Council of Canada (RCC) to provide updates and discuss compliance timelines. In addition, the ministry continued to focus on compliance promotion and education through the remainder of the 2016 gardening season.

TYPES OF VENDORS

For this report, three vendor types were identified:

Large scale vendors

Large scale vendors belong to national franchises with corporate headquarters and operate under either a multi-location licence model where all vendors in the province are held under a single licence, or a franchise model where each franchise-holder possesses their own licence. During the calls held with the RCC, all large scale vendors in the province had representatives present on calls.

Small chain vendors

Small chain vendors belong to franchises with fewer vendors, and are typically only found in BC. Small chain vendors did not have representatives present on calls with the RCC. These vendors either operate under a multi-location licence or as franchises under individual licences.

Independent vendors

Independent vendors are independently owned and are not associated with any type of franchise. These vendors operate under their own licences.

ASSESSMENT METHOD

Vendors were assessed for compliance with the new requirements of the amended regulation, including determining if:

- Pesticides requiring restricted access were securely stored;
- Vendors were ensuring that only certified dispensers were accessing pesticide products from restricted areas; and,
- Vendors were ensuring certified dispensers were relaying the appropriate and required education to customers regarding use of pesticide products.

Ministry staff answered questions and provided educational materials to vendor managers and staff as required. If any non-compliances were determined, these were discussed with the vendor manager and a follow-up letter was sent indicating that while the non-compliances would not form part of the licensee's compliance history, that a commitment in writing to rectify the issues was required.

WHAT'S THE DIFFERENCE?

Excluded pesticides are those that are captured under Schedule 2 of the IPM Regulation. Pesticides falling under this schedule are exempt from certain requirements under the IPM Regulation including being exempt from requiring a licence or certificate for sale or use.

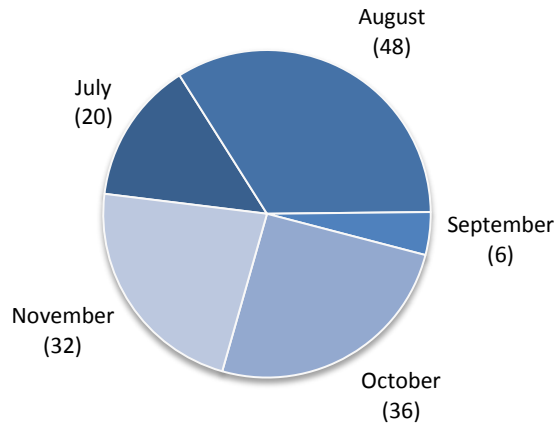
Non-excluded pesticides are those that don't fall under Schedule 2 (i.e. all other pesticides).

RESULTS

NUMBER OF ASSESSMENTS

IPM Officers completed 142 assessments of licenced vendors between July 5 and November 16, 2016. These assessments represented 34% of all licenced locations and 32% of all vendor licences in 2016. The number of assessments performed was distributed fairly evenly over the assessment period, with the exception of September when fewer assessments were conducted.

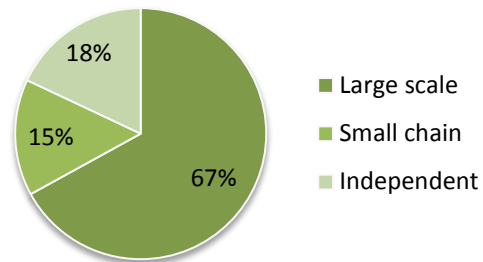
Figure 1: Number of assessments by month



ASSESSMENTS BY VENDOR TYPE

The majority of assessments (67%) were of large scale vendors, followed by independent vendors (18%) and small chain vendors (15%).

Figure 2: Percentage of assessments by vendor type

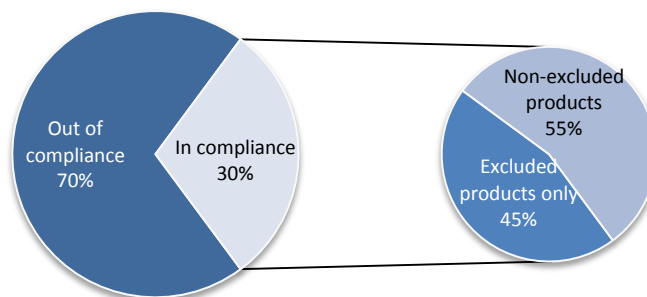


COMPLIANCE OUTCOMES

OVERALL COMPLIANCE RATE

Of the 142 vendors evaluated, 30% were found to be in compliance and 70% were out of compliance with at least one aspect of the amended regulation.

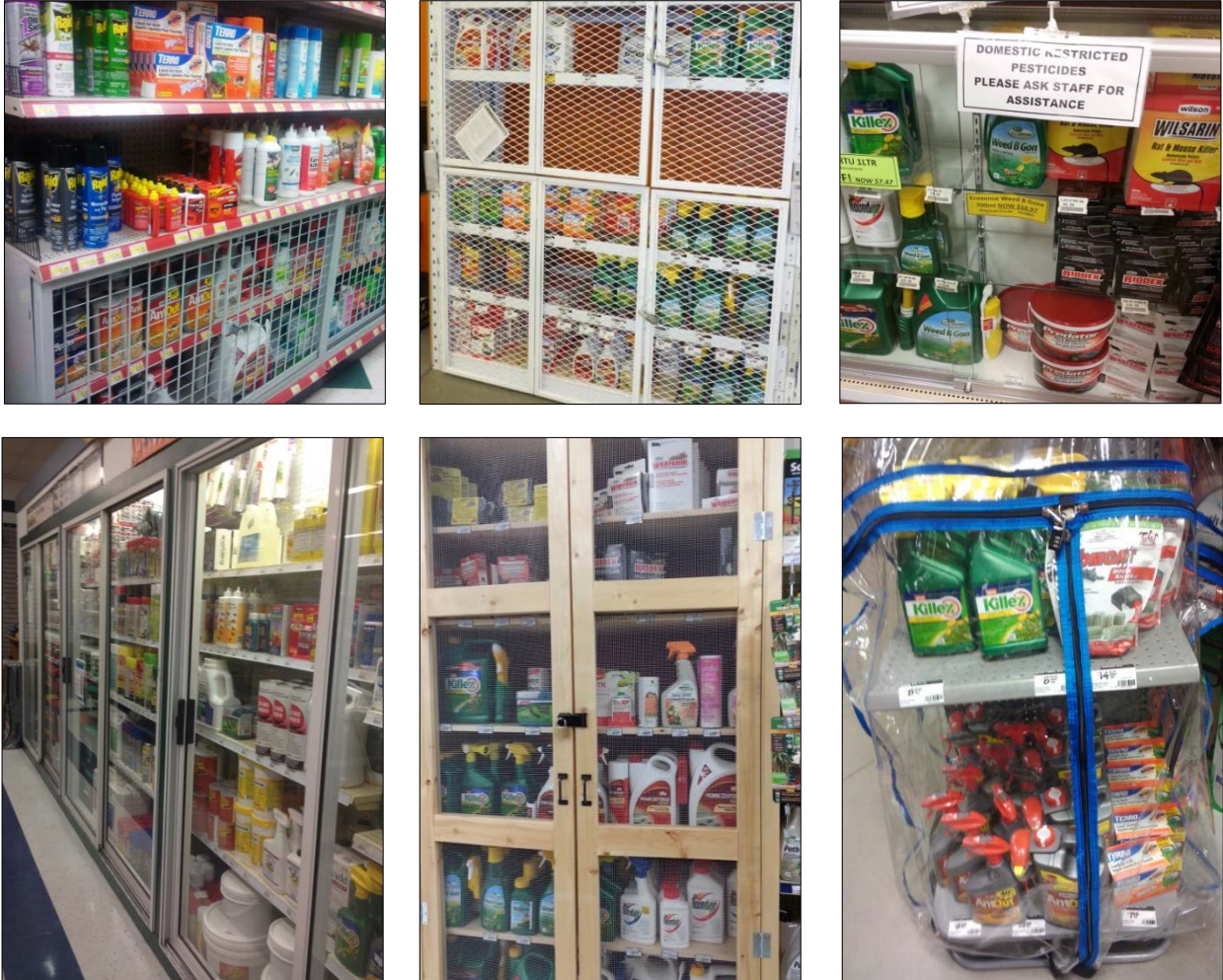
Figure 3: Types of products sold by vendors found to be in compliance



Of the vendors that were in compliance, 55% sold non-excluded pesticides and 45% only sold excluded pesticides. Vendors that were found to be in compliance due to the fact that they only sold pesticide products not listed under the Act were mostly large scale vendors (41%).

To comply with the new requirements, vendors implemented various types of restricted access for pesticide products as shown in figure 4.

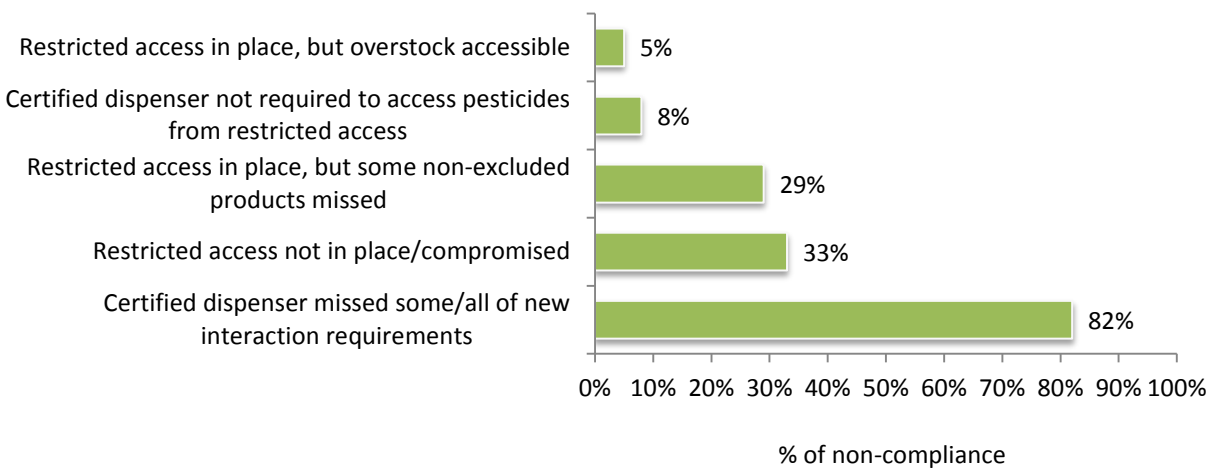
Figure 4: Types of restricted access implemented by vendors



Common issues with requirements that were found to be out of compliance by vendors during the assessment period were:

- The certified dispenser missed some or all of the new interaction requirements (82%)
- Restricted access not being in place, or being compromised (33%)
- Restricted access in place, but some non-excluded products missed (29%)
- A certified dispenser was not required to access pesticides from restricted access (8%)
- Restricted access in place, but overstock being accessible (5%)

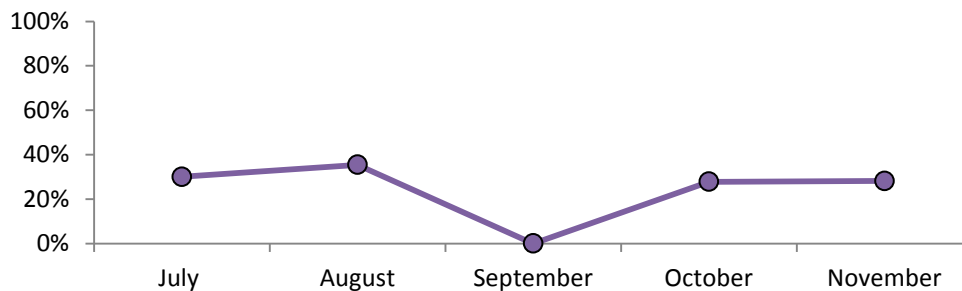
Figure 5: Non-compliances of assessed vendors



COMPLIANCE RATE OVER TIME

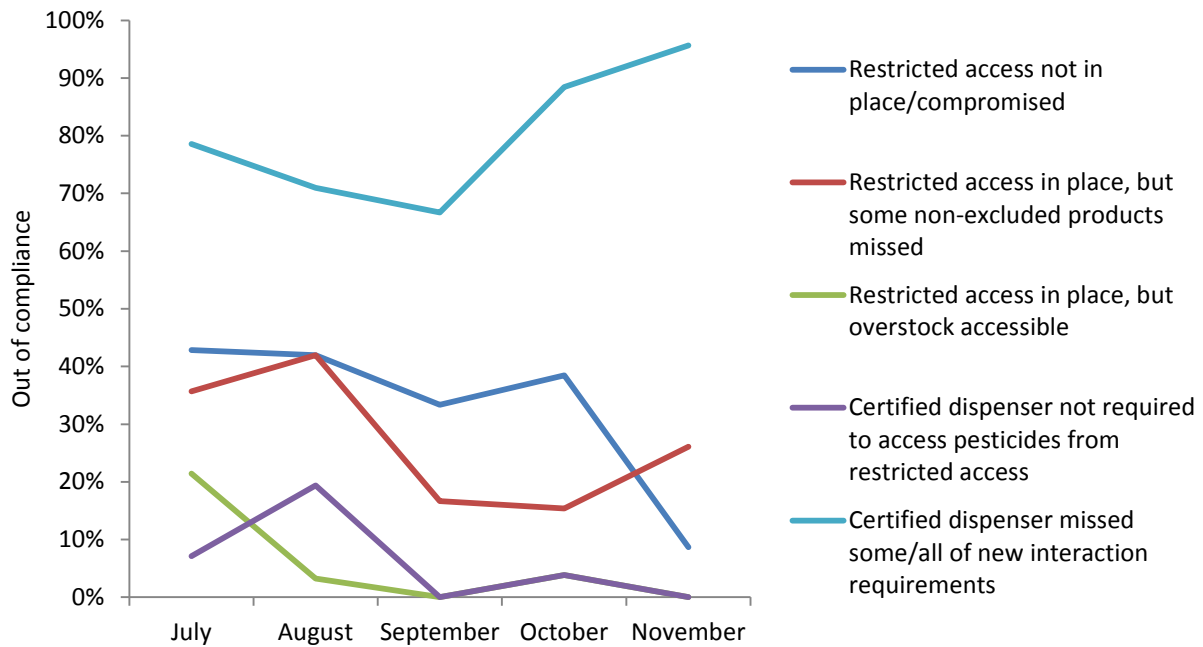
The monthly compliance rates were similar to the overall compliance rate, with around 30% of in compliance, and 70% out of compliance with at least one aspect of the amended regulation, with the exception of September when few assessments were conducted.

Figure 6: Monthly rate of compliance for assessed vendors



The reason for vendors being found out of compliance changed over time for some categories, but not others. Lack of, or compromised restricted access to pesticides decreased over time, with a sharp decrease by November. Improper storage of products outside of restricted access areas generally decreased over the assessment period, with a slight increase in November. Improper storage of overstock outside of restricted access areas also decreased over the assessment period. Throughout the duration of the assessment, it was commonly identified that customer interaction and education on pesticide use and storage was inadequately relayed by the responsible certified dispensers.

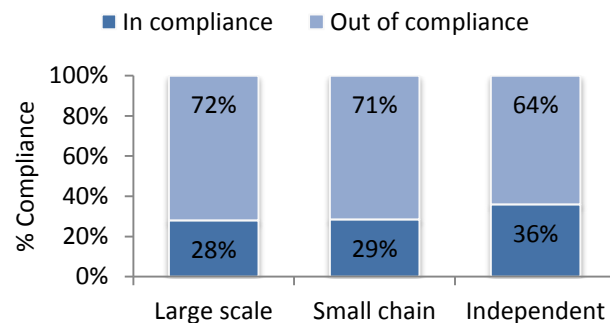
Figure 7: Determined non-compliance by month



COMPLIANCE RATE BY VENDOR TYPE

The compliance rate was fairly similar for all vendor types. Large scale vendors were 28% in compliance and 72% out of compliance with the amended regulation, small chain vendors were 29% in compliance and 71% out of compliance with the amended regulation, and independent vendors were 36% in compliance and 64% out of compliance with the amended regulation.

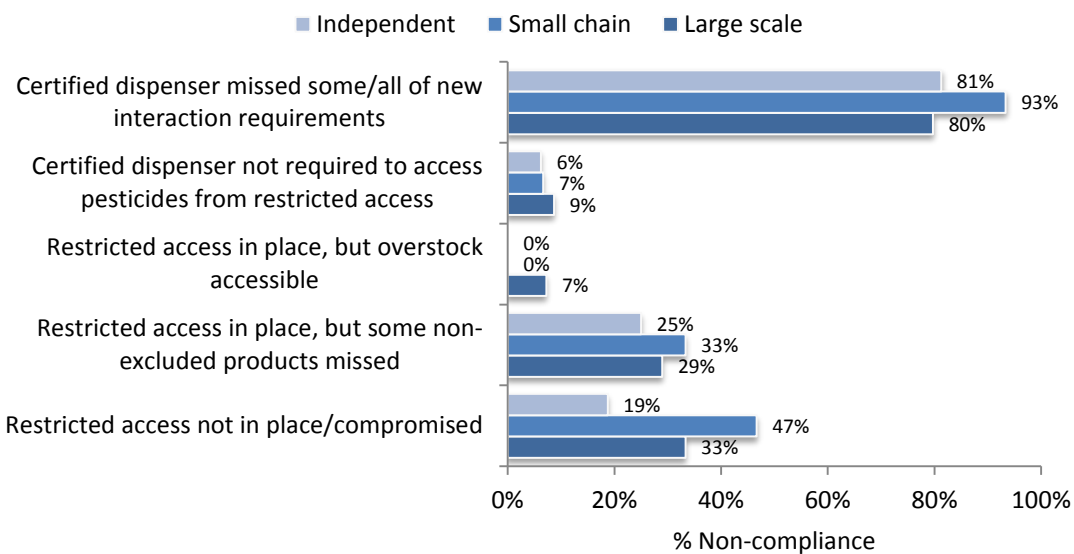
Figure 8: Compliance rates by vendor type



The sale of only excluded products accounted for 63% percent of compliant large scale vendors, whereas this accounted for 17% of compliant small chain vendors and 11% of compliant independent vendors.

Non-compliances were fairly similar for all vendor types, the most common non-compliance being that customer interaction and education on pesticide use and storage was inadequately relayed by the responsible certified dispensers.

Figure 9: Non-compliances by requirement and vendor type



Non-compliance due to restricted access not being in place improved over time, likely as a result of several factors. One potential factor was that two large scale chains were often found without restricted access due to back-orders of their lock-up cabinets or displays. In addition, some of these vendors received messaging from their corporate head office which incorrectly indicated that restricted access was not required until December 31, 2016. The ministry became aware of this part-way through the assessment period and quickly worked with the corporate head office to remedy the message, which contributed to an improved compliance rate for this requirement over the assessment period.

DISCUSSION

Despite IPM Officers having a fairly consistent presence during the assessment period, the overall compliance rate did not change much over time; however, improvements were seen in the reasons for an out of compliance assessment.

CERTIFIED PESTICIDE DISPENSER

In BC, certification and/or training is required for anyone who:

- Purchases or applies restricted class pesticides
- Assists a certified applicator in the application, transportation, storage and security of pesticides
- Applies pesticides for authorization holders (businesses or organizations that have pesticide use permits, pest management plans or pesticide user licenses)
- Dispenses (sells) pesticides for a licensed vendor

Details on training and certification processes can be found on the [ministry's website](#).

While most vendors indicated that they were made aware of the new requirements from prior outreach, they expressed increased understanding of the new requirements following the assessments. Discussions with certified dispensers indicated that those who had taken the most recent training course were aware of the new interaction requirements, whereas certified dispensers that had obtained their certificate before the course material was updated were not aware that the interaction requirements had changed.

Approximately one third of vendors that were out of compliance did not have the required restricted access for pesticide product storage in place, or it was compromised. Most instances of compromised restricted access storage were found with large scale vendors using lockable zippered plastic covers over pallets of pesticide products. IPM Officers found it was often possible to pull product out from the zippered plastic covers, making the products available to the public (figure 10). Ministry inspectors will continue to work with vendors using zippered plastic covers for restricted access storage to ensure that it is compliant going forward.

Figure 10: Compromised restricted access storage for pesticide products



In a number of instances, vendors had restricted access in place; however some non-excluded products remained accessible on the shelves. Non-compliance due to products being missed from restricted access generally decreased over the assessment period, although a slight increase in November did occur as more large scale vendors installed their restricted access. Following the visit, IPM Officers generally provided vendors with a list of the non-excluded products that were not in restricted access. Most large scale vendors indicated that they would pass this information on to head offices or other vendor managers, which should hopefully contribute to increasing understanding and compliance over time.

With the amendments to the regulation it was anticipated that the time pressure and disruption at the checkout till would be removed by moving the conversation between the customer and the certified dispenser to the pesticide aisle. This presented a challenge for vendors, as in many instances, cashiers are also the designated certified dispensers. Despite this, the rate of non-compliance due to a certified dispenser not being required to remove pesticides from restricted access was low, indicating that most vendors had implemented a workable solution. Although the requirement for a certified dispenser to remove pesticides from restricted access is a new requirement, the requirement for a certified dispenser to interact with a customer when purchasing a non-excluded pesticide was a pre-existing requirement.

An unexpected non-compliance found during the vendor assessments was improper storage of overstock. This was primarily found in large scale vendors that carry large quantities of product. Often, overstock was placed on high shelves, which typically restricts public access to the products. However, in these cases a ladder was often located in the same aisle, feasibly allowing customer access. The ministry communicated with corporate head offices regarding this matter, and an improvement was seen over time.

In general, vendor staff encountered by IPM Officers were cooperative and keen to understand and come into compliance with the amended regulation. It is expected that the ministry's efforts to promote education about the new requirements in addition to the vendor assessments conducted in 2016 will result in increased compliance rates going forward.

RECOMMENDED NEXT STEPS

The Ministry of Environment and Climate Change Strategy will conduct standard compliance inspections of all pesticide vendors going forward, with the compliance results forming part of the compliance history for licensees.